

APR 10 2001

EXECUTIVE ORDER
01-08
SECRETARY OF STATE

WHEREAS, the Americans with Disabilities Act was enacted into law in 1990; and

WHEREAS, the Governor of the State of Missouri is committed to ensuring access to care in the provision of services to individuals with disabilities in accordance with the Americans with Disabilities Act (ADA); and

WHEREAS, the United States Supreme Court entered its first decision interpreting Title II of the ADA in June, 1999, in *Olmstead v. L.C.*, 119 S.Ct. 2176, 144 L.ED 2d 540; and

WHEREAS, an Executive Order issued on April 18, 2000, established the Home and Community-Based Services and Consumer-Directed Care Commission to make recommendations for policy changes to implement Title II of the ADA in the wake of the *Olmstead* decision; and

WHEREAS, that Commission issued its final report and recommendations on December 29, 2000; and

WHEREAS, this administration is committed to helping individuals with disabilities live more independently.

NOW THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the powers vested in me through the constitution and the laws of the State of Missouri, do hereby establish the Personal Independence Commission:

The objective of the Commission shall be to monitor Missouri's implementation of Title II of the ADA, with guidance provided by the U.S. Supreme Court in *Olmstead* and subsequent cases.

The Commission shall be composed of 19 members:

1. Four (4) of the members shall be the Directors of the Departments of Social Services, Mental Health, Health and the Commissioner of the Department of Elementary and Secondary Education or their designees;
2. Ten (10) of the members shall be selected from the public and appointed by the Governor. They shall include persons with disabilities or family members of persons with disabilities, and representatives of a variety of disability and elderly groups;
3. Four (4) of the members shall be selected from the Missouri General Assembly; two (2) shall be appointed by the President Pro Tem of the Senate and two (2) shall be appointed by the Speaker of the House of Representatives; and
4. The Lieutenant Governor.

The Governor's Council on Disability shall assist the Commission by designating the Council's Executive Director as the primary staff person to the Commission.

The Governor shall designate two co-chairs; one of the co-chairs shall be a public member.

The Commission shall serve at the pleasure of the Governor and shall receive no compensation for duties performed, but shall be reimbursed for travel and travel-related expenses incurred as a result of participation on the Commission. Such expenses shall be paid from the operating appropriations of the Departments of Social Services, Health, Mental Health and Elementary & Secondary Education.

The Commission shall engage in the following activities:

1. Examine whether existing programs and services provide individuals with disabilities who may be eligible for community-based treatment with appropriate information regarding this option;
2. Facilitate communication and collaboration between state agencies and the disability community in accomplishing the objectives of the Home and Community-Based Services and Consumer-Directed Care Commission of 2000 and the Personal Independence Commission. The Commission shall include representatives from the areas of housing and transportation in its discussion;
3. Monitor and assess continuing development of the process to transition institutionalized individuals with disabilities eligible for community-based treatment into appropriate community settings;
4. Monitor and assess implementation of the process to transition eligible institutionalized individuals with disabilities to community-based treatment settings, when warranted;
5. Recommend modifications or changes that may be needed to improve existing home and community-based services and consumer-directed care programs;
6. Recommend potential means of expanding home & community-based services or consumer-directed care programs;
7. Meet at least biannually; and
8. Submit a report to the Governor and General Assembly by October 31 of each year, containing specific recommendations for any changes necessary to further the effort to assist eligible persons remaining in or moving to community-based settings or to assist persons to live more independently. The report shall be divided into 3 sections, with separate sections devoted to people with physical, mental and age related disabilities, which specifically address the issues in each group.



ATTEST:

Matt Blunt

SECRETARY OF STATE

IN WITNESS

WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10th day of April, 2001.

Bob Holden

BOB HOLDEN
GOVERNOR