

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 employment preparation services to the maximum extent possible 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



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **26B-6-405**, as renumbered and amended by Laws of Utah 2023, Chapter 308

29

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

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

32 **26B-6-405. Division responsibilities -- Policy mediation.**

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

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

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

36 (2) The division shall:

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

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

41 (c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay
42 and implement the schedule with respect to service recipients and their families where not
43 otherwise prohibited by federal law or regulation or not otherwise provided for in Section
44 **26B-6-411**;

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

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

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

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

57 out; ~~and~~

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

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

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

65 (ii) ensured opportunities to access employment; and

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

68 (A) independence;

69 (B) productivity; and

70 (C) integration in community life.

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

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

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

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

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

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

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

88 (a) offer employment preparation services to those individuals to the maximum extent
89 possible in accordance with each individual's circumstances and the preferences of each
90 individual and the individual's caregiver; and

91 (b) assist providers with developing additional personally meaningful services and
92 supports.

93 ~~[(3)]~~ (5) The executive director shall mediate any differences which arise between the
94 policies of the division and those of any other policy board or division in the department.

95 Section 2. **Effective date.**

96 This bill takes effect on May 1, 2024.