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**Rules of**  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 13—Blind Pension**

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**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 40—Family Support Division  
Chapter 13—Blind Pension**

**13 CSR 40-13.030 Adjustment of Blind  
Pension Payments**

*PURPOSE: This regulation is to establish the procedures and methods by which the Department of Social Services will reduce pension payments to blind pensioners where the funds at the disposal of or may be obtained by the department for payment of blind pension payments are insufficient to pay the full pension payment to each person entitled to a blind pension payment as authorized in section 209.040.2, RSMo.*

(1) Purpose and Scope. This regulation establishes the procedure and method by which the Department of Social Services will reduce pension payments to blind pensioners where the funds at the disposal of or may be obtained by the department for payment of blind pension payments are insufficient to pay the full pension payment to each person entitled to a blind pension payment as authorized in section 209.040.2, RSMo.

(2) Definitions. For the purposes of this section—

(A) “Budget reserve fund” means the budget reserve fund established in Art. IV, section 27(a) of the *Missouri Constitution*;

(B) “Cash operating transfers” means cash operating transfers as defined in Art. IV, section 27(a) of the *Missouri Constitution*.

(C) “Department” means the Missouri Department of Social Services;

(D) “Family Support Division” or “FSD” means the Family Support Division of the Department of Social Services;

(E) “Funds at the disposal of the department” means total actual or estimated revenues to the blind pension fund and any balance in the fund at the beginning of a fiscal year; and

(F) “The fund” means the Blind Pension Fund established under Art. III, section 38(b) of the *Missouri Constitution* and administered by the department pursuant to Chapters 207, 209, and 660, RSMo.

(3) Methodology.

(A) Within thirty (30) days of the effective date of this regulation and thereafter on an annual basis, no later than thirty (30) days after the beginning of each fiscal year, the department shall determine whether the total revenues and other revenues which the department knows or reasonably expects to

be deposited in the blind pension fund minus known or anticipated obligations from the fund will be sufficient to pay the full amount of benefits to each blind pensioner until the end of the first calendar month following the current fiscal year. If the total amount of estimated, blind pension payments, calculated pursuant to section 209.040.4, RSMo plus other obligations from the fund, exceeds the funds at the disposal of or which may be obtained by the department for that purpose, then the department will calculate the amount of pro rata reduction for each pension payment. The department shall determine whether the total tax revenues and other revenues deposited in the fund minus obligations are sufficient to pay the full amount of benefits to each blind pensioner through the end of the first calendar month following the current fiscal year utilizing the following methodology:

Amount of pension payment reduction =  
 $r = p (1 - (a/o))$

Prorated maximum monthly blind pension payment =  $pp = p - r$  where:

$p$  = the blind pension payment for the fiscal year in question calculated according to the formula set forth in section 209.040.4, RSMo;

$a$  = funds at the disposal of or which may be obtained by the department for payment of benefits for the time period under assessment minus any mandatory legal obligations of the fund other than pension payments; and

$o$  = the total amount of blind pension payments obligated during the time period under assessment.

If the department determines that there are insufficient monies in the fund to make a full pension payment to each pensioner each month through the end of the current fiscal year, the department shall reduce the amount of each pensioner’s pension payment to the prorated maximum monthly blind pension payment. The monthly, prorated, blind pension payment to each Supplemental Aid to the Blind (SAB) participant shall be calculated as follows:

Prorated maximum monthly SAB pension payment =  $pp - s$

Where:

$pp$  = Prorated maximum monthly blind pension payment calculated above; and  
 $s$  = the individual blind pensioner’s monthly SSI payment.

The amount of the pension payment reduction shall be rounded up to the nearest dollar.

Example 1: Calculation of pro rata reduction for State Fiscal Year 2014

FY 12 revenues = \$29,500,000

FY 13 revenues = \$29,980,000

FY 14 expected revenue =  
(fy2013-fy2012) + FY2013 =  
\$30,460,000

Monthly maximum grant (p) calculated under section 208.040.4, RSMo = \$711

Beginning fund balance for FY 14 = \$1,000,000

FY 14 estimated expenditures = \$32,240,000

Expected funds available as of August 1, 2013 = (\$31,460,000 - (\$32,240,000/12 months)) = \$28,773,333

Estimated expenditures for August 1, 2013 through June 30, 2014 = (\$32,240,000/12 months x 11 months) = \$29,553,333

Reduction (r) = \$711(1 - (\$28,773,333/\$29,553,333)) = \$19

Prorated maximum monthly pension payment = \$711 - \$19 = \$692

Example 2: SSI participant with an SSI grant of \$500

Same facts as Example 1

Prorated maximum monthly SAB pension payment = \$692 - \$500 = \$192

(B) If at any time the department determines that there will be insufficient funds in the blind pension fund to pay the full, prorated, blind pension payment to each pensioner that each pensioner is entitled to receive in a calendar month, the department shall prorate the monthly pension payment utilizing the methodology set forth in subsection (3)(A) until either the end of the first calendar month of the following fiscal year or the blind pension fund has a sufficient balance to pay all pensions due at the prorated amount in that month, whichever takes place first. In any month that pensions are not paid under this subsection any monies shall remain in the blind pension fund unless the treasurer sweeps the fund as authorized by Art. III, section 38(b), section 209.130, RSMo, or other applicable law.



(C) Cash operating transfers from the budget reserve fund shall not be considered funds at the disposal of the department or which may be obtained by the department for purposes of all calculations under this regulation.

(4) The department shall notify the blind pensioners when it implements a reduction of blind pension payments under this regulation. Notification shall be served on the pensioners no later than forty-five (45) days prior to the effective date of the reduction. The notification shall be mailed to each pensioner at his or her address of record with the blind pension program; or served on the pensioner by e-mail or some other secure, convenient means of electronic transmission if such means is available to the department. The notification shall specify the amount of the reduction in the payment and shall generally describe the reasons for the department's decision. The notice may be provided separately, or it can be included as part of another notice.

(5) Any reduction in the blind pension payments under this regulation is a mass adjustment to the pension payments for all blind pensioners and is not a decision in an individual case. Individual pensioners shall not have the right to administrative review of the decision.

*AUTHORITY: sections 207.020.1(5) and 209.040.2, RSMo Supp. 2014, and section 660.017, RSMo 2000.\* Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expired April 15, 2015. Original rule filed July 28, 2014, effective Jan. 30, 2015.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014; 209.040, RSMo 1939, amended 1945, 1947, 1949, 1951, 1953, 1955, 1959, 1961, 1963, 1965, 1967, 1969, 1971, 1973, 1975, 1976, 1978, 1980, 1981, 1982, 1983, 1984, 1986, 1991, 2014; and 660.017, RSMo 1993, amended 1995.*