

Legislative Coalition for People with Disabilities – Legislative Wrap-up 2010 General Session

Department of Human Services			
Bill / Sponsor	Title	Position	Status
Division of Services for People with Disabilities			
HB 86 Department of Human Services Review and Oversight / Rep. R Lockhart	This bill amends provisions of the Open and Public Meetings Act to require that meetings of the Health and Human Services Interim Committee and the Child Welfare Legislative Oversight Panel to review individual cases be closed meetings; requires that investigations of abuse or neglect of a child who is in the custody of the Division of Child and Family Services shall be conducted by an independent child protective service investigator from the private sector; amends and consolidates other provisions relating to investigation of abuse or neglect of a child; codifies and amends provisions relating to fatality reviews and fatality review committees for the Department of Human Services; requires that a copy of a fatality review report and related documents be provided to the Office of Legislative Research and General Counsel and the chairs of the Health and Human Services Interim Committee and the Child Welfare Legislative Oversight Panel; gives the Health and Human Services Interim Committee authority to review, in a closed meeting, a fatality review report.	Support	Passed
HB 106 Sub 1 Expedited Background Checks for Human Services Providers / Rep. J Seelig	This bill establishes a pilot program for expedited initial background checks of certain human services providers; and requires the Office of Licensing, within the Department of Human Services, to report on the pilot program to the Health and Human Services Interim Committee during the 2011 interim; and provides a sunset date for the pilot program.	Support	Passed
HB 347 Guardianship Amendments / Rep. K Powell	This bill creates a method within the courts for the appointment of a guardian or conservator for a minor or an incapacitated adult; eliminates a local school board's ability to designate guardians for students within their district; eliminates expedited guardianship proceedings for residents of the Utah State Developmental Center.	Follow	Referred to Interim Study
HJR 23 Joint Resolution Approving the Sale of Real Property at the Utah State Developmental Center / Rep. C Frank	This resolution approves the sale of the 2.929-acre parcel of land at the Utah State Developmental Center (USDC) to Utah County for the widening of 4800 West, which runs along the east side of the USDC in American Fork.	Support	Passed
SB 160 Utah State Developmental Center Amendments / Sen. M Dayton	This bill requires that, when a person qualifies to receive services under the home and community-based services waiver, the Division of Services for People with Disabilities shall: inform the person, or that person's legal representative or legal guardian, of any reasonable alternatives under the waiver; and place the person in the Utah State Developmental Center, or another ICF/MR if the person, or the person's legal representative or legal guardian, chooses that placement.	Oppose	Passed

SB 213 Division of Services for People with Disabilities Advisory Council / Sen. A Christensen	This bill specifies membership and duties of the advisory council; provides that members are to receive no compensation or reimbursement; and provides that the division does not provide administrative or staff support to the council.	Support	Failed
SB 217 Sub 2 Increase in Surcharge on Fines / Sen. S Jenkins	This bill increases the surcharges on criminal fines and penalties from 85% to 90%; creates a Law Enforcement Services Account for the increased amounts requires that the Commission on Criminal and Juvenile Justice administer the account; requires that the account be used for increased law enforcement in areas with halfway houses; and allows law enforcement agencies to receive funds based on the number of halfway house beds in their jurisdiction to accomplish the purpose of the account.	Follow	Passed
Appropriations FY10 Budget Adjustments	Replace General Fund with Disabilities Trust Fund -\$381,900		
Appropriations FY11	Utah State Developmental Center -\$2,000,000 on-going, backfilled +\$500,000 one-time (net cut -\$1,500,000) Previous administrative cut backfilled from -\$1.9 million to -\$950,000 (takes effect July 1, 2010) on-going Administration -\$107,300 on-going Supported Employment +\$150,000 one-time Mandated Additional Needs +\$1,500,000 on-going Provider rates backfilled +\$1,700,000 one-time (from Disabilities Trust Fund) Transfer from Disabilities Trust Fund to General Fund for Local Mental Health Centers -\$613,900 Impact: reductions in staff and in operations at the USDC, providers will see effects as service budget are evaluated and fewer new clients are brought into services		
Intent Language	<p>The Legislature intends the Division of Services for People with Disabilities, in consultation with Medicaid officials, take the following actions as a result of the funding changes made to the division budget:</p> <ol style="list-style-type: none"> 1. Increase the caseload level for support coordinators and streamline the reporting and oversight functions of these case manager positions. 2. Begin negotiations with federal and state Medicaid officials to revise the waivers and provide low cost, less intensive services. 3. Revise the oversight methodology used to monitor private providers' use of funds and cease auditing to 15 minute increments and shift to a methodology which is not more frequent than daily. The Legislature recognizes that less oversight is needed for well performing providers. 4. The Legislature further intends DSPD change the frequency of face to face visit requirements and other requirements from support coordinator contracts and implement a corresponding cost reduction. <p>The Legislature intends the Department explore options to privatize the Utah State Developmental Center in order to bring greater cost sustainability to the state. The Legislature further intends the department identify opportunities to privatize other activities and facilities and report back its findings regarding the Developmental Center and other opportunities to privatize to the Office of the Legislative Fiscal Analyst on or before November 1, 2020.</p>		

	<p>The Legislature intends that the Division of Services for People with Disabilities look to maximize funding going to the Disabilities Trust Fund.</p> <p>The Legislature intends that the Division of Services for People with Disabilities use FY2011 beginning non-lapsing funds to offer emergency services, services for individuals who turn 18 years old and leave state custody from the divisions of Child and Family Service and Juvenile Justice Services and services for individuals that are court ordered into DSPD services.</p>		
Master Study Resolution	122. Individuals with Disabilities – to study options for meeting the needs of individuals with disabilities who are in crisis, medically fragile, or have significant behavior challenges.		
Division of Substance Abuse and Mental Health			
HB 198 Assertive Community Mental Health Treatment Pilot Program / Rep. C Spackman Moss	This bill establishes a pilot program, beginning on July 1, 2010, and ending on July 1, 2013, for the provision of assertive community treatment mental health services to eligible people who are not receiving, or are transitioning out of, other mental health services.	Support	Referred to Interim Study
HB 377 Department of Human Services Licensing Amendments / Rep. P Ray	This bill permits under limited circumstances, a person to have direct access to children or vulnerable adults, who would otherwise be prohibited from that access due to certain misdemeanor or infraction convictions, in order to permit the person to provide peer counseling, peer support, or supported employment services.	Support	Failed
SB 90 Sub 2 Mental Health Professional Practice Act / Sen. L Hillyard	This bill modifies requirements for licensure by endorsement; provides that a license by endorsement that was valid immediately before the passage of this bill continues to be valid; amends the scope of practice provisions for a social service worker; defines the term "program accredited by the Council on Social Work Education" to include a program that was accredited, and a program that was in candidacy for accreditation, on the day on which the applicant for licensure satisfactorily completed the program; modifies the membership of the Social Worker Licensing Board; modifies the qualifications for a social service worker license; provides that a social service worker license that was valid immediately before the passage of this bill continues to be valid; establishes a continuing education requirement for a social service worker; modifies qualifications for admission to examination under the Social Worker Act; changes the classification of "certified marriage and family therapist intern" to "associate marriage and family therapist"; changes the classification of "certified professional counselor intern" to "associate counselor"; modifies license qualification requirements and supervision requirements under the Substance Abuse Practice Act.	Support	Passed
SB 241 Health Code Amendments / Sen. A Christensen	This bill allows mental health drugs to be placed on the prior approval program; and appropriates money saved from placing some mental health drugs on the preferred drug list to fund physician reimbursement, mental health services, and dental services in the Medicaid program.	Follow	Failed

Appropriations FY10 Budget Adjustments	Replace General Fund with Beginning Non-lapse -\$50,000
Appropriations FY11	Local Mental Health -\$1,750,000 on-going cut from FY2010 (takes effect July 1, 2010) Local Mental Health Services +\$13,900 (Backfilled \$613,900 one-time from Disabilities Trust Fund) Utah State Hospital -\$500,000 on-going Children's Outplacement from State Hospital -\$51,900 on-going Children's Center Grant -\$50,000 on-going cut from FY2010 (takes effect July 1, 2010) Substance Abuse Prevention and Treatment Reduction -\$500,000 on-going cut from FY2010 (takes effect July 1, 2010) Substance Abuse and Mental Health Administration -\$148,400 State Contracted Substance Abuse Prevention -\$44,200 on-going Drug Board/Drug Court -\$350,900 on-going Drug Offender Reform Act (DORA) pilot backfilled +\$1,960,400 one-time, net cut -\$49,000 Drug Offender Reform Act (DORA) -\$4,200 on-going
Intent Language	The Legislature intends the Division of Substance Abuse and Mental Health and the Division of Aging and Adult Services forego site visits of county mental health, substance abuse and aging programs during FY2011 and conduct statutorily required monitoring through reports submitted by electronic or other means and report back to the Legislative Fiscal Analyst on or before January 1, 2011.
Master Study Resolution	106. Behavioral Treatment System Improvement - to study the delivery of a more effective treatment system to address the behavioral health treatment needs of children and youth in the custody of the state. 108. Children's Mental Health - to study and consider proposals for consolidating and coordinating administrative functions within the Department of Human Services and identify the services necessary to develop an effective home and community-based system of care for children's mental health. 109. Community-based Mental Health Service Costs - to study how the costs of community-based mental health services compare to similar services provided in the correctional system and in-patient treatment. 111. Division of Child and Family Services Efficiencies - to study potential efficiencies in delivering services in the Division of Child and Family Services. 133. Mental Health Care Delivery - to study the development of a design for delivery of an effective community-based system of care to address the mental health needs of children, youth, and their families. The design is to be developed by the Department of Human Services, working with stakeholders in the public mental health and substance abuse treatment system, and family support advocacy organizations. 134. Mental Health Pilot Project - to study the establishment of a pilot program for assertive community treatment services for people with a severe mental disorder, who are not receiving or are transitioning out of other mental health services, and to their families (H.B. 198).

Department of Health			
Bill / Sponsor	Title	Position	Status
Division of Family Health and Preparedness/ Bureau of Children with Special Health Care Needs			
HB 311 Sub 1 Autism Treatment Fund / Rep. R Lockhart	This bill creates a restricted account within the General Fund to be administered by the Department of Health for the receipt and expenditure of certain gifts, donations, and appropriations to be used for providing services relating to autism.	Support	Passed
Appropriations FY11	1,000 Less Children in CSHCN Clinics -\$1,000,000 on-going, backfilled +\$60,000 on-going Less Training/oversight in Baby Watch/Early Intervention -\$125,000 Autism Treatment Account +\$50,000 (Spending authority only, requires private fundraising)		
Master Study Resolution	137. Prematurity in Newborn Infants – to study health information issues related to prematurity of newborn infants.		
Division of Medicaid and Health Financing (Medicaid/CHIP)			
HB 87 Medical Assistance Asset Test Amendments / Rep. R Chavez-Houck	This bill requires the Department of Health to amend the state Medicaid plan to remove the use of an asset test in determining Medicaid eligibility for a child or for an independent foster care adolescent; prohibits the Department of Health from applying an asset test in determining eligibility for Medicaid or for the Utah Children's Health Insurance Program, of a child or an independent foster care adolescent.	Follow	Referred to Interim Study
HB 184 Medicaid Autism Waiver / Rep. P Ray	This bill requires the Division of Health Care Financing to develop a range of options for a Medicaid autism waiver; specifies what the options must include; requires the division to develop the options in consultation with persons who have specialized knowledge of autism; requires the division to report to the Health and Human Services Interim Committee; and requires the Health and Human Services Interim Committee to make a recommendation to the Legislature.	Support	Passed
HB 260 Children's Health Insurance Plan Simplified Renewal / Rep. M Newbold	This bill requires the Children's Health Insurance Plan to establish a simplified renewal process in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the Utah State Tax Commission; and requires the Utah State Tax Commission to work with the Children's Health Insurance Program to provide the program with access to an applicant's adjusted gross income.	Support	Passed
HB 397 Sub 2 Medicaid Program Amendments / Rep. J Dougall	This bill requires the Department of Health to conduct a certain level of internal audits of the Medicaid program; requires the Department of Health to study and report: direct contracting for primary care services; and the feasibility of establishing a medical homes model; requires the Department of Human Services to report to the Legislature when changes to the state Medicaid plan, or a Medicaid waiver effect the care of children and youth in custody of the Division of Child and Family Services or the Division of Juvenile Justice Services; allows the Department of Health to apply for and, if approved, implement a program for health opportunity accounts; requires certain funds to be deposited in the Medicaid Restricted Account; and expands the use of the Nursing Care Facilities Account, which was established to assist nursing care facilities providing services under the Medicaid program.	Follow	Passed

HB 421 Medical Financial Records Amendments / Rep. B Last	This bill requires a bank to release financial records to a hospital when determining whether a patient qualifies for Medicaid; and specifies the information the bank shall receive before releasing financial records.	Support	Passed
HB 459 Sub 1 Health Amendments / Rep. D Clark	This bill requires accountability and transparency from the state Medicaid program; requires an insurer to provide information to consumers regarding health insurance policies; and requires greater choice of benefit plans for employers in the defined contribution market of the health insurance exchange.	Follow	Passed
HB461 Children's Health Insurance Program / Rep. J Dougall	This bill deletes provisions requiring the Department of Health, when contracting for services for the Utah Children's Health Insurance Program, to accept a bidder that offers or provides access to two different provider networks.	Follow	Passed
SB 41 Sub 1 Drug Utilization Review Board Amendments / Sen. P Knudson	This bill permits the Drug Utilization Review Board to consider costs, as well as other factors, when determining whether a drug should be placed on the prior approval program; amends notice requirements; amends number of days before implementation of a decision of the board; provides more discretion to the Drug Utilization Review Board to restrict the use of a drug for off label indications.	Support	Passed
SB 44 Sub 2 Health Amendments for Legal Immigrant Children / Sen. L Robles	This bill exercises the option to remove the five-year residency requirement for a legal immigrant child to be eligible for coverage under Medicaid or the Utah Children's Health Insurance Program; and directs the Department of Health to amend the state Medicaid plan and the Utah Children's Health Insurance Program to provide coverage to an eligible legal immigrant child, regardless of the length of time that the child has been in the United States.	Support	Failed Referred to Interim Study
Appropriations FY10 Budget Adjustments	Reduce Pharmacy reimbursement by 5% Reduction for Legislative Audit Recommendations Reduction for expected Increased Fraud Recoveries in Medicaid Pay Outpatient Hospital and Ambulatory Surgical Centers Same Price Set Ambulatory Surgical Rates at Levels Similar to Other Providers Set Outpatient Hospital Rates at Levels Similar to Other Providers		
Appropriations FY11	Reduce Pharmacy reimbursement by an additional 5% Inpatient hospital reimbursements reduced (hospital assessments will make-up part of the difference) New reimbursement rate for Outpatient Hospital services New reimbursement rate for Ambulatory Surgical services Reductions for Legislative Audit Recommendations Fund Replacement of Medicaid Management Information System +\$3,000,000 Medicaid Enrollment Growth +\$43,000,00 Restore Dental Rates +\$2,300,00 (Children and Pregnant Women) Restore Physical and Occupational Therapies +\$76,000 on-going		

Intent Language	<p>The Legislature intends that the Department of Health report by October 1, 2010 to the Office of the Legislative Fiscal Analyst on reimbursement options for pharmaceutical drugs that would give the State more control over inflationary increases and/or move away from a reimbursement based on Average Wholesale Price.</p> <p>The Legislature intends that the Department of Health report to the Office of the Legislative Fiscal Analyst by July 1, 2010 its plans for a Medicaid Management Information System replacement. The presentation should include the full array of options for which parts of claims processing are performed by State vs contracted workers.</p> <p>The Legislature intends that the Department of Health report quarterly to the Office of the Legislative Fiscal Analyst on the status of replacing the Medicaid Management Information System replacement beginning September 30, 2020. The reports should include, where applicable, the responses to any requests for proposals.</p>
Master Study Resolution	<p>112. End of Life Care – to study issues related to end of life care associated with Medicaid.</p> <p>115. Health Care Payments - to study whether to move away from fee-for-service payments to pay for quality.</p> <p>116. Health Coverage for a Legal Immigrant Child - to study whether to provide Medicaid and health insurance coverage to a legal immigrant child regardless of the length of time that the child has been in the United States (2nd Sub. S.B. 44).</p> <p>120. Hospital Emergency Department Use - to study and identify strategies for reducing inappropriate emergency department use and related costs.</p> <p>121. Income and Asset Testing - to study the rules and policies for income and asset testing related to Medicaid and other welfare programs.</p> <p>125. Medicaid Fraud Reporting - to study and explore ways the Department of Health, the Department of Human Services, and the Department of Workforce Services could increase public awareness of their fraud reporting systems and encourage the public to report Medicaid fraud.</p> <p>127. Medicaid Program Coordination - to study the consolidation or improved coordination of the Medicaid program by the Department of Health, the Department of Human Services, and the Department of Workforce Services.</p> <p>129. Medical Assistance Asset Test - to study whether to prohibit the use of an asset test in determining the eligibility of a child or an independent foster care adolescent for medical assistance (H.B. 87).</p> <p>131. Medical Benefits Recovery - to study and reconsider S.B. 50, Medical Benefits Recovery Amendments, 2008 General Session, which amended the Medical Benefits Recovery Act to provide that a lien to recover medical assistance benefits provided by the state may be imposed against the real property of a person who is an inpatient in a care facility during the life of that person.</p>

State Board of Education			
Bill / Sponsor	Title	Position	Status
Office of Education			
HB 327 Autism Awareness Support Special Group License Plate / Rep R Edwards	This bill creates an Autism Awareness support special group license plate for programs that create or support autism awareness programs; requires applicants for a new plate to make a \$25 annual donation to the Autism Awareness Restricted Account; creates the Autism Awareness Restricted Account; requires the superintendent of public instruction to distribute funds in the Autism Awareness Restricted Account to certain organizations that provide programs that create or support autism awareness programs; grants the State Board of Education rulemaking authority to make rules providing procedures for an organization to apply to receive a distribution.	Support	Passed
Special Education Services			
SB 150 Reading Requirements for Student Advancement / Sen. K Morgan	This bill generally prohibits a school district from promoting a student in first, second, and third grades to the next grade level if the child is not reading at or above grade level; provides certain student exemptions; requires school districts or charter schools to provide parental notice and reading intervention; and requires the State Board of Education to make rules.	Oppose	Bill substituted
SB 150 Sub 1 Reading Requirements for Student Advancement / Sen. K Morgan	This bill requires a school district or charter school to provide notice to a parent or guardian of a student in the first, second, or third grade: if the student is reading below grade level; and of available reading interventions available through the school district or charter school; requires a school district or charter school to provide appropriate reading remediation.	No position taken	Passed
Appropriations FY10 Budget Adjustments	ASSERT Utah State Autism Program -\$5,100 Sound Beginnings -\$7,700		
Appropriations FY11	Maintain WPU Value at \$2,577 -- \$35 million, provides the FY 2010 WPU Value for the 13,581 additional WPUs expected from the student enrollment growth. Funding for Basic School Programs will increase/decrease based on changes in the number of Weighted Pupil Units for each program. Carson Smith Special Needs Scholarship +\$900,000 on-going (General Fund) Reallocations: Sound Beginnings & ASSERT -- Autism Support Services – from USOE Initiative Programs to Utah State University -- \$415,800 S.B. 2 Sub 2 and Summary: A school district or charter school may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs 1. educator salary adjustments provided in Section 53A-17a-153 ;		

	<ul style="list-style-type: none"> 2. the Teacher Salary Supplement Program provided in Section 53A-17a-156 ; 3. the Teacher Salary Supplement Program provided in Section 53A-17a-156 ; 4. the extended year for special educators provided in Section 53A-17a-158; 5. USTAR centers provided in Section 53A-17a-159 6. the School LAND Trust Program created in Section 53A-16-101.5 ; 7. a special education program within the Basic School Program. 		
Schools for the Deaf and Blind			
Appropriations FY10 Budget Adjustments	Administrative Staff Reduction -\$12,000 Instructional Services Staff Reduction -\$51,700 Kitchen Staff Reduction -\$15,800 Residential Program Elimination -\$320,600 Summer Camp Elimination -\$15,000 Support Services Staff Reduction -\$255,000		
Appropriations FY11	Transportation -\$11,000		
State Office of Rehabilitation			
HB 17 Amendments to Programs for People with Disabilities / Rep. S Mascaro	This bill provides that the competitive career service schedule includes positions filled through an on the job examination intended to appoint a qualified person with a disability; grants the executive director of the Department of Human Resource Management rulemaking authority to establish a Department of Human Resource Management approved on the job examination to appoint a qualified person with a disability.	Support	Passed
SB 144 Sub 1 Vision Screening Amendments / Sen. W Niederhauser	This bill provides conditions when a licensed health care professional may participate in a school district's free vision screening program.	Support	Passed
Appropriations FY10 Budget Adjustments	Division of Rehabilitation Services - \$2,649,840 Independent Living Pass Through incl. Assisted Technology - \$ 635,561 Division of Services for the Deaf and Hard of Hearing - \$ 243,600 Division of Services for Blind and Visually Impaired - \$ 617,500 UT State Office of Rehabilitation ADMIN - \$ 142,000 - \$4, 288,501 Maintenance of Effort (MOE) - \$1,610,404 1 st Sub. SB-3 FY 10 Supplemental One time Cuts Division of Rehabilitation Services - \$170,666 Independent Living Pass Through - \$ 40,934 UT State Office of Rehabilitation ADMIN - \$ 53,000 - \$264,600		

Appropriations FY11	HB-2 FY-11 Ongoing Cuts			
	Division of Rehabilitation Services	- \$	11,614	
	Independent Living Pass Through	- \$	2,786	
	Division of Services for Blind and Visually Impaired	- \$	102,900	
	Disability Determination Services	+	\$ 2,200	
	Division of Services for the Deaf and Hard of Hearing	- \$	49,100	
	UT State Office of Rehabilitation ADMIN	- \$	39,100	
HB-3 Appropriations Adjustments (aka The Bill of Bills)				
Division of Services for the Deaf and Hard of Hearing	+	\$101,100		
UT State Office of Rehabilitation NET CUTS FOR FY-11	-	\$102,200		
3 rd Sub HB-5 Revenue Bond and Capital Facilities				
Division of Services for Blind and Visually Impaired	+	\$1,497,000 (ARRA)		
Miscellaneous Disability Related Legislation				
Bill / Sponsor	Title	Position	Status	
HB 66 Sub 2 Prosthetic Limb Health Insurance Parity / Rep. D Litvack	This bill requires an insurer that provides a health benefit plan to offer at least one plan that provides coverage for prosthetic devices; and establishes terms of coverage and minimum requirements for access to providers.	Support	Passed	
HB 113 Child Restraint Device Amendments / Rep.C Herrod	This bill provides that an operator of a motor vehicle is exempt from the requirement to use a child restraint device to restrain a person who is five years of age or older but younger than eight years of age if: the operator of the motor vehicle is operating a motor vehicle directly to or from the operator's residence and certain locations; the distance from the operator's residence to or from certain locations is four miles or less; the operator of the motor vehicle is operating the motor vehicle on a highway with a posted speed limit that does not exceed 45 miles per hour; and all available child restraint devices in the vehicle are being occupied.	Oppose	Failed	
HCR 9 Autism, Disabilities, and Faith Concurrent Resolution / Rep. R Menlove	This concurrent resolution of the Legislature and the Governor designates April 26 - May 2 as Autism, Disabilities, and Faith Week, and recognizes the importance of fully integrating persons with autism and disabilities and their families into all Utah faith-based organizations.	Support	Passed	
SB 180 Sexual Exploitation of a Vulnerable Adult / Sen. D Hinkins	This bill modifies and describes the elements of the crime of sexual exploitation of a vulnerable adult; makes sexual exploitation of a vulnerable adult a third degree felony; and makes technical changes.	Support	Failed	

SCR 1 Alzheimer's and Dementia Awareness Concurrent Resolution / Sen. K Morgan	This concurrent resolution of the Legislature and the Governor urges Utahns to increase their awareness of the impact of Alzheimer's disease.	Support	Passed
SCR 4 Dental Health Care Resolution / Sen. P Jones	This concurrent resolution of the Legislature and the Governor expresses support for the efforts of the Regence Caring Foundation for Children to provide dental care to children from low-income families who earn too much to qualify for public assistance.	Support	Passed

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