

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 198, Page 1, Section
2 A, Line 4, by deleting the word "are" and inserting in lieu thereof the following:

3
4 "and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402,
5 one hundred second general assembly, first regular session, are"; and

6
7 Further amend said bill, section, and page, Line 11, by inserting after all of said section and line the
8 following:

9
10 "37.980. 1. The office of administration shall submit a report to the general assembly before
11 December thirty-first of each year, beginning in 2023, describing the progress made by the state
12 with respect to the directives issued as part of the "Missouri as a Model Employer" initiative
13 described in executive order 19-16.

14 2. The report shall include, but not be limited to, the data described in the following
15 subdivisions, which shall be collected through voluntary self-disclosure. To the extent possible, for
16 each subdivision, the report shall include general data for all relevant employees, in addition to data
17 comparing the employees of each agency within the state workforce:

18 (1) The baseline number of employees in the state workforce who disclosed disabilities
19 when the initiative began;

20 (2) The number of employees in the state workforce who disclose disabilities at the time of
21 the compiling of the annual report and statistics providing the size and the percentage of any
22 increase or decrease in such numbers since the initiative began and since the compilation of any
23 previous annual report;

24 (3) The baseline percentage of employees in the state workforce who disclosed disabilities
25 when the initiative began;

26 (4) The percentage of employees in the state workforce who disclose disabilities at the time
27 of the compiling of the annual report and statistics providing the size of any increase or decrease in
28 such percentage since the initiative began and since the compilation of any previous annual report;

29 (5) A description and analysis of any disparity that may exist from the time the initiative
30 began and the time of the compiling of the annual reports, and of any disparity that may exist from
31 the time of the most recent previous annual report, if any, and the time of the current annual report,

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1 between the percentage of individuals in the state of working age who disclose disabilities and the
 2 percentage of individuals in the state workforce who disclose or have disabilities; and

3 (6) A description and analysis of any pay differential that may exist in the state workforce
 4 between individuals who disclose disabilities and individuals who do not disclose disabilities.

5 3. The report shall also include descriptions of specific efforts made by state agencies to
 6 recruit, hire, advance, and retain individuals with disabilities including, but not limited to,
 7 individuals with the most significant disabilities, as defined in 5 CSR 20-500.160. Such
 8 descriptions shall include, but not be limited to, best, promising, and emerging practices related to:

9 (1) Setting annual goals;

10 (2) Analyzing barriers to recruiting, hiring, advancing, and retaining individuals with
 11 disabilities;

12 (3) Establishing and maintaining contacts with entities and organizations that specialize in
 13 providing education, training, or assistance to individuals with disabilities in securing employment;

14 (4) Using internships, apprenticeships, and job shadowing;

15 (5) Using supported employment, individual placement with support services, customized
 16 employment, telework, mentoring and management training, stay-at-work and return-to-work
 17 programs, and exit interviews;

18 (6) Adopting, posting, and making available to all job applicants and employees reasonable
 19 accommodation procedures in written and accessible formats;

20 (7) Providing periodic disability awareness training to employees to build and sustain a
 21 culture of inclusion in the workplace, including rights to reasonable accommodation in the
 22 workplace;

23 (8) Providing periodic training to human resources and hiring managers in disability rights,
 24 hiring, and workplace policies designed to promote a diverse and inclusive workforce; and

25 (9) Making web-based hiring portals accessible to and usable by applicants with
 26 disabilities."; and

27
 28 Further amend said bill, Page 21, Section 208.072, Line 9, by inserting after all of said section and
 29 line the following:

30
 31 "208.146. 1. The program established under this section shall be known as the "Ticket to
 32 Work Health Assurance Program". Subject to appropriations and in accordance with the federal
 33 Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170,
 34 the medical assistance provided for in section 208.151 may be paid for a person who is employed
 35 and who:

36 (1) Except for earnings, meets the definition of disabled under the Supplemental Security
 37 Income Program or meets the definition of an employed individual with a medically improved
 38 disability under TWWIIA;

39 (2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section; and

(4) Has ~~[net]~~ income, as ~~[defined]~~ determined in subsection 3 of this section, that does not exceed ~~[the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and~~

~~(5) Has a gross income of] two hundred fifty percent [or less] of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. [For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.]~~

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; ~~[and]~~

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living 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; and

(c) Retirement accounts including, but not limited to, individual accounts, 401(k) plans, 403(b) plans, Keogh plans, and pension plans, provided that income from such accounts be calculated as income under subdivision (4) of subsection 1 of this section.

(2) To determine ~~[net]~~ income, the following shall be disregarded:

(a) ~~[All earned income of the disabled worker;~~

~~(b)] The first [sixty-five dollars and one-half] fifty thousand dollars of [the remaining] earned income of [a nondisabled spouse's earned income] the person's spouse;~~

~~[(c)]~~ (b) A twenty dollar standard deduction;

~~[(d)]~~ (c) Health insurance premiums;

1 ~~[(e)]~~ (d) A seventy-five dollar a month standard deduction for the disabled worker's dental
 2 and optical insurance when the total dental and optical insurance premiums are less than seventy-
 3 five dollars;

4 ~~[(f)]~~ (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI
 5 payments; and

6 ~~[(g)]~~ (f) A standard deduction for impairment-related employment expenses equal to one-
 7 half of the disabled worker's earned income.

8 4. Any person whose ~~[gross]~~ income exceeds one hundred percent of the federal poverty
 9 level shall pay a premium for participation in the medical assistance provided in this section. Such
 10 premium shall be:

11 (1) For a person whose ~~[gross]~~ income is more than one hundred percent but less than one
 12 hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of
 13 the federal poverty level;

14 (2) For a person whose ~~[gross]~~ income equals or exceeds one hundred fifty percent but is
 15 less than two hundred percent of the federal poverty level, four percent of income at one hundred
 16 fifty percent of the federal poverty level;

17 (3) For a person whose ~~[gross]~~ income equals or exceeds two hundred percent but less than
 18 two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent
 19 of the federal poverty level;

20 (4) For a person whose ~~[gross]~~ income equals or exceeds two hundred fifty percent up to
 21 and including three hundred percent of the federal poverty level, six percent of income at two
 22 hundred fifty percent of the federal poverty level.

23 5. Recipients of services through this program shall report any change in income or
 24 household size within ten days of the occurrence of such change. An increase in premiums resulting
 25 from a reported change in income or household size shall be effective with the next premium
 26 invoice that is mailed to a person after due process requirements have been met. A decrease in
 27 premiums shall be effective the first day of the month immediately following the month in which the
 28 change is reported.

29 6. If an eligible person's employer offers employer-sponsored health insurance and the
 30 department of social services determines that it is more cost effective, such person shall participate
 31 in the employer-sponsored insurance. The department shall pay such person's portion of the
 32 premiums, co-payments, and any other costs associated with participation in the employer-
 33 sponsored health insurance. If the department elects to pay such person's employer-sponsored
 34 insurance costs under this subsection, the medical assistance provided under this section shall be
 35 provided to an eligible person as a secondary or supplemental policy for only personal care
 36 assistance services, as defined in section 208.900, and related costs and nonemergency medical
 37 transportation to any employer-sponsored benefits that may be available to such person.

1 7. The department of social services shall provide to the general assembly an annual report
 2 that identifies the number of participants in the program and describes the outreach and education
 3 efforts to increase awareness and enrollment in the program.

4 8. The department of social services shall submit such state plan amendments and waivers to
 5 the Centers for Medicare and Medicaid Services of the federal Department of Health and Human
 6 Services as the department determines are necessary to implement the provisions of this section.

7 9. The provisions of this section shall expire August 28, 2025.

8 209.700. 1. This section shall be known and may be cited as the "Missouri Employment
 9 First Act".

10 2. As used in this section, unless the context clearly requires otherwise, the following terms
 11 mean:

12 (1) "Competitive integrated employment", work that:

13 (a) Is performed on a full-time or part-time basis, including self-employment, and for which
 14 a person is compensated at a rate that:

15 a. Is no less than the higher of the rate specified in 29 U.S.C. Section 206(a)(1) or the rate
 16 required under any applicable state or local minimum wage law for the place of employment;

17 b. Is no less than the customary rate paid by the employer for the same or similar work
 18 performed by other employees who are not persons with disabilities and who are similarly situated
 19 in similar occupations by the same employer and who have similar training, experience, and skills;

20 c. In the case of a person who is self-employed, yields an income that is comparable to the
 21 income received by other persons who are not persons with disabilities and who are self-employed
 22 in similar occupations or on similar tasks and who have similar training, experience, and skills; and

23 d. Is eligible for the level of benefits provided to other employees;

24 (b) Is at a location:

25 a. Typically found in the community; and

26 b. Where the employee with a disability interacts for the purpose of performing the duties of
 27 the position with other employees within the particular work unit and the entire work site and, as
 28 appropriate to the work performed, other persons, such as customers and vendors, who are not
 29 persons with disabilities, other than supervisory personnel or persons who are providing services to
 30 such employee, to the same extent that employees who are not persons with disabilities and who are
 31 in comparable positions interact with these persons; and

32 (c) Presents, as appropriate, opportunities for advancement that are similar to those for other
 33 employees who are not persons with disabilities and who have similar positions;

34 (2) "Customized employment", competitive integrated employment for a person with a
 35 significant disability that is:

36 (a) Based on an individualized determination of the unique strengths, needs, and interests of
 37 the person with a significant disability;

38 (b) Designed to meet the specific abilities of the person with a significant disability and the
 39 business needs of the employer; and

- 1 (c) Carried out through flexible strategies, such as:
- 2 a. Job exploration by the person; and
- 3 b. Working with an employer to facilitate placement, including:
- 4 (i) Customizing a job description based on current employer needs or on previously
- 5 unidentified and unmet employer needs;
- 6 (ii) Developing a set of job duties, a work schedule and job arrangement, and specifics of
- 7 supervision, including performance evaluation and review, and determining a job location;
- 8 (iii) Using a professional representative chosen by the person or self-representation, if
- 9 elected, to work with an employer to facilitate placement; and
- 10 (iv) Providing services and supports at the job location;
- 11 (3) "Disability", a physical or mental impairment that substantially limits one or more major
- 12 life activities of a person, as defined in the Americans with Disabilities Act of 1990, as amended.
- 13 The term "disability" does not include brief periods of intoxication caused by alcohol or drugs or
- 14 dependence upon or addiction to any alcohol or drug;
- 15 (4) "Employment first", a concept to facilitate the full inclusion of persons with disabilities
- 16 in the workplace and community in which community-based, competitive integrated employment is
- 17 the first and preferred outcome for employment services for persons with disabilities;
- 18 (5) "Employment-related services", services provided to persons, including persons with
- 19 disabilities, to assist them in finding employment. The term "employment-related services"
- 20 includes, but is not limited to, resume development, job fairs, and interview training;
- 21 (6) "Integrated setting", a setting:
- 22 (a) Typically found in the community; and
- 23 (b) Where the employee with a disability interacts for the purpose of performing the duties
- 24 of the position with other employees within the particular work unit and the entire work site and, as
- 25 appropriate to the work performed, other persons, such as customers and vendors, who are not
- 26 persons with disabilities, other than supervisory personnel or persons who are providing services to
- 27 such employee, to the same extent that employees who are not persons with disabilities and who are
- 28 in comparable positions interact with these persons;
- 29 (7) "Outcome", with respect to a person entering, advancing in, or retaining full-time or, if
- 30 appropriate, part-time competitive integrated employment, including customized employment, self-
- 31 employment, telecommuting, or business ownership, or supported employment that is consistent
- 32 with a person's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and
- 33 informed choice;
- 34 (8) "Sheltered workshop", the same meaning given to the term in section 178.900;
- 35 (9) "State agency", an authority, board, branch, commission, committee, department,
- 36 division, or other instrumentality of the executive branch of state government;
- 37 (10) "Supported employment", competitive integrated employment, including customized
- 38 employment, or employment in an integrated setting in which persons are working toward a
- 39 competitive integrated employment, that is individualized and customized consistent with the

1 strengths, abilities, interests, and informed choice of the persons involved who, because of the
2 nature and severity of their disabilities, need intensive supported employment services and extended
3 services in order to perform the work involved;

4 (11) "Supported employment services", ongoing support services, including customized
5 employment, needed to support and maintain a person with a most significant disability in supported
6 employment, that:

7 (a) Are provided singly or in combination and are organized and made available in such a
8 way as to assist an eligible person to achieve competitive integrated employment; and

9 (b) Are based on a determination of the needs of an eligible person, as specified in an
10 individualized plan for employment;

11 (12) "Working age", sixteen years of age or older;

12 (13) "Youth with a disability", any person fourteen years of age or older and under eighteen
13 years of age who has a disability.

14 3. All state agencies that provide employment-related services or that provide services or
15 support to persons with disabilities shall:

16 (1) Develop collaborative relationships with each other, confirmed by a written
17 memorandum of understanding signed by each such state agency; and

18 (2) Implement coordinated strategies to promote competitive integrated employment
19 including, but not limited to, coordinated service planning, job exploration, increased job training,
20 and internship opportunities.

21 4. All state agencies that provide employment-related services or that provide services or
22 support to persons with disabilities shall:

23 (1) Implement an employment first policy by considering competitive integrated
24 employment as the first and preferred outcome when planning or providing services or supports to
25 persons with disabilities who are of working age;

26 (2) Offer information on competitive integrated employment to all working-age persons
27 with disabilities. The information offered shall include an explanation of the relationship between a
28 person's earned income and his or her public benefits, information on Achieving a Better Life
29 Experience (ABLE) accounts, and information on accessing assistive technology;

30 (3) Ensure that persons with disabilities receive the opportunity to understand and explore
31 education and training as pathways to employment, including postsecondary, graduate, and
32 postgraduate education; vocational and technical training; and other training. State agencies shall
33 not be required to fund any education or training unless otherwise required by law;

34 (4) Promote the availability and accessibility of individualized training designed to prepare
35 a person with a disability for the person's preferred employment;

36 (5) Promote partnerships with private agencies that offer supported employment services, if
37 appropriate;

38 (6) Promote partnerships with employers to overcome barriers to meeting workforce needs
39 with the creative use of technology and innovation;

1 (7) Ensure that staff members of public schools, vocational service programs, and
2 community providers receive the support, guidance, and training that they need to contribute to
3 attainment of the goal of competitive integrated employment for all persons with disabilities;

4 (8) Ensure that competitive integrated employment, while the first and preferred outcome
5 when planning or providing services or supports to persons with disabilities who are of working age,
6 is not required of a person with a disability to secure or maintain public benefits for which the
7 person is otherwise eligible; and

8 (9) At least once each year, discuss basic information about competitive integrated
9 employment with the parents or guardians of a youth with a disability. If the youth with a disability
10 has been emancipated, state agencies shall discuss this information with the youth with a disability.
11 The information offered shall include an explanation of the relationship between a person's earned
12 income and his or her public benefits, information about ABLE accounts, and information about
13 accessing assistive technology.

14 5. Nothing in this section shall require a state agency to perform any action that would
15 interfere with the state agency's ability to fulfill duties and requirements mandated by federal law.

16 6. Nothing in this section shall be construed to limit or disallow any disability benefits to
17 which a person with a disability who is unable to engage in competitive integrated employment
18 would otherwise be entitled.

19 7. Nothing in this section shall be construed to eliminate any supported employment
20 services or sheltered workshop settings as options.

21 8. (1) Nothing in this section shall be construed to require any state agency or other
22 employer to give a preference in hiring to persons with disabilities or to prohibit any employment
23 relationship or program that is otherwise permitted under applicable law.

24 (2) Any person who is employed by a state agency shall meet the minimum qualifications
25 and requirements for the position in which the person is employed.

26 9. All state agencies that provide employment-related services or that provide services or
27 support to persons with disabilities shall coordinate efforts and collaborate within and among each
28 other to ensure that state programs, policies, and procedures support competitive integrated
29 employment for persons with disabilities who are of working age. All such state agencies, when
30 feasible, shall share data and information across systems in order to track progress toward full
31 implementation of this section. All such state agencies are encouraged to adopt measurable goals
32 and objectives to promote assessment of progress in implementing this section.

33 10. State agencies may promulgate all necessary rules and regulations for the administration
34 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
35 created under the authority delegated in this section shall become effective only if it complies with
36 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
37 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
38 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
39 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or

adopted after August 28, 2023, shall be invalid and void."; and

Further amend said bill, Page 52, Section 701.348, Line 5, by inserting after all of said section and line the following:

"Section 1. The department of health and senior services shall include on its website an advance health care directive form and directions for completing such form as described in section 459.015. The department shall include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

~~[192.530. 1. As used in this section, the following terms mean:~~

~~(1) "Department", the department of health and senior services;~~

~~(2) "Health care provider", the same meaning given to the term in section 376.1350;~~

~~(3) "Voluntary nonopioid directive form", a form that may be used by a patient to deny or refuse the administration or prescription of a controlled substance containing an opioid by a health care provider.~~

~~2. In consultation with the board of registration for the healing arts and the board of pharmacy, the department shall develop and publish a uniform voluntary nonopioid directive form.~~

~~3. The voluntary nonopioid directive form developed by the department shall indicate to all prescribing health care providers that the named patient shall not be offered, prescribed, supplied with, or otherwise administered a controlled substance containing an opioid.~~

~~4. The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible website.~~

~~5. (1) A patient may execute and file a voluntary nonopioid directive form with a health care provider. Each health care provider shall sign and date the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.~~

~~(2) The patient executing and filing a voluntary nonopioid directive form with a health care provider shall sign and date the form in the presence of the health care provider or a designee of the health care provider. In the case of a patient who is unable to execute and file a voluntary nonopioid directive form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with subdivision (1) of this subsection.~~

~~(3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.~~

~~6. The department shall promulgate regulations for the implementation of the voluntary nonopioid directive form that shall include, but not be limited to:~~

~~(1) A standard method for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's health care provider and shall comply with the written consent requirements of the Public Health Service Act, 42 U.S.C. Section 290dd-2(b), and 42 CFR Part 2, relating to confidentiality of alcohol and drug abuse patient records, provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form;~~

~~(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record;~~

~~(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending health care provider may override a previously filed voluntary nonopioid directive form based on documented medical judgment, which shall be recorded in the patient's medical record;~~

1 ~~(4) Procedures to ensure that any recording, sharing, or distributing of data relative to the~~
2 ~~voluntary nonopioid directive form complies with all federal and state confidentiality laws; and~~

3 ~~(5) Appropriate exemptions for health care providers and emergency medical personnel to~~
4 ~~prescribe or administer a controlled substance containing an opioid when, in their professional~~
5 ~~medical judgment, a controlled substance containing an opioid is necessary, or the provider and~~
6 ~~medical personnel are acting in good faith.~~

7
8 ~~The department shall develop and publish guidelines on its publicly accessible website that~~
9 ~~shall address, at a minimum, the content of the regulations promulgated under this subsection. Any~~
10 ~~rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority~~
11 ~~delegated in this section shall become effective only if it complies with and is subject to all of the~~
12 ~~provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are~~
13 ~~nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to~~
14 ~~review, to delay the effective date, or to disapprove and annul a rule are subsequently held~~
15 ~~unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after~~
16 ~~August 28, 2023, shall be invalid and void.~~

17 ~~7. A written prescription that is presented at an outpatient pharmacy or a prescription that is~~
18 ~~electronically transmitted to an outpatient pharmacy is presumed to be valid for the purposes of this~~
19 ~~section, and a pharmacist in an outpatient setting shall not be held in violation of this section for~~
20 ~~dispensing a controlled substance in contradiction to a voluntary nonopioid directive form, except~~
21 ~~upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.~~

22 ~~8. (1) A health care provider or an employee of a health care provider acting in good faith~~
23 ~~shall not be subject to criminal or civil liability and shall not be considered to have engaged in~~
24 ~~unprofessional conduct for failing to offer or administer a prescription or medication order for a~~
25 ~~controlled substance containing an opioid under the voluntary nonopioid directive form.~~

26 ~~(2) A person acting as a representative or an agent pursuant to a health care proxy shall not~~
27 ~~be subject to criminal or civil liability for making a decision under subdivision (3) of subsection 6 of~~
28 ~~this section in good faith.~~

29 ~~(3) Notwithstanding any other provision of law, a professional licensing board, at its~~
30 ~~discretion, may limit, condition, or suspend the license of, or assess fines against, a health care~~
31 ~~provider who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive~~
32 ~~form.]"~~; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.