

## HCS HB 727 -- SERVICES FOR INDIVIDUALS WITH DISABILITIES

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Children, Families, and Persons with Disabilities by a vote of 11 to 0.

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

### WORKFORCE TRANSITION SERVICES

The substitute 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 the improvements needed regarding transition services, instruction, and experiences that reinforce core curriculum concepts and skills leading 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 the 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.

### MO HEALTHNET BENEFIT COVERAGE FOR COMPREHENSIVE 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. 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.

#### SERVICES 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 these provisions 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 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 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 a class B misdemeanor for a first violation and a 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.

The substitute adds an individual with mental disabilities or diabetes to the list of people who must be afforded the same rights as those without disabilities to use streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. An individual with mental disabilities or diabetes is also

entitled to equal accommodation from common carriers, airlines, motor vehicles, trains, buses, taxis, and any other public conveyances or modes of transportation, as well as hotels, places of public accommodation, and other places to which the general public is invited and to be accompanied by a guide, hearing, or service dog in any of these places without being required to pay an extra charge.

A member of a service dog team has the right to be accompanied by the dog while the dog is in training and will be liable for any damages to a facility caused by the dog during training. A service dog team consists of a trained service dog, a disabled person or child, and an adult person who has been trained to handle the dog. The term "service dog" is revised to include a search and rescue dog that is trained to assist a person with a mental disability from becoming lost and a service team dog that has been trained to help with the search and rescue of an individual with a disability.

#### ACCESSIBLE PARKING

Currently, any parking lot that is restriped or constructed must have one in every four accessible spaces served by an access aisle that is at least 96 inches wide and designated "lift van accessible only." The substitute specifies that when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot with 25 or more parking spaces, the lot and accessible signs must meet the minimum requirements of the federal Americans with Disabilities Act for the number of required accessible parking spaces with at least one that is served by an access aisle at least 96 inches wide and designated "van accessible." If any accessible space is 132 inches wide or wider, the adjacent access aisle must be at least 60 inches wide. If any accessible space is less than 132 inches wide, the adjacent aisle must be at least 96 inches wide.

#### BRAIN INJURY FUND

The substitute adds consumer-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.

#### MENTAL HEALTH EMPLOYEE DISQUALIFICATION LIST

The substitute changes the laws regarding the Department of Mental Health disqualification registry. The substitute adds to the registry a person who has been found guilty or pleaded guilty in Missouri to a felony violation of the drug provisions under Chapter 195, RSMo, trafficking in children, stealing, forgery, financial exploitation of the elderly and disabled, identity theft, selling or offering to sell unauthorized recordings, or supporting terrorism or an equivalent felony offense in another state or an equivalent federal felony offense, or an equivalent offense under the Uniform Code of Military Justice. The substitute also adds a person who has been found guilty or pleaded guilty or nolo contendere to driving while intoxicated or driving with excessive blood alcohol content and is found by a court to be an aggravated or chronic offender. A disqualified person may seek an exception to disqualification, especially if the person is in recovery and the disqualifying felony offense was alcohol or drug related.

#### MENTAL HEALTH SERVICES

The Department of Mental Health, in conjunction with the Department of Health and Senior Services, is required to establish, by rule, guidelines for the appropriate standard of care for diagnosis and treatment of persons with mental disabilities who receive care from mental health or health care facilities, personnel, or professionals in this state. The appropriate standard of care must include screening for and treatment of any physical injury, illness, or condition without regard to any mental illness, disease, or condition of the person prior to diagnosis and treatment of any physical injury, illness, or condition as solely resulting from a mental illness, disease, or condition of the person.

The provision regarding workforce transition services will expire January, 1, 2014.

The substitute contains an emergency clause for the provisions regarding accessible parking.

PROPONENTS: Supporters say that this bill provides numerous services for individuals with disabilities and is cost-effective because it saves the state money through rehabilitation services.

Testifying for the bill were Representative Grisamore; Wayne Lee; Missouri Association of Sheltered Workshop Managers; Maureen Cunningham; and Donna Gunning, The Center for Head Injury Services.

OTHERS: Others testifying on the bill say that it is beyond the State Auditor's scope of duties to do certain investigations as specified in the bill.

Other testifying for the bill was Office of State Auditor.