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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/07

SPONSOR Rodriguez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE TERMS FOR PERSONS WITH DISABILITIES SB 289

ANALYST Weber

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI see Fiscal Impact Section		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)  
 Commission for Deaf and Hard-of-Hearing Persons  
 Department of Health (DOH)  
 Governor's Commission on Disability

### SUMMARY

#### Synopsis of Bill

Senate Bill 289 proposes changes to language in multiple laws that refer to persons with disabilities and proposes other changes to establish gender neutrality. This would replace formerly used words such as handicapped, blind and mentally retarded and other language with more currently acceptable terms that emphasizes people first rather than the disability first, such as persons with disabilities, persons with physical disabilities, persons with visual impairments, etc.

### FISCAL IMPLICATIONS

There is one change in 25-10-5 lines 19 and 20 on page 65 that has fiscal implications and hinders the legislative appropriation process. The word available is changed to appropriated regarding the use of funds at the Governor's Commission on Disability. This change makes any funds at this agency, including non-reverted general fund, immediately appropriated by-passing

the normal legislative process.

The LFC has concerns with including continuing appropriation language in the statutory provisions as earmarking reduces the ability of the legislature to establish spending priorities. While this is not a new fund, this language change has the same result of reducing the ability of the legislature to establish spending priorities.

### **SIGNIFICANT ISSUES**

This bill replaces outdated and derogatory language such as “handicapped,” “lame,” “crippled,” and “deformed,” from state statutes and replaces it with acceptable wording such as “disability” or “person with a disability.” The bill also updates the affected statutes to be gender neutral.

### **OTHER SUBSTANTIVE ISSUES**

Human Services notes the following.

On page 48, lines 14-18, SB 289 revises the current statute to group children and adults into “persons” and lists several types of disabilities. It appears that the proposed change omits the two groups, “neglected” and “delinquent” children.

On page 58 and 59, PROGRAM – DEMONSTRATIONS, SB 289 fails to include the Aging and Long Term Services Department (ALTSD). ALTSD administers the Disabled and Elderly (D&E) and *Mi Via*, home and community based waivers, and the Medicaid Personal Care Option (PCO) program.

On page 59-61, SB 289 would change existing language for Section 27-13-7. FISCAL INTERMEDIARY – EXEMPTIONS – WORKERS’ COMPENSATION. This section exempts the Medicaid Personal Care Option (PCO) program fiscal intermediaries from workers’ compensation requirements. While this section continues to be relevant for PCO services, there is a new Medicaid program, *Mi Via*, a self-directed Home and Community Based Services waiver approved by the Centers for Medicare and Medicaid Services (CMS) in September 2006. In the *Mi Via* Waiver, eligible recipients may employ many service providers to assist them, through a state contracted fiscal intermediary. SB 289 should modify Section 27-13-7 to include these individuals and provide an exemption.

Page 58, lines 21-22 should be amended to read, “...[I]n cooperation with the department of health and the aging and long term services department, is authorized to administer...”.

Various changes to page 59-61 should be considered to expand the exemption to include the *Mi Via* fiscal intermediary and individual service providers that are technically employed by the *Mi Via* recipient

MW/mt