

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 612

AN ACT

To amend chapters 208 and 537, RSMo, by adding thereto three new sections relating to persons with disabilities, with an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Chapters 208 and 537, RSMo, are amended by adding thereto three new sections, to be known as sections 208.146, 208.819 and 537.617, to read as follows:

208.146. 1. Pursuant to the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA)(Public Law 106-170), the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Meets the definition of disabled under the supplemental security income program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Meets the asset limits in subsection 2 of this section;
and

(3) Has an annual income of two hundred fifty percent or less of the federal poverty guidelines. For purposes of this subdivision, "income" does not include any income of the person's spouse up to one hundred thousand dollars or children.

Individuals with incomes in excess of one hundred fifty percent

of the federal poverty level shall pay a premium for participation in accordance with subsection 5 of this section.

2. For purposes of determining eligibility pursuant to this section, a person's assets shall not include:

(1) Any spousal assets up to one hundred thousand dollars, one-half of any marital assets and all assets excluded pursuant to section 208.010;

(2) Retirement accounts, including individual accounts, 401(k) plans, 403(b) plans, Keogh plans and pension plans;

(3) Medical expense accounts set up through the person's employer;

(4) Family development accounts established pursuant to sections 208.750 to 208.775; or

(5) PASS plans.

3. A person who is otherwise eligible for medical assistance pursuant to this section shall not lose his or her eligibility if such person maintains an independent living development account. For purposes of this section, an "independent living development account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability. Independent living development accounts shall be limited to deposits of earned income made by the eligible individual while participating in the program and shall not be considered an asset for purposes of determining and maintaining eligibility until such person reaches the age of sixty-five.

4. If an eligible individual's employer offers employer-

sponsored health insurance and the department of social services determines that it is more cost effective, the individual shall participate in the employer-sponsored insurance. The department shall pay such individual's portion of the premiums, co-payments and any other costs associated with participation in the employer-sponsored health insurance.

5. Any person whose income exceeds one hundred fifty percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. The premium shall be:

(1) For a person whose income is between one hundred fifty-one and one hundred seventy-five percent of the federal poverty level, four percent of income at one hundred sixty-three percent of the federal poverty level;

(2) For a person whose income is between one hundred seventy-six and two hundred percent of the federal poverty level, five percent of income at one hundred eighty-eight percent of the federal poverty level;

(3) For a person whose income is between two hundred one and two hundred twenty-five percent of the federal poverty level, six percent of income at two hundred thirteen percent of the federal poverty level;

(4) For a person whose income is between two hundred twenty-six and two hundred fifty percent of the federal poverty level, seven percent of income at two hundred thirty-eight percent of the federal poverty level.

6. If the department elects to pay employer-sponsored insurance pursuant to subsection 4 of this section then the

medical assistance established by this section shall be provided to an eligible person as a secondary or supplemental policy to any employer-sponsored benefits which may be available to such person.

7. The department of social services shall submit the appropriate documentation to the federal government for approval which allows the resources listed in subdivisions (2) to (5) of subsection 2 of this section and subsection 3 of this section to be exempt for purposes of determining and maintaining eligibility pursuant to this section.

8. The department of social services shall apply for any and all grants which may be available to offset the costs associated with the implementation of this section.

208.819. Persons institutionalized in nursing homes who are Medicaid eligible and who wish to move back into the community shall be eligible for a one-time Missouri transition to independence grant. The Missouri transition to independence grant shall be limited to up to fifteen hundred dollars to offset the initial down payments and setup costs associated with housing a person with disabilities as such person moves out of a nursing home. Such grants shall be established and administered by the division of vocational rehabilitation in consultation with the department of social services. The division of vocational rehabilitation and the department of social services shall cooperate in actively seeking federal and private grant moneys to fund this program; except that, such federal and private grant moneys shall not limit the general assembly's ability to appropriate moneys for the Missouri transition to independence

grants.

537.617. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts for the state of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent hereby granted is for a maximum monetary award in the amounts described in section 537.610, RSMo. No state court shall enter a judgment for an amount in excess of the monetary limits in said section. The monetary limits set forth in said section shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.

3. This section shall apply to all actions pending or initiated on or after February 21, 2001.

Section B. Because of the importance of maintaining the rights of persons with disabilities in Missouri the enactment of section 537.617 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 537.617 of this act shall be in full force and effect upon its passage and approval.