

**DIVISION OF SERVICES FOR PEOPLE WITH
DISABILITIES AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends provisions concerning the Division of Services for People with Disabilities.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Services for People with Disabilities (division) to report certain information upon request by a legislator or legislative committee;
- ▶ provides that the division must provide notice, hold a public hearing, and fund a reasonably equivalent service if the division changes a rule or policy that results in a reduction or elimination of day program or supported employment services; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-6-405, as renumbered and amended by Laws of Utah 2023, Chapter 308



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

29 Section 1. Section **26B-6-405** is amended to read:

30 **26B-6-405. Division responsibilities -- Policy mediation.**

31 (1) The division shall establish its rules in accordance with:

32 (a) the policy of the Legislature as set forth by this part; and

33 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

34 (2) The division shall:

35 (a) establish program policy for the division, the developmental center, and programs
36 and facilities operated by or under contract with the division;

37 (b) establish rules for the assessment and collection of fees for programs within the
38 division;

39 (c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay
40 and implement the schedule with respect to service recipients and their families where not
41 otherwise prohibited by federal law or regulation or not otherwise provided for in Section
42 [26B-6-411](#);

43 (d) establish procedures to ensure that private citizens, consumers, private contract
44 providers, allied state and local agencies, and others are provided with an opportunity to
45 comment and provide input regarding any new policy or proposed revision to an existing
46 policy;

47 (e) provide a mechanism for systematic and regular review of existing policy and for
48 consideration of policy changes proposed by the persons and agencies described under
49 Subsection (2)(d);

50 (f) establish and periodically review the criteria used to determine who may receive
51 services from the division and how the delivery of those services is prioritized within available
52 funding;

53 (g) review implementation and compliance by the division with policies established by
54 the board to ensure that the policies established by the Legislature in this chapter are carried
55 out; ~~and~~

56 (h) annually report to the executive director~~[-]; and~~

57 (i) upon request by a legislator or a legislative committee, provide a report detailing
58 actions the divisions has taken to enhance the quality of life for individuals with disabilities,

59 including how the division has:

60 (i) provided services and support in the most person-centered way, reflecting the
61 unique desires, assessed competencies, and limitations of each individual, and in the least
62 restrictive environment best suited to each individual's needs;

63 (ii) ensured opportunities to access employment; and

64 (iii) enabled reasonable personal choice in selecting services and support that
65 promotes:

66 (A) independence;

67 (B) productivity; and

68 (C) integration in community life.

69 (3) (a) The division may not make, amend, or repeal a rule or policy if the effect of
70 making, amending, or repealing the rule or policy would be to reduce or eliminate day program
71 services, supported employment services, or employment preparation services for individuals
72 with disabilities, unless the division:

73 (i) provides notice of the proposed rule or policy change to all persons who would be
74 affected by the change at least 30 days before the proposed change becomes effective;

75 (ii) holds a public hearing on the proposed rule or policy change:

76 (A) before the proposed change becomes effective; and

77 (B) no less than seven days nor more than 30 days after the division satisfies the notice
78 requirement in Subsection (3)(a)(i); and

79 (iii) appropriately funds a reasonably equivalent service for individuals served by the
80 reduced or eliminated day program services, supported employment services, or employment
81 preparation services.

82 ~~[(3)]~~ (4) The executive director shall mediate any differences which arise between the
83 policies of the division and those of any other policy board or division in the department.

84 Section 2. **Effective date.**

85 This bill takes effect on May 1, 2024.