

1 **AMENDMENTS TO DISABILITY WAITING LIST**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: Ronda Rudd Menlove

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies Title 62A, Chapter 5, Services for People With Disabilities.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ states that, beginning July 1, 2013, the Division of Services for People With
13 Disabilities shall spend:

14 • 85% of new appropriations to serve individuals based on the severity of their
15 disability, urgency of their need, ability of a parent or guardian to provide the
16 person with disability with adequate care and supervision, and length of time
17 waiting for services; and

18 • 15% of new appropriations for respite care; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **62A-5-102**, as last amended by Laws of Utah 2005, Chapter 61

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

29 Section 1. Section **62A-5-102** is amended to read:

30 **62A-5-102. Division of Services for People with Disabilities -- Creation --**
31 **Authority -- Direction -- Provision of services.**

32 (1) There is created within the department the Division of Services for People with
33 Disabilities, under the administrative direction of the executive director of the department.

34 (2) In accordance with this chapter, the division has the responsibility to plan and
35 deliver an appropriate array of services and supports to persons with disabilities and their
36 families in this state.

37 (3) Within appropriations from the Legislature, the division shall provide services to
38 any person with a disability who is eligible to receive division services.

39 (4) (a) [The needs of a person described in Subsection (3) shall be evaluated] Starting
40 on July 1, 2013, any new appropriations designated to serve eligible persons waiting for
41 services from the division shall be allocated as set forth in this section.

42 (b) Eighty-five percent of the money appropriated in Subsection (4)(a) shall be
43 allocated, as determined by the division by rule based on the:

44 ~~(a)~~ (i) severity of the disability;

45 ~~(b)~~ (ii) urgency of the need for services;

46 ~~(c)~~ (iii) ability of a parent or guardian to provide the person with appropriate care and
47 supervision; and

48 ~~(d)~~ (iv) length of time during which the person has not received services from the
49 division.

50 (c) Fifteen percent of the money appropriated in Subsection (4)(a) shall be allocated for
51 respite services, and the division shall:

52 (i) establish rules to identify a person whose only need is respite services;

53 (ii) allocate money under this Subsection (4)(c) to the people described in Subsection
54 (4)(c)(i) based on random selection; and

55 (iii) if all persons described in Subsection (4)(c)(i) have been served and there is
56 money remaining for respite care under this Subsection (4)(c), the division shall use the
57 remaining money as described in Subsection (4)(b).

58 (d) Funds from Subsection (4)(b) that are not spent by the division at the end of the
59 fiscal year may be used as set forth in Subsection (7).

60 (5) The division:

61 (a) has the functions, powers, duties, rights, and responsibilities described in Section
62 62A-5-103; and

63 (b) is authorized to work in cooperation with other state, governmental, and private
64 agencies to carry out the responsibilities described in Subsection (5)(a).

65 (6) Within appropriations authorized by the Legislature, and to the extent allowed
66 under Title XIX of the Social Security Act, the division shall ensure that the services and
67 support that the division provides to any person with a disability:

68 (a) are provided in the least restrictive and most enabling environment;

69 (b) ensure opportunities to access employment; and

70 (c) enable reasonable personal choice in selecting services and support that:

71 (i) best meet individual needs; and

72 (ii) promote:

73 (A) independence;

74 (B) productivity; and

75 (C) integration in community life.

76 (7) (a) Appropriations to the division are nonlapsing.

77 (b) If an individual receiving services under Subsection (4)(b) or (c) ceases to receive
78 those services, the division shall use the funds that were allocated to that individual to provide
79 services to another eligible individual waiting for services as described in Subsection (4)(b).

80 [~~(b)~~] (c) Funds unexpended by the division at the end of the fiscal year may be used
81 only for one-time expenditures unless otherwise authorized by the Legislature.

82 (d) A one-time expenditure under this section:

83 (i) is not an entitlement;

84 (ii) may be withdrawn at any time; and

85 (iii) may provide short-term, limited services, including:

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- 86 (A) respite care;
- 87 (B) service brokering;
- 88 (C) family skill building and preservation classes;
- 89 (D) after school group services; and
- 90 (E) other professional services.