

# LET FREEDOM RING!

## 17TH ANNUAL DISABILITY RIGHTS LEGISLATIVE DAY

### Talking Points

#### HB 1553 Revisions to Missouri Guardianship Law, Chapter 475, RSMO

#### Why Change the Current Law?

- Current law was enacted in 1983, things have changed
- Various alternatives to guardianship and conservatorship that aren't recognized by the law (i.e. Durable Power of Attorney, Health Care Directives, Special Needs Trusts, Estate Planning Devices, Division of Assets Provisions, Supported Decision-Making etc.)
- Overuse of Public Administrators
- Little guidance for guardians
- Little "person-centered" planning required; greater emphasis on managing property and money and little focus on the person themselves

#### What Will the New Legislation Do?

- Follows recommendations of the Missouri Working Interdisciplinary Network of Guardianship Stakeholders (MO-WINGS) and national standard-setting groups
- Emphasizes least restrictive alternatives
- Clarifies when and whom appointments are made for guardians and conservators
- Combines person-centered standards of "best interest" and "substituted judgment" for guardians to make decisions
- Adds rights for the ward/protectee (person overseen by guardian or conservator)
- Sets new person-centered standards for conservator decisions
- Establishes methods for terminating guardianship or conservatorship and restoring full or partial rights to the ward/protectee
- Facilitates processes for setting new policies and training judges, lawyers, Public Administrators, guardians, conservators, and consumers on best practices under the new provisions

For more information or if you have questions please contact Dolores Sparks at Missouri Developmental Disabilities Council 660-785-2314 [dsparks@moddcouncil.org](mailto:dsparks@moddcouncil.org)

**Talking Points**  
**HB 2171 (ABLE Accounts)**  
**HB 2130 (Missouri Employment First Act)**

**HB 2171**

- Currently individuals who receive the blind pension are not able to open an **ABLE** account to allow them to save money for expenses because money in the account is considered an asset and would make them ineligible for the blind pension.
- Rep. Wood and Rep. Unsicker's bill HB 2171 would allow individuals who receive blind pension to open an ABLE account by excluding the first \$100,000 in an individual's ABLE account. This amount is not considered as an asset for consumers with any other disability.
- If the bill becomes law it would allow individuals to have an ABLE account and continue to receive blind pension as long as the amount in the ABLE account is not more than \$100,000.

**For more information or if you have questions please contact Chip Hailey at  
417-659-8086 417-659-8702 (TTY) 800-346-8951 chailey@ilcenter.org**

**HB 2130**

- This bill establishes the **"Missouri Employment First Act"**.
- The bill requires all state agencies serving people with disabilities to promote their competitive integrated employment.
- It requires these agencies to consider competitive integrated employment a priority.
- This means providing information and education to people with disabilities and their families about competitive integrated employment.
- It also means coordinating with other agencies to support individuals in securing competitive integrated employment.
- Nothing in the bill requires state agencies to give a preference in hiring to people with disabilities, or requires a state agency to perform an action at odds with federal law.
- Nothing in the bill threatens elimination of supported employment services or sheltered workshop settings.

**For more information or if you have questions please contact Chaz Nickolaus at  
Missouri Developmental Disabilities Council 573-751-8632 cnickolaus@moddcouncil.org**

# Talking Points: Removing Barriers to Work for People with Disabilities (SB 699 and HB 1527) and Consumer Directed Services

People with disabilities can and want to work. Over 80% of non-employed, working age people with disabilities would like a paying job.<sup>1</sup>

- Many people with disabilities who can and want to work need some help with essential daily activities such as dressing, bathing, or meal preparation.
- People with personal care needs can only access these supports at very low income levels, which limits work opportunities for people with disabilities.
- These services are not covered by private health insurance.
- Of the estimated 447,803 working age Missourians with disabilities, only 149,562 are employed.

## Improving Economic Self-Sufficiency Opportunities:

- Missouri's **Ticket to Work Health Assurance Program** (Ticket to Work HAP) is the only program that allows people with disabilities to access personal care services while working. Program eligibility should be changed to encourage more people with disabilities to work and increase earnings.
- Missouri should eliminate the net income eligibility criteria for Ticket to Work HAP so that individuals will not be discouraged from advancing their careers for fear of losing personal care.
- Missouri should not count a spouse's income, up to \$75,000, when determining eligibility.
- Missouri should eliminate or modify its resource limit of \$2,000 per individual/\$4,000 per couple.
- Missouri should not count retirement accounts when determining an individual's eligibility.
- The Department should be required to develop a plan and create an annual report to improve participation rates in Ticket to Work HAP.

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## Adequately Funding Consumer Directed Services Now Saves Money, Over Time

The **Consumer Directed Services** (CDS) program helps seniors and people with disabilities maintain independence in their own homes and have control over their care through hiring and training their own personal care attendants.

### Benefits of Consumer Directed Services:

- States that invest in programs such as CDS, experience slower Medicaid expenditure growth.
- CDS allows individuals the dignity of remaining in their own homes instead of being unnecessarily institutionalized.
- CDS only costs about \$27 per day as compared to an average cost of \$119 per day for nursing facilities.
- CDS services eliminate bureaucracy for the consumer – which means the individual who needs support chooses who provides their care and trains attendants to meet individualized needs.
- Persons age 65 and older will comprise 21% of Missouri's population by 2030, up from 13% in 2000 and many will need personal care services.

Today, more than 30,000 people utilize the CDS program for personal care attendant services. There are approximately 700 CDS vendors in the state, of which about 600 operate in the St. Louis area.

<sup>1</sup> Gavin, B & McCoy-Roth, M., Gidugu, V. (2011). Review of studies regarding the Medicaid Buy-In Program.

Boston: Boston University, Sargent College, Center for Psychiatric Rehabilitation.

<http://www.bu.edu/drrk/research-syntheses/psychiatric-disabilities/medicaid-buy-in/>

**For more information or if you have questions please contact Kim Lackey at Paraquad  
314-289-4355 [klackey@paraquad.org](mailto:klackey@paraquad.org)**