{deleted text} shows text that was in HB0378 but was deleted in HB0378S01.

inserted text shows text that was not in HB0378 but was inserted into HB0378S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jennifer Dailey-Provost proposes the following substitute bill:

DISABILITY ACT COMPLIANCE {REQUIREMENTS} AMENDMENTS

2020 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Jennifer {Dailey-Provost} <u>Dailey-Provost</u>

Senate Sponsor:

LONG TITLE

General Description:

This bill {creates the Disability Ombudsman Program} requires the Department of Human Services to identify barriers an individual with a disability experiences in obtaining services and provide a report to the Legislature.

Highlighted Provisions:

This bill:

- defines terms; and
- \{\text{creates}\}\frac{\text{requires}}{\text{requires}}\text{ the }\{\text{Disability Ombudsman Program within the Division of Services for People with Disabilities;}\}
- creates the powers and duties of the disability ombudsman;
- outlines procedures for the investigation of a complaint received by the disability
 ombudsman; and

- requires the Department of Human Services to:
 - identify barriers an individual with a disability experiences in obtaining access to services; and
 - <u>provide a report to the Health and Human Services Interim Committee regarding</u>
 <u>a proposal for a disability ombudsman {to keep certain materials relating to a complaint or investigation confidential} program to address the barriers.</u>

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-262, as last amended by Laws of Utah 2019, Chapters 136 and 440

ENACTS:

{62A-5-501, Utah Code Annotated 1953

62A-5-502, Utah Code Annotated 1953

62A-5-503, Utah Code Annotated 1953

62A-5-504, Utah Code Annotated 1953

62A-5-505}62A-5-111, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section $\{62A-5-501\}$ 62A-5-111 is enacted to read:

Part 5. Disability Ombudsman Program

62A-5-501. Definitions.

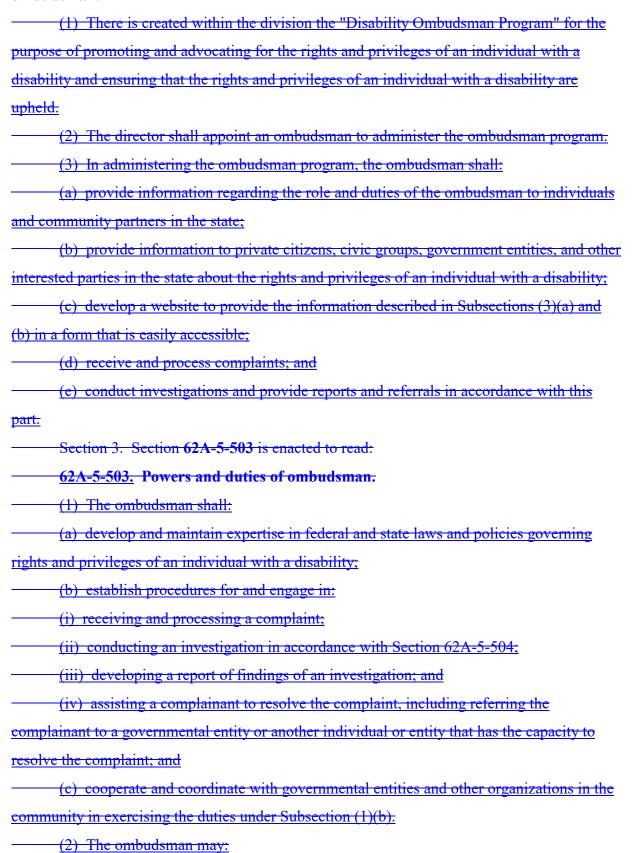
As used in this part:

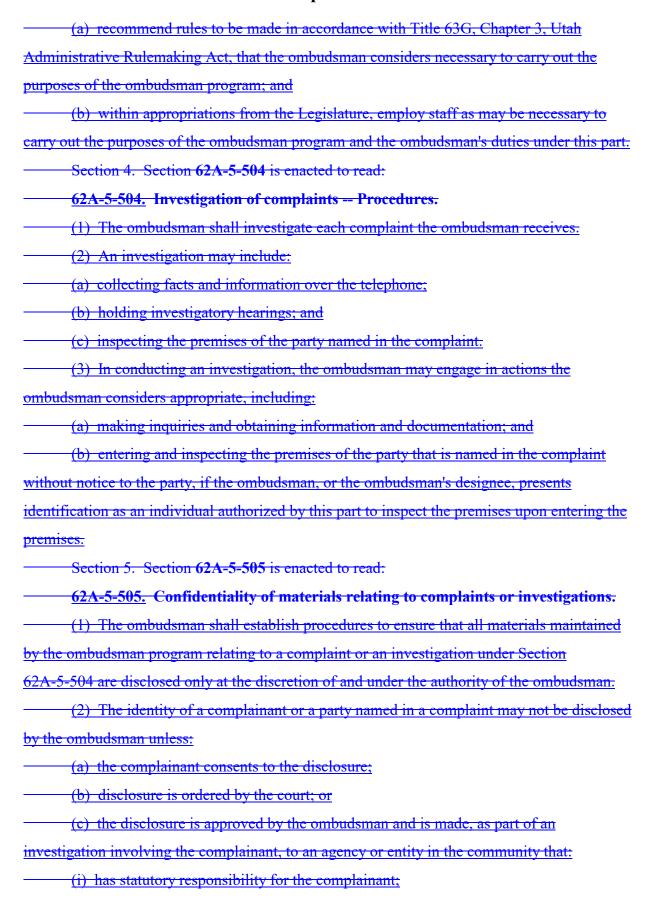
- (1) "Complaint" means a complaint initiated with the ombudsman identifying a party who has violated the rights and privileges of an individual with a disability.
 - (2) "Complainant" means a person who initiates a complaint.
- (3) "Disability" means the same as that term is defined in 42 U.S.C. 12102 of the Americans With Disabilities Act of 1990, and 28 C.F.R. 36.105 of the Code of Federal Regulations.

- (4) "Ombudsman" means the ombudsman appointed under Section 62A-5-502.
- (5) "Ombudsman} 62A-5-111. Disability ombudsman program{" means the Disability Ombudsman Program created in Section 62A-5-502.
 - (6) "Rights} -- Report.
- (1) As used in this section, "rights and privileges of an individual with a disability" means the rights and privileges of an individual with a disability described in:
 - (a) Subsections 62A-5b-103(1) through (3); $\{$ and $\}$
- (b) 42 U.S.C. 12181 through 12189 of the Americans with Disabilities Act of 1990 or
 - (c) 28 C.F.R. Part 36 of the Code of Federal Regulations.
 - (2) The department shall:
- (a) identify and evaluate barriers an individual with a disability experiences in obtaining access to services in the community that are intended to protect the rights and privileges of an individual with a disability;
- (b) determine the duties and role of an ombudsman program in protecting the rights and privileges of an individual with a disability and addressing the barriers identified in Subsection (2)(a);
- (c) based on the information described in Subsections (2)(a) and (b), develop a proposal for an ombudsman program to promote and advocate for the rights and privileges of an individual with a disability; and
- (d) before November 30, 2021, report to the Health and Human Services Interim

 Committee regarding the proposal described in Subsection (2)(c) and any recommendations for implementation of the proposal.
 - (3) In developing the proposal described in Subsection (2)(c), the department shall:
- (a) review statutes, policies, and programs in other states relating to an ombudsman who provides services to an individual with a disability; and
 - (b) consult with:
 - (i) the Department of Health; and
 - (ii) other stakeholders, as determined by the department.
 - Section 2. Section $\{62A-5-502\}$ 63I-2-262 is $\{enacted\}$ amended to read:
- **62A-5-502.** Disability Ombudsman Program -- Creation -- Appointment of

ombudsman.





- (ii) has statutory responsibility over the action alleged in the complaint or other party named in the complaint;
 - (iii) is able to assist the ombudsman to resolve the complaint; or
 - (iv) is able to provide expertise that would benefit the complainant.
- 63I-2-262. Repeal dates -- Title 62A.
 - (1) Subsection 62A-5-103.1(6) is repealed January 1, 2023.
 - (2) Section 62A-5-111 is repealed January 1, 2021.