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PERSON-CENTERED SERVICES AMENDMENTS



26	AMENDS:		
27	26B-6-405, as renumbered and amended by Laws of Utah 2023, Chapter 308		
<ul><li>28</li><li>29</li></ul>	Be it enacted by the Legislature of the state of Utah:		
30	Section 1. Section <b>26B-6-405</b> is amended to read:		
31	26B-6-405. Division responsibilities Policy mediation.		
32	(1) The division shall establish its rules in accordance with:		
33	(a) the policy of the Legislature as set forth by this part; and		
34	(b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.		
35	(2) The division shall:		
36	(a) establish program policy for the division, the developmental center, and programs		
37	and facilities operated by or under contract with the division;		
38	(b) establish rules for the assessment and collection of fees for programs within the		
39	division;		
40	(c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay		
41	and implement the schedule with respect to service recipients and their families where not		
42	otherwise prohibited by federal law or regulation or not otherwise provided for in Section		
43	26B-6-411;		
44	(d) establish procedures to ensure that private citizens, consumers, private contract		
45	providers, allied state and local agencies, and others are provided with an opportunity to		
46	comment and provide input regarding any new policy or proposed revision to an existing		
47	policy;		
48	(e) provide a mechanism for systematic and regular review of existing policy and for		
49	consideration of policy changes proposed by the persons and agencies described under		
50	Subsection (2)(d);		
51	(f) establish and periodically review the criteria used to determine who may receive		
52	services from the division and how the delivery of those services is prioritized within available		
53	funding;		
54	(g) review implementation and compliance by the division with policies established by		
55	the board to ensure that the policies established by the Legislature in this chapter are carried		
56	out; [and]		

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57	(h) annually report to the executive director[-]; and		
58	(i) upon request by a legislator or a legislative committee, provide a report detailing		
59	actions the divisions has taken to enhance the quality of life for individuals with disabilities,		
60	including how the division has:		
51	(i) provided services and support in the most person-centered way, reflecting the		
52	unique desires, assessed competencies, and limitations of each individual, and in the least		
53	restrictive environment best suited to each individual's needs;		
54	(ii) ensured opportunities to access employment; and		
55	(iii) enabled reasonable personal choice in selecting services and support that		
66	promotes:		
67	(A) independence;		
58	(B) productivity; and		
59	(C) integration in community life.		
70	(3) The division may not make, amend, or repeal a rule or policy if the effect of		
71	making, amending, or repealing the rule or policy would be to reduce or eliminate day program		
72	services, supported employment services, or employment preparation services for individuals		
73	with disabilities, unless the division:		
74	(a) provides notice of the proposed rule or policy change to all persons who would be		
75	affected by the change at least 30 days before the proposed change becomes effective;		
76	(b) holds a public hearing on the proposed rule or policy change:		
77	(i) before the proposed change becomes effective; and		
78	(ii) no less than seven days nor more than 30 days after the division satisfies the notice		
79	requirement in Subsection (3)(b)(i); and		
80	(c) appropriately funds a reasonably equivalent service for individuals served by the		
31	reduced or eliminated day program services, supported employment services, or employment		
32	preparation services.		
33	(4) In accordance with the federal directive to provide services and supports in a setting		
34	and manner that is person-centered, and to empower individuals whose circumstances and		
35	disabilities make it unlikely for them to find suitable competitive integrated employment, the		
36	division shall support providers by permitting the providers maximum flexibility in creating		
37	and implementing employment preparation programs and additional personally meaningful		

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89 [(3)] (5) The executive director shall mediate any differences which arise between the policies of the division and those of any other policy board or division in the department.

91 Section 2. **Effective date.** 

This bill takes effect on May 1, 2024.