

FIRST REGULAR SESSION

HOUSE BILL NO. 359

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YOUNG.

1042H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 209.040, RSMo, and to enact in lieu thereof one new section relating to blind pensions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 209.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.040, to read as follows:

209.040. 1. No person shall be entitled to a blind pension under sections 209.010 to 209.160 who is not blind as defined in this section. A person is "blind" for purposes of qualifying for a blind pension under this section if his or her vision cannot be corrected to better than five two-hundredths, in the better eye, or if his or her visual field is less than or equal to five degrees as tested with five millimeter target on perimeter in the better eye, for a period that lasted or is expected to last at least twelve months. No person shall be entitled to receive a pension except upon a scientific vision test as determined by the department of social services and supported by a certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department of social services to make such examination.

2. **(1)** In order to continue to be eligible to receive a pension under the provisions of this section, a person shall present to the department of social services every ~~five~~ **seventh** year after the initial vision test, or sooner at the request of the department if the department has reason to believe the person is not eligible for a blind pension, a new certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department to make a scientific vision test that such person continues to meet the requirements of this section. The ophthalmologist, physician, or optometrist who

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 conducted the vision test may indicate that a reexamination should be performed in less than
19 ~~five~~ **seven** years if the person's vision may reasonably be expected to improve within ~~five~~
20 **seven** years. Persons who have been deemed by an ophthalmologist, a physician skilled in
21 disease of the eye, or an optometrist to have no usable vision in the better eye shall be exempt
22 from the ~~five~~ **seven**-year reexamination requirement of this subsection, but shall not be
23 exempt from reexamination at the request of the department if the department has reasonable
24 cause to believe that the person may not be blind.

25 **(2) The provisions of subdivision (1) of this subsection shall not apply to the**
26 **eligibility of persons who have been deemed by an ophthalmologist, a physician skilled**
27 **in disease of the eye, or an optometrist to have no usable vision following the completion**
28 **of the initial vision test.**

29 3. Every person who is eligible for a blind pension under sections 209.010 to 209.160
30 shall be entitled to receive a monthly pension in an amount established by appropriations
31 made by the general assembly for that purpose but not less than three hundred forty dollars;
32 except that pensions to the blind as provided herein shall not be payable to a blind person
33 unless such person has been declared ineligible to receive aid under the federal supplemental
34 security income program, nor shall pensions to the blind as provided herein be payable to any
35 person who is receiving general relief assistance.

36 4. If the funds at the disposal of or which may be obtained by the department of social
37 services for the payment of benefits under this section shall at any time become insufficient to
38 pay the full amount of benefits to each person entitled thereto, the amount of benefits of each
39 one of such persons shall be reduced pro rata in proportion to such deficiency in the total
40 amount available or to become available for such purpose.

41 5. Medical assistance for blind recipients eligible for such assistance under the
42 provisions of sections 208.151 to 208.158 shall be payable as provided in sections 208.151 to
43 208.158 without regard to any durational residence requirement for eligibility out of funds
44 designated for such medical assistance and not from the blind pension fund.

45 6. The monthly pension provided in subsection 3 of this section shall be set by the
46 general assembly annually and may be adjusted by a supplemental appropriation bill. The
47 department of social services shall submit to the general assembly a projected estimate of the
48 monthly pension payment for each upcoming fiscal year with the department's proposed
49 budget request for each upcoming fiscal year. The estimate may consider projected revenues
50 from the tax levied under section 209.130, the projected balance in the blind pension fund,
51 projected cash flow estimates to the blind pension fund, and estimates of the number of
52 persons eligible to receive blind pension payments in each upcoming fiscal year. The
53 department may consult with the state treasurer, the department of revenue, and other sources
54 in estimating projected revenues under this subsection. The estimated change in the monthly

55 pension payment for each upcoming fiscal year shall be calculated as follows: one-twelfth of
56 the quotient obtained by dividing seventy-five percent of the annual change in the amount of
57 funds in the blind pension fund for the preceding fiscal year by the projected number of
58 persons eligible to receive the monthly pension provided in subsection 1 of this section.

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