

HB0388S02 compared with HB0388S01

~~text~~ shows text that was in HB0388S01 but was deleted in HB0388S02.

text shows text that was not in HB0388S01 but was inserted into HB0388S02.

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Representative Cheryl K. Acton proposes the following substitute bill:

PERSON-CENTERED SERVICES 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;
- ▶ requires the division to ~~provide person-centered~~ support providers in implementing employment preparation ~~services to the maximum extent~~

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~~possible}~~ programs and ~~{ to assist providers with developing}~~ additional personally meaningful services and supports; 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

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

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

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

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

- (a) the policy of the Legislature as set forth by this part; and
- (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) The division shall:

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

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

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

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

(e) provide a mechanism for systematic and regular review of existing policy and for

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consideration of policy changes proposed by the persons and agencies described under Subsection (2)(d);

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

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

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

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

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

(ii) ensured opportunities to access employment; and

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

(A) independence;

(B) productivity; and

(C) integration in community life.

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

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

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

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

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

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~~(fiii)c~~ appropriately funds a reasonably equivalent service for individuals served by the reduced or eliminated day program services, supported employment services, or employment preparation services.

(4) In accordance with the federal directive to provide services and supports in a setting and manner that is person-centered, and to empower individuals whose circumstances and disabilities make it unlikely for them to find suitable competitive integrated employment, the division shall:

~~(a) offer~~ support providers by permitting the providers maximum flexibility in creating and implementing employment preparation ~~services to those individuals to the maximum extent possible in accordance with each individual's circumstances and the preferences of each individual and the individual's caregiver; and~~

~~(b) assist providers with developing~~ programs and additional personally meaningful services and supports.

~~(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.

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.