

HCS HB 555 -- INDIVIDUALS WITH DISABILITIES

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "do pass" by the Special Standing Committee on Disability Services by a vote of 9 to 0.

This substitute changes the laws regarding individuals with disabilities.

DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY TRUST FUND

Beginning January 1, 2011, the substitute authorizes a check-off box for the newly created Developmental Disabilities Waiting List Equity Trust Fund to be added to the individual and corporate income tax forms. A taxpayer may donate to the fund by designating on the form at least \$1 on an individual return or \$2 on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes. Moneys in the fund cannot be used to offset any general state revenues.

DISABILITY HISTORY AND AWARENESS MONTH

The substitute designates October as "Disability History and Awareness Month" in all public schools and requires each school board to annually provide instruction on the topic during the month that expands students' knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. The instruction must be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers. The goals of the instruction are to include:

(1) Instilling sensitivity and encouraging educational cultures that nurture safe and inclusive environments for students with disabilities in which bullying is discouraged and respect and appreciation for students with disabilities is encouraged;

(2) An understanding that there are individuals with disabilities and they have the same rights and responsibilities as any other person;

(3) A school community that includes students with disabilities and acknowledges their unique gifts, talents, and contributions; and

(4) A society that has reaffirmed a local, state, and federal commitment to the full inclusion in society of and the equal opportunity for all individuals with disabilities.

The Department of Elementary and Secondary Education must identify and adopt preliminary curriculum guidelines for school boards that incorporate these goals. Higher education institutions are encouraged to conduct and promote activities on their campuses that provide education, understanding, and awareness of individuals with disabilities.

#### DEVELOPMENTALLY DISABLED

All references of "mentally retarded," "mental retardation," or "handicapped" in current state law are changed to "developmentally disabled," "developmental disability," or "disabled" respectively.

#### COMPREHENSIVE DAY REHABILITATION SERVICES FOR BRAIN INJURY

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 OVERSIGHT COMMITTEE

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding one licensed mental health professional, appointed by the Governor with the advice and consent of the Senate, who cares for participants.

#### SERVICE DOGS

The substitute adds an individual with mental disabilities 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 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.

#### TERMINATION OF PARENTAL RIGHTS

The substitute specifies that the disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent's custody, terminate parental rights, or determine that a child is a child in need of care; or to rule that an individual is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child. In a case involving a parent or foster parent with a disability or disease, the determination must consider the availability and use of accommodations for the disability or disease including assistive technology and support services.

#### PARKING

All new signs erected beginning August 28, 2011, relating to disabled parking must contain the words "Accessible Parking" and must not contain "Handicap Parking" or "Handicapped Parking."

#### MENTAL HEALTH EARNINGS FUND

The substitute allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

The provisions of the substitute regarding the Developmental Disabilities Waiting List Equity Trust Fund will expire December 31 six years from the effective date.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$170,144 in FY 2012, \$211,524 in FY 2013, and \$219,139 in FY 2014. Estimated Net Income on Other State Funds of More than \$100,000 in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that there is no basis to terminate the parental rights of a disabled person solely because the individual has a disability. Without a direct causal relationship with the disability to cause direct harm, a termination is an injustice. Being disabled doesn't require a person to prove himself or herself as a parent. A disability does not present an inability to be a parent or to parent appropriately. The bill provides protections for these individuals and will prevent any determinations that discriminate because of a person's disability or disease.

Testifying for the bill were Representatives Long and Grisamore; Gary Wunder, National Federation of the Blind; Debbie Wunder; Dacia Luck; Roger Crome, People First of Missouri; Paraquad, Incorporated; Susan Parker; and Missouri Family Network.

OPPONENTS: There was no opposition voiced to the committee.