

FIRST REGULAR SESSION

HOUSE BILL NO. 612

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LADD BAKER AND GRAHAM (Co-sponsors).

Read 1st time February 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1625L.011

AN ACT

To amend chapter 208, RSMo, by adding thereto four new sections relating to the community first act.

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

Section A. Chapter 208, RSMo, is amended by adding thereto four new sections, to be known as sections 208.810, 208.813, 208.816 and 208.819, to read as follows:

208.810. In an effort to comply with the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581, and to further Missouri's commitment to assist persons with disabilities, regardless of age, to live as independently as possible, sections 208.810 to 208.819 shall be known and may be cited as the "Community First Act".

208.813. 1. There is hereby established the "Community First Commission" to oversee the state's compliance with the decision in *Olmstead v. L.C.*, 527 U.S. 581, and implement the recommendations of the temporary home and community-based services and consumer-directed care commission of 2000. The duties of the community first commission shall include, but not be limited to:

(1) Facilitating communication and collaboration between state agencies and departments in accomplishing the objectives of the temporary home and community-based services and consumer-directed care commission of 2000 and the community first commission;

(2) Assessing the manner in which institutionalized individuals with disabilities, regardless of age, transition into community-based treatment settings, and evaluating the community-based treatment settings on their success in keeping at-risk individuals with disabilities out of institutions;

(3) Developing recommendations for legislative or administrative rule changes

15 based on the findings of the commission.

16 **2. The community first commission shall consist of the following twenty-one**
17 **members:**

18 **(1) Eleven public members appointed by the governor, including advocates for**
19 **persons with disabilities, persons with disabilities, family members of persons with**
20 **disabilities, who are representative of a variety of disability groups, including those related**
21 **to age;**

22 **(2) The director of the department of mental health;**

23 **(3) The director of the division of medical services in the department of social**
24 **services;**

25 **(4) The director of the division of vocational rehabilitation in the department of**
26 **elementary and secondary education;**

27 **(5) The director of the division of aging or senior services in the department of**
28 **health;**

29 **(6) The executive director of the governor's council on disabilities;**

30 **(7) The lieutenant governor;**

31 **(8) Two members of the house of representatives, one from both political parties,**
32 **with the majority party member appointed by the speaker of the house of representatives**
33 **and the minority party member appointed by the minority floor leader;**

34 **(9) Two members of the senate, one from both political parties, appointed by the**
35 **president pro tem of the senate.**

36 **3. The commission shall meet at least biannually. The lieutenant governor shall act**
37 **as co-chair of the commission along with a public member chosen by the commission**
38 **members.**

39 **4. Commission members shall receive no compensation for duties performed, but**
40 **shall be reimbursed for their travel and travel-related expenses incurred as a result of their**
41 **participation in the commission.**

42 **5. On or before January thirty-first of each year, the commission shall submit a**
43 **report to the governor and general assembly annually. The report shall detail the status**
44 **of the state's compliance with *Olmstead v. L.C.*, 527 U.S. 581, and shall include**
45 **recommendations for any statutory or regulatory changes that would further the effort to**
46 **assist persons with disabilities live more independently. The report shall be divided into**
47 **three sections, with separate sections devoted to the physically disabled, the mentally**
48 **disabled and older adults which specifically address the issues of each group.**

208.816. The department of social services and the division of vocational
2 **rehabilitation in the department of elementary and secondary education shall allow**

3 **Medicaid funding to follow the disabled individual as such individual seeks independence**
4 **by hiring, firing and supervising his or her own personal care staff.**

2 **208.819. Persons institutionalized in nursing homes who are Medicaid eligible and**
3 **who wish to move back into the community shall be eligible for a one-time Missouri**
4 **transition to independence grant. The Missouri transition to independence grant shall be**
5 **limited to up to fifteen hundred dollars to offset the initial down payments and setup costs**
6 **associated with housing a person with disabilities as such person moves out of a nursing**
7 **home. Such grants shall be established and administered by the division of vocational**
8 **rehabilitation in consultation with the department of social services. The division of**
9 **vocational rehabilitation and the department of social services shall cooperate in actively**
10 **seeking federal and private grant moneys to fund this program; except that, such federal**
11 **and private grant moneys shall not limit the general assembly's ability to appropriate**
moneys for the Missouri transition to independence grants.