

HB 727 -- Services for Individuals with Disabilities

Sponsor: Grisamore

This bill changes the laws regarding services for individuals with disabilities.

The bill establishes the Purchasing from Persons with Disabilities Advisory Board within the Division of Purchasing in the Office of Administration to provide oversight to the division regarding procurement policies from qualifying vendors that include a person with a qualifying disability or a business or entity that employs qualifying disabled individuals who perform at least 75% of the direct labor to fulfill a state contract for goods or services. The division must:

- (1) Facilitate the procurement of up to \$25 million of goods and services from qualifying vendors unless increased by the board;
- (2) Develop and maintain a list of goods and services that are available from qualifying vendors and are suitable for procurement by state agencies. The list must be provided to all state agency purchasing officers and all products offered by a qualifying vendor must have significant value added by blind or significantly disabled persons as determined by the Office of Administration;
- (3) Approve pricing for goods and services;
- (4) Review bids received by qualifying vendors; and
- (5) Award and renew contracts for the purchase of goods and services without a competitive bidding process.

The Office of Administration must:

- (1) Determine the fair market price for all products and services offered by a qualifying vendor that at least covers the costs of raw materials, labor, overhead and, delivery;
- (2) Determine the mandatory use of products and services for all state agencies; and
- (3) Assess the suitability of an addition to the procurement list by considering the interest of small and disadvantaged-owned businesses by determining if the addition would have a severe adverse impact on the current commodity or service contractor.

The Office of Administration is authorized to collect up to 1% of the gross value of a qualifying vendor contract to cover

administration costs.

The bill requires, by September 1, 2013, the Department of Elementary and Secondary Education to establish a work group to assess the available resources that youth with disabilities need for effective work experiences. The work group must review all interagency coordination of services for employer matching services to ensure that the services adequately meet the needs of youth and young adults with disabilities who seek employment and need job placement assistance. The goal of the work group must be to evaluate the current efforts and available resources and to promote the involvement of stakeholders when planning and implementing services to provide successful transitions to employment, lifelong learning, and quality of life. The work group must focus on secondary students with disabilities, adults with disabilities, and others who experience barriers to successfully completing school. The work group must assess the strengths and where improvements need to be made regarding transition services, instruction, and experiences that reinforce core curriculum concepts and skills that lead to gainful employment. It must determine if any additional state partnerships through nonfinancial interagency agreements are necessary to enhance the employment potential of individuals with disabilities. The work group must focus on developing careers for these youth to prevent economic and social dependence on the resources of state and community agencies.

The department must submit recommendations based on the findings of the work group to the General Assembly prior to January 1, 2014. The work group members will be chosen and administered by the Commissioner of Education within the department and must utilize existing state agency and community personnel and human resources.

Subject to appropriations, the bill adds comprehensive day rehabilitation services beginning soon after trauma as part of a coordinated system of care for individuals with disabling impairments to the list of services covered under MO HealthNet benefits. Services must be provided in a community-based facility and be authorized on tier levels based on the services and frequency of services the patient requires as guided by a qualified rehabilitation professional associated with a health care home.

Prescribed, medically necessary hearing aids are added to the list of covered services under the MO HealthNet Program. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards must be used to verify medical need.

Currently, any person who knowingly, intentionally, or recklessly

causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The bill removes these provisions and specifies that any person who, with reckless disregard, injures, kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal will be guilty of a class A misdemeanor.

Currently, any person who knowingly or intentionally fails to exercise sufficient control over an animal he or she owns, keeps, harbors, or exercises control over to prevent substantial physical injury to or death of a service dog, or the inability to function as a service dog as a result, is guilty of a class A misdemeanor. The bill removes these provisions and specifies that any person who, with reckless disregard, interferes with or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user is guilty of class B misdemeanor for a first violation and class A misdemeanor for a second or subsequent violation.

The bill repeals the provisions relating to harassing or chasing a service dog and specifies that any person who intentionally injures or kills or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal is guilty of a class D felony.

Current provisions allowing for a cause of action by an owner of a service dog to recover civil damages are repealed and the bill specifies that any person who is convicted for violating these provisions must make full restitution for all damages that arise out of or are related to the offense. Restitution includes, but is not limited to, the value of the animal, replacement and training expenses, veterinary and other medical and boarding expenses for the animal, medical expenses for the owner, and lost wages or income incurred during the period the owner is without the services of the animal. These provisions do not apply to the destruction of a service dog for humane purposes.

For the purposes of the employment security laws, the bill specifies that the term "employment" will not mean in-home or community-based services performed by a provider contracted to provide the services for the clients of a county board for developmental disability services organized and existing under Sections 205.968 to 205.973, RSMo, commonly known as "SB 40 boards"; however, the provider must perform the payroll and fringe benefits accounting functions for the client.

The bill adds consumer-based consumer services in comprehensive brain injury day rehabilitation therapy, vocational, home, and

community support to the list of services that the Department of Health and Senior Services must expend funds from the Brain Injury Fund to individuals with brain injury.

The Department of Health and Human Services, in cooperation with the Department of Social Services, must seek a federal waiver from the federal Department of Health and Human Services to allow moneys in the fund to be used for brain injury services under the MO HealthNet Program. Upon the granting of a waiver, 50% of all moneys in the fund must be designated as MO HealthNet federal match moneys. Any approved federal waiver must be designed so that parity is established in funding for each eligible program service area to create a balance for access to all brain injury services. A 10-member volunteer committee must be established to develop service descriptions, regulations, and parity of funding for the eligible service areas, as needed. The committee must meet at least annually to review services using the most current Department of Health and Senior Services brain injury needs assessments and to address any modifications needed in the program services to ensure services are meeting the needs of brain injury consumers.

The bill repeals the provisions regarding the \$2 surcharge that must be assessed in all criminal cases, including violations of any county ordinance or any violation of state criminal or traffic laws, which is deposited into the Brain Injury Fund.

The provisions of the bill regarding the work group to assess the available resources that youth with disabilities will expire on January 1, 2014.