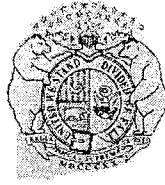


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March 6, 2007

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Mr. Bernie Simons
Division Director
Division of Mental Retardation and Developmental Disabilities
Missouri Department of Mental Health
1706 East Elm
Jefferson City, Missouri 65109

Re: Legal Opinion on whether Section 205.968, RSMo, et al., permits county tax funds to be used to provide targeted case management.

Dear Bernie:

This is a legal opinion based upon your request seeking a response to the question of whether County mill tax funds collected pursuant to Section 205.968, RSMo, et al., can legally be used to provide targeted case management. You also question the basis for inter-county agreements to provide targeted case management.

Section 205.968.1, RSMo, provides in relevant part the following:

“The board of directors shall be a legal entity empowered to establish and/or operate a sheltered workshop as defined in Sec. 178.900, RSMo, residence facilities, or *related services* for the care or employment of handicapped persons.”

Section 205.969.3, RSMo, provides in relevant part:

“Notwithstanding any provision of law to the contrary, and irrespective of whether or not a county sheltered workshop or residence facility has been established, the board may contract to provide services relating in whole or in part to the services which the board may provide to handicapped persons as defined in the law and for such purpose may expend the tax funds or other funds.”

The sections above cited make it clear that a Board may fund services provided directly or through contract to establish or operate a sheltered workshop, residence facilities, or related services for the care and employment, or both, of handicapped persons. The Board may expend

The Department of Mental Health does not deny employment or services because of race, sex, creed, marital status, religion, national origin, disability or age of applicants or employees.

tax funds to purchase services as long as they are the type of services listed in the statute whether or not the county establishes or contracts to provide a sheltered workshop and/or residence facility.

The issue presented is whether "case management" falls within the terms "related services" under the statute. The statutory terms "related services" was interpreted in Vocational Services, Inc. v. Developmental Disabilities Resource Board, 5 S.W.3d 625. (Mo. App. W.D. 1999). In Vocational Services Inc., supra, the Missouri Court of Appeals, Western District, held that the phrase "related services" in the context of the statute cited herein means "acts or commodities which are connected or associated with vocational training, vocational teaching, vocational activities, vocational workshops, and/or residential facilities"

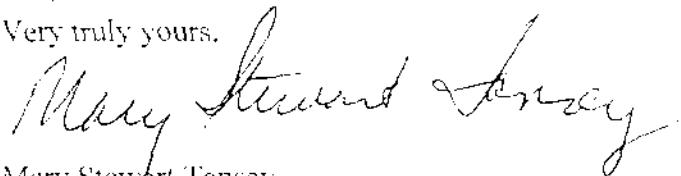
Case management is a process designed to coordinate the preparation of an individualized plan for the person with developmental disability in order to provide needed services and requires the person to be monitored to ensure the consumer's needs are met as required in the plan and permits modifications to occur as needed throughout the placement or service delivery for the safety of the client.

Section 630.610.3, RSMo, requires all clients to have an individualized treatment, habilitation or rehabilitation plan. Section 630.645, RSMo, provides that the department shall provide or shall arrange for reviews and visits with clients at least quarterly to the residential facility or day program in which the client has been placed to determine whether the client is receiving care, treatment, habilitation or rehabilitation, including medical care, consistent with his needs and condition. Further, after a client has been placed through the placement program, the department shall, for a period of four months following the initial placement, evaluate and review the progress of the client in the placement at least once a month.

It is clear that case management is a "related service" so as to fall within the realm of the statute. Case management ensures that the services provided are pursuant to the needs identified in the individualized plan and ensures monitoring of the progress of the client who is receiving residential, vocational or other identified services needed by the client. Although what is or is not a "related service" is a factual determination to be determined on a case-by-case basis, it appears that case management would be an act or service which is connected with vocational, residential placement or other service delivery in that it provides the coordination and monitoring of the service delivery to ensure the safety and appropriateness of the services provided.

If you need any clarification do not hesitate to contact me.

Very truly yours,



Mary Stewart Tansey
General Counsel