

HCS HB 1854 -- SERVICES FOR INDIVIDUALS WITH DISABILITIES

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "do pass" by the Committee on Disability Services by a vote of 6 to 0.

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

PURCHASING FROM PERSONS WITH DISABILITIES ADVISORY BOARD

The Purchasing from Persons with Disabilities Advisory Board is established within the Division of Purchasing of the Office of Administration to provide oversight to the division regarding procurement policies with qualifying vendors that includes a person with a disability or a business that employs disabled individuals that perform at least 75% of the direct labor to fulfill a procurement contract. 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;
- (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 adding 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 a 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.

Any political subdivision of the state with its own purchasing agency that receives state appropriated funding must purchase goods and services from a qualifying vendor on the preferred procurement contract list if the goods and services offered by the qualifying vendor conform to the needs and specifications of the purchasing agency, can be supplied in a reasonable time, and are competitively priced.

TAX CREDITS FOR CONTRIBUTIONS TO CERTAIN RESIDENTIAL CARE PROVIDERS

Currently, a residential treatment agency is prohibited from applying for a residential treatment agency tax credit in an amount greater than 40% of the payments made by the Department of Social Services to the agency in the preceding 12 months for eligible donations made by taxpayers. The substitute allows an agency to apply for the credit in an amount equal to the total payments. The substitute extends the expiration date of the tax credit program from August 28, 2012, to December 31, 2015.

The Developmental Disability Care Provider Tax Credit Program is established which authorizes a tax credit to a taxpayer for 50% of a donation to a developmental disability care provider that is used solely to provide direct care services to residents of the state with development disabilities. The credit is non-refundable, may be carried forward for four years, and is transferable.

WORKFORCE TRANSITION SERVICES FOR YOUTH WITH DISABILITIES

The Department of Elementary and Secondary Education must establish, by September 1, 2012, 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 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 disabled youths 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, 2013. 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.

MO HEALTHNET BENEFIT COVERAGE FOR COMPREHENSIVE DAY REHABILITATION SERVICES

Subject to appropriations, the substitute 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.

MO HEALTHNET BENEFITS FOR HEARING AIDS

Subject to appropriations, the substitute adds prescribed, medically necessary hearing aids 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.

SERVICE DOGS

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 substitute removes this provision and specifies that any person who, with reckless disregard, 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 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 or

controls to prevent substantial physical injury to or the 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 substitute removes this provision 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 substitute 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.

The substitute removes current provisions allowing for a cause of action by an owner of a service dog to recover civil damages and 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.

EMPLOYMENT SECURITY LAWS

For the purposes of the employment security laws, 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 commonly known as "SB 40 boards"; however, the vendor will be responsible for the payroll and fringe benefits accounting functions for the consumer.

BRAIN INJURY FUND

The substitute adds community-based consumer services in comprehensive brain injury day rehabilitation therapy, vocational, and home and community support to the list of services that the Department of Health and Senior Services must expend funds collected by the Brain Injury Fund to individuals with brain injury. The department, 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 provide parity in funding for each eligible program service area to create a balance for access to all brain injury services. A 10-member 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 substitute increases, from \$2 to \$10, the surcharge that is assessed on all criminal cases which is deposited into the Brain Injury Fund.

The provisions of the substitute regarding the Developmental Disability Care Provider Tax Credit Program expire December 31, 2016, and the provisions of the substitute regarding workforce transition services for youth with disabilities expire January 1, 2013.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Could exceed \$824,631 in FY 2013, Unknown exceeding \$912,728 in FY 2014, and Unknown exceeding \$942,564 in FY 2015. Estimated Net Income on Other State Funds of \$1,875,000 or \$3,000,000 in FY 2013, \$0 in FY 2014, and \$0 in FY 2015.

PROPOSERS: Supporters say that the current \$2 surcharge can only be collected in counties and not in municipalities leaving current resources inadequate to meet the treatment and support needs of individuals with brain injury. Increasing the surcharge will create moneys for Medicaid matching funds to support the lost services, decrease dependency on general revenue funds, reduce nursing home placements, increase successful community living, and reduce the two and one-half year waiting list for services. Currently, there are 216 people waiting for services through the adult brain injury program that provides rehabilitation and support services. The long wait increases the likelihood that an individual will not have a chance to contribute to society or have a reasonable quality of life. The fund is projected to have a deficit in 2013.

Testifying for the bill were Representative Grisamore; Donna Gunning, Center for Head Injury Services; and Maureen Cunningham, Brain Injury Association of Missouri.

OPPOSERS: There was no opposition voiced to the committee.