



Governor's Commission on Disabilities Business Meeting

Monday February 15, 2010 5 – 7 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049

(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711

(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

Attendees:	R. Timothy Flynn (Chair.); Cristina Amedeo; Jeanne Behie; Sharon Brinkworth; Frederick Burke; William Inlow; Ronald McMinn; Arthur Plitt; Theresa Thoelke; & Linda Ward
Absent:	Dr. Kate McCarthy-Barnett (Vice Chair.); Rosemary Carmody; Dr. Judith Drew; Katherine Lowe; Lisa McKay; James Pitassi; Patricia Ryherd; Msgr. Gerard Sabourin; & Nancy Thomas

----- Minutes -----

Call to Order and Acceptance of the Minutes	R. Timothy Flynn, Chairperson	5 min.
--	--------------------------------------	---------------

Introductions: Chair called the meeting to order at 5:28 PM.

MOTION: To accept the minutes of the previous meeting as *presented AP/JB passed unanimously*

Action Items:	Discussion Leader:	Time:
1. Commission's 2010 Supplemental Budget & 2011 Budget Requests	Bob Cooper, Executive Secretary	10 min.

FY 2010 Supplemental	Enacted	Agency Request	Governor's Recommend
Enacted	\$366,450	\$366,450	\$366,450
Reappropriations	\$0	\$0	\$0
Redistributions	\$0	\$0	\$0
Agency Requests	\$0	(\$10,842)	(\$10,842)
Analysts Items	\$0	\$0	\$0
Statewide Items	\$0	\$0	(\$11,381)
Legislative Items	\$0	\$0	\$0
Difference Working to Agency Total (Display Only)	\$23,255	\$12,413	\$1,032
AGENCY TOTAL	\$366,450	\$355,608	\$344,227
Change from Enacted Budget		(\$10,842)	(\$22,223)
Description			
FY 2010 Enacted Appropriations	\$366,450	\$366,450	\$366,450
FY 2010 Working Budget	\$343,195	\$343,195	\$343,195
Closing Balance from FY 2009	(\$1,046)	(\$1,046)	(\$1,046)
Agency Request Items			
Personnel		\$4,291	\$4,291
Contracted Professional Services		(\$18,869)	(\$18,869)
Operating		(\$2,064)	(\$2,064)
Grants and Benefits		\$5,800	\$5,800
Statewide Items			
Pay Reduction Days		(\$9,236)	(\$9,236)

From: Open Meetings Admin <openMeetings@sos.ri.gov>
To: openMeetings@sos.ri.gov; bcooper@gcd.ri.gov
Date: 2/15/2010 6:56 PM
Subject: SOS Open Meetings : Meeting Minutes

February 15, 2010

This is your electronic confirmation for the electronic filing of meeting minutes for the Disabilities, Governor's Commission on. The meeting minutes filed are in for the meeting held on: February 15, 2010 17:00:00.

This notice was electronically filed on the Secretary of State Open Meetings Website on: February 15, 2010 06:56:00 pm.

Please retain this message as your official proof of electronic filing.

Sincerely,

The Open Meetings Team at
Office of Secretary of State A. Ralph Mollis
State House Room 38
Providence, RI 02903
(401) 222-2357
(401) 222-1404
TTY: 711
openmeetings@sos.ri.gov
sos.ri.gov

FY 2010 Supplemental	Enacted	Agency Request	Governor's Recommend
Health Benefit Rates			(\$2,145)
FY 2011 Budget	Target Budget	Agency Request	
Enacted	\$366,450	\$366,450	
Target Adjustments	\$13,347	\$13,347	
Agency Requests			
Analysts Items			(\$4)
Statewide Items			
Legislative Items			
AGENCY TOTAL	\$379,797	\$379,793	
Variance From Target			(\$4)
Description			
FY 2010 Enacted Appropriations	\$366,450	\$366,450	
Target Adjustments- Statewide			
Salary Adjustment: 3.0%, Wages and Benefits	\$8,673	\$8,673	
Medical Benefit Inflation	\$253	\$253	
Salary Adjust. on Overtime, Holiday, Briefing Time, Grad. Asst.			
Retirement Rate Change	\$1,867	\$1,867	
Election Day Holiday			
Statewide Benefit Assessment, Rate Change	\$150	\$150	
Retiree Health Insurance/OPEB	\$2,404	\$2,404	
Agency Request Items			
Personnel			\$13,435
Contracted Professional Services			(\$19,362)
Operating			(\$1,748)
Grants and Benefits			\$7,671
Statewide Items			
Pay Reduction Days			(\$9,769)
Health Benefit Rates			
<p>Discussion: Christine Rancourt-Bruzzi's DBE related activities are taking up to about 24% of her hours, much more than the 14% in FY 2010 Operational Plan/Supplemental Budget. The Executive Secretary recommends transfer up to \$5,800 from mini-grants for DBE's to cover her salary/benefits for FY 2010.</p>			
<p>MOTION: To revise the Commission's FY 2010 Operational Plan/Supplemental Budget by increasing from 14% to 24% the staff time of the Assistant ADA Coordinator (Employment) devoted to the Disability Business Enterprise program. BI/AP passed unanimously</p>			
<p>MOTION: To support the Governor's Budget Recommendations for FY 2010 Supplemental Budget Requests LW/AP passed unanimously</p>			
<p>MOTION: To support the Governor's Budget Recommendations for FY 2011 Budget Requests AP/LW passed unanimously</p>			
2. Accessibility Renovations' Capital Budget	Kate-McCarthy Barnett, Chair Accessibility Committee		10 min.
<p>Discussion: The Commission's Funding Request for Accessibility Renovations to State Owned Facilities was for \$475,000. \$470,250 for an elevator at the Groden Center, a school for children with special needs. This is a joint</p>			

project of the Commission and the Department for Children, Youth, and Families and \$4,750 1% for the Arts, to purchase works of art from artists with disabilities

The Governor's Capital Budget Recommendations for the Commission:
 Handicapped Accessibility – Facility Renovations – The Commission oversees the expenditure of capital funds for handicapped accessibility projects that have been determined to be necessary by the Rhode Island Coordinating Committee on the ADA. This committee was established, under the direction of the Commission on Disabilities, to evaluate current services, policies, and practices of state agencies with regard to the requirements of the Americans with Disabilities Act and other pertinent federal regulations. The Coordinating Committee developed the *Self Evaluation and Compliance Plan*, which identifies those areas where the state needs to make improvements and describes a plan of action, including descriptions of specific projects needed to bring about compliance. These projects primarily consist of repair and rehabilitation of existing state-owned structures to bring them into compliance with federal accessibility regulations. In addition, funding will be available for use by the commission for rehabilitation of educational facilities and for accessibility improvements to outdoor recreation areas.

The Governor recommends total project funding of \$4.1 million. Between FY 2010 and FY 2015, \$1.4 million from the RI Capital Plan Fund and \$34,968 in bond funds are recommended. Prior to FY 2010, a total of \$2.6 million has been expended consisting of \$648,849 in RICAP funds and \$1.9 million in bond funds.

	Pre-FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	2015 Post-FY	2015 Totals
Governor's Commission on Disabilities	2,613,881	225,119	250,000	250,000	250,000	250,000	0	4,089,000

The Governor's Capital Budget Recommendations for the DCYF Budget:
 Groden Center Mt. Hope – The Governor recommends a total of \$218,519 for roof repairs and masonry work at the state-owned property operated by the Groden Center on Mt. Hope Avenue. Of this amount, \$138,849 of general obligation issued bond proceeds and \$63,215 from the Rhode Island Capital Plan Fund was spent prior to FY 2010 and \$16,445 from the Rhode Island Capital Plan Fund will be spent in FY 2010.
 The Governor recommends \$275,000 in FY 2011 from the Rhode Island Capital Plan Fund for the construction of two new stair towers at the Groden Center – Mt. Hope Facility. This project is comprised of the demolition of the existing ladders and construction of the new stair towers out of brick to match the existing building.
 In FY 2012, the Governor recommends \$275,000 from the Rhode Island Capital Plan Fund for the repair of deteriorating bricks and windows at the Groden Center- Mt. Hope Facility. These repairs will assist in preserving the building and provide a safe and healthy environment for the agency's clients.

	Pre-FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	Post-FY 2015	2015 Totals
Children, Youth & Families	1,527,668	738,819	4,390,000	5,805,000	1,000,000	0	0	13,461,487

The Accessibility Committee is meeting just prior to the Commission's meeting and will present its recommendation when the Commission meets.

MOTION: To support if amended the Governor's FY 2011 Capital Budget Recommendation to cover the full cost of Groden Center elevator. LW/AP passed unanimously

3. The Impact of Budget Articles on People with Disabilities & Their Families	Linda Ward, Chair Legislation Committee	90 min.
--	---	----------------

FY 11 Budget Bill Art. 19 Relating to Children's Health Account This article would specify the exact set of Medicaid services that fall under the auspices of the Children's Health Account to include: (1)

home health services, which include pediatric private duty nursing and certified nursing assistant services; (2) comprehensive, evaluation, diagnosis, assessment, referral and evaluation (CEDARR) services, which include CEDARR family center services, home based therapeutic services, personal assistance services and supports (PASS) and kids connect services and children's intensive services (CIS) (3) child and adolescent treatment services (CAITS). The article would also raise the amount utilized to determine the total annual assessment on insurers from \$5,000 to \$6,000 per child per service per year. This article would take effect as of July 1, 2010.

ARTICLE 19

RELATING TO CHILDREN'S HEALTH ACCOUNT

SECTION 1. Section 42-12-29 of the General Laws in Chapter 42-12 entitled "Department of Human Services" is hereby amended to read as follows:

§ 42-12-29 Children's health account. – (a) There is created within the general fund a restricted receipt account to be known as the "children's health account". All money in the account shall be utilized by the department of human services to effectuate coverage for the following: (1) home health services, which include pediatric private duty nursing and certified nursing assistant services; (2) comprehensive, evaluation, diagnosis, assessment, referral and evaluation (CEDARR) services, which include CEDARR family center services, home based therapeutic services, personal assistance services and supports (PASS) and kids connect services and children's intensive services (CIS) (3) child and adolescent treatment services (CAITS). All money received pursuant to this section shall be deposited in the children's health account. The general treasurer is authorized and directed to draw his or her orders on the account upon receipt of properly authenticated vouchers from the department of human services.

(b) Beginning in the fiscal year 2007, each insurer licensed or regulated pursuant to the provisions of chapters 18, 19, 20, and 41 of title 27 shall be assessed for the purposes set forth in this section. The department of human services shall make available to each insurer, upon its request, information regarding the department of human services child health program and the costs related to the program. Further, the department of human services shall submit to the general assembly an annual report on the program and cost related to the program, on or before February 1 of each year. Annual assessments shall be based on direct premiums written in the year prior to the assessment and shall not include any Medicare Supplement Policy (as defined in § 27-18-2.1(g)), Medicare managed care, Medicare, Federal Employees Health Plan, Medicaid/Rite Care or dental premiums. As to accident and sickness insurance, the direct premium written shall include, but is not limited to, group, blanket, and individual policies. Those insurers assessed greater than five hundred thousand dollars (\$500,000) for the year shall be assessed four (4) quarterly payments of twenty-five percent (25%) of their total assessment. Beginning July 1, 2006, the annual rate of assessment shall be determined by the director of human services in concurrence with the primary payors, those being insurers likely to be assessed at greater than five hundred thousand dollars (\$500,000). The director of the department of human services shall deposit that amount in the "children's health account". The assessment shall be used solely for the purposes of the "children's health account" and no other.

(c) Any funds collected in excess of funds needed to carry out the programs shall be deducted from the subsequent year's assessment.

(d) The total annual assessment on all insurers shall be equivalent to the amount paid by the department of human services for such services, as listed in subsection (a), but not to exceed ~~five thousand dollars (\$5,000)~~ six thousand dollars (\$6,000) per child per service per year.

(e) The children's health account shall be exempt from the indirect cost recovery provisions of § 35-4-27 of the general laws.

SECTION 2. This article shall take effect as of July 1, 2010.

The Legislation Committee recommends the Commission support **FY 11 Budget Bill Art. 19 Relating to Children's Health Account.**

MOTION: To support FY 11 Budget Bill Art. 19 Relating to Children's Health

Account RMcM/JB unanimously

10 H FY 11 Budget Art. 25 Relating to Division of Motor Vehicles Fees This article would increase some fees at the Division of Motor Vehicles (DMV) and bring the law in line with business practices at the DMV. With the new computer system, RIMS, coming on line in March, 2010, the DMV has reviewed its practices with the existing law, and in the case where discrepancies occurred, has proposed to change the law. In other sections of the article, fees have been imposed, such road test fees, or raised, such as licenses for manufacturers' representatives and dealers.

Fees for non-driver photo identification cards would be increased from \$15 to \$25 for the initial card and at renewal every 5 years. Any person who has been designated as permanently and totally disabled by the social security administration or who upon certification by an optometrist, ophthalmologist or physician that a holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode Island identification card for the unexpired term of such person's motor vehicle operator's license at no additional cost, nor at any subsequent renewal. The fee for license plates designated as "Veteran", "Purple Heart", and "Ex-POW" would be reduced from \$20 to \$10 for the order of each set of plates. This article would take effect as of July 1, 2010.

ARTICLE 25

RELATING TO DIVISION OF MOTOR VEHICLES FEES

SECTION 1. Section 3-8-6 of the General Laws in Chapter 3-8 entitled "Regulation of Sales" is hereby amended to read as follows:

§ 3-8-6 Unlawful drinking and misrepresentation by underage persons – Identification cards for persons twenty-one and older. – (a) It is unlawful for:

- (1) A person who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her alcoholic beverages; or
- (2) A person who has not reached his or her twenty-first (21st) birthday to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase, or have another purchase for him or her any alcoholic beverage; or
- (3) A person to misrepresent or misstate his or her age, or the age of any other persons, or to misrepresent his or her age through the presentation of any of the following documents:
 - (i) An armed service identification card, valid passport, the identification card license, or any other documentation used for identification purposes that may belong to any other person who is twenty3 one (21) years or older;
 - (ii) A motor vehicle operator's license which bears the date of birth of the licensee, and which is issued by this state or any other state;
 - (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic beverage to a minor.
- (b) The administrator of the division of motor vehicles shall issue to any person who has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon payment of a fee of ~~fifteen dollars (\$15)~~ twenty five dollars (\$25), and, upon presentation of a certified birth or baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid immigrant or refugee document issued by the United States immigration and naturalization service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-688A, and Form I-688, together with a document bearing the applicant's signature.
- (2) A person who has reached his or her fifty ninth (59th) birthday is not required to pay the fee.
- (3) Each registration card shall be subject to renewal every five (5) years upon payment of a fee of ~~fifteen dollars (\$15)~~ twenty five dollars (\$25).
- (4) No person who holds an operator's license issued by this state or any other state shall be issued a Rhode Island identification card.

34 (5) The identification card shall be signed by the administrator of the division of motor vehicles
35 and by the applicant and his or her picture shall appear on the card along with the required information
36 and the card shall be encased in laminated plastic. The card shall be two inches (2") in height and four
37 inches (4") in length and shall be printed in the following form:

38 RHODE ISLAND IDENTIFICATION CARD

39 Date Issued No.
40 First Name Middle Name Last Name
41)
42 Address
43)

44 BIRTH RECORD

45 Month Day Year
46 Secure Color Color Sex Ht. Wt.
47 Photo of hair of eyes
48 by Pasting
49 here
50 Issued by
51 Administrator of the Division of Motor Vehicles
52 Administrator

53 (6) The identification cards shall be produced at the adult correctional institutions if they have
54 facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards shall be
55 manufactured by the lowest responsible bidder following advertisement for the solicitation of bids.

56 (7) The identification cards shall be clearly distinguishable from those issued pursuant to § 3-8-
57 6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

58 (8) Any person who has been designated as permanently and totally disabled by the social
59 security administration or who upon certification by an optometrist, ophthalmologist or physician that a
60 holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle,
61 the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode
62 Island identification card for the unexpired term of such person's motor vehicle operator's license at no
63 additional cost. ~~Thereafter, a renewal of such card shall be subject to the standard renewal charge of~~
64 ~~fifteen dollars (\$15) until such person shall reach his or her fifty-ninth (59th) birthday. There shall be no~~
65 charge for the subsequent renewal of a Rhode Island identification card issued under this subsection.

66 (c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or photographic
67 reproduction equipment which provides the same information as required by the book. That licensee
68 and/or the licensee's employee shall require any person who has shown a document as set forth in this
69 section substantiating his or her age to sign that book or to permit the taking of his or her photograph and
70 indicate what document was presented. Use of the photographic reproduction equipment is voluntary for
71 every Class A, B, C and D licensee.

72 (2) The sign-in as minor book and photographic reproduction equipment shall be prescribed,
73 published, and approved at the direction and control of the division. The book shall contain at least four
74 hundred (400) pages, shall be uniform throughout the state, and shall be distributed at a cost not to exceed
75 seven dollars (\$7).

76 (3) If a person whose age is in question signs the sign-in as minor book or has a photograph taken
77 before he or she is sold any alcoholic beverage and it is later determined that the person had not reached
78 his or her twenty-first (21st) birthday at the time of sale, it is considered prima facie evidence that the
79 licensee and/or the licensee's agent or servant acted in good faith in selling any alcoholic beverage to the
80 person producing the document as set forth in this section misrepresenting his or her age.

81 (4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution of the
82 licensee and/or the licensee's agent or servant for an alleged violation of this section.

83 (d)(1) Any person who violates this section shall be punished for the first offense by a mandatory

84 fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and shall be
85 further punished by thirty (30) hours of community service and shall be further punished by a suspension
86 of his or her motor vehicle operator's license or driving privileges for a period of thirty (30) days; for the
87 second offense by a mandatory fine of not less than five hundred dollars (\$500) nor more than seven
88 hundred fifty dollars (\$750) and shall be further punished by forty (40) hours of community service and
89 will be further punished by a suspension of his or her motor vehicle operator's license or driving
90 privileges for a period of three (3) months; and for the third and subsequent offenses by a mandatory fine
91 for each offense of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars
92 (\$1,000) and shall be further punished by fifty (50) hours of community service and will be further
93 punished by a suspension of his or her motor vehicle operator's license or driving privileges for a period
94 of one year.

95 (2) Any suspension of an operator's license or driving privilege pursuant to this section shall not
96 operate to affect the insurance rating of the offender and any operator's license or driving privilege
97 suspended pursuant to this section shall be reinstated without further expense upon application.

98 (e) Within thirty (30) days after this incident the police chief of the city or town where the
99 incident took place is directed to inform, in writing, the department of business regulation whether or not
100 charges in accordance with this section have been preferred against a person who has not reached his or
101 her twenty-first (21st) birthday and has violated this section. If no charge is brought against any person
102 who has not reached his or her twenty-first (21st) birthday and has violated the provisions of this section,
103 then the police chief of the city or town where the incident took place will state the reason for his or her
104 failure to charge the person who has not reached his or her twenty-first (21st) birthday.

105 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at the
106 discretion of the administrator of the division of motor vehicles. The administrator of the division of
107 motor vehicles shall keep a record of the cards issued and each card shall contain an identification number
108 specifically assigned to the person to whom the card was issued.

109 SECTION 2. Sections 31-3-53 and 31-3-62 of the General Laws in Chapter 31-3 entitled
110 "Registration of Vehicles" are hereby amended to read as follows:

111 **§ 31-3-53 Veterans' plates.** – (a) The registrar of motor vehicles shall issue for any motor
112 vehicle eligible for registration as an automobile, or for any motorcycle eligible for registration as a
113 motorcycle, or for a commercial vehicle having a gross weight of ten thousand one pounds (10,001 lbs.)
114 or less, plates designated as "Veteran", "Purple Heart", and "Ex-POW" upon application on proper forms
115 furnished by the administrator of the division of motor vehicles to veterans. Gold Star parents shall also
116 be eligible for plates designated as "Veteran".

117 (b) The special plate designated "Veteran" shall be designed as follows;

118 (1) Letters and numbers shall be blue in a white background with the words "Rhode Island"
119 clearly visible at the top center of the plate and the word "Veteran" visible at the bottom center of the
120 plate.

121 (2) The background will be a red, white and blue waving American Flag.

122 (3) On the top right corner will be a decal with the military branch of the service in which the
123 Veteran served (Army, Navy, Air Force, Marines, Coast Guard, Merchant Marines, and Gold Star
124 Parent).

125 (4) For war veterans a white decal with blue letters with the words "War Veteran" placed under
126 the military branch decal on the right side of the plate above the validation sticker.

127 (c) The applicant shall be required to pay a service charge of ~~twenty dollars (\$20)~~ ten dollars
128 (\$10) ~~and a transfer charge of five dollars (\$5)~~ for the order of each set of plates.

129 (d) The applicant shall be entitled to a plate for each vehicle owned by the applicant upon
130 payment of an additional service charge and/or transfer charge for each vehicle.

131 (e) The owner of a motor vehicle eligible for registration as a commercial vehicle and having
132 gross weight of ten thousand one pounds (10,001 lbs.) or less that is issued veteran plates shall continue
133 to pay the appropriate commercial registration fee for those plates. The owner of a motor vehicle eligible

134 for registration as a commercial vehicle having a gross weight of six thousand three hundred pounds
135 (6,300 lbs.) but not more than ten thousand one pounds (10,001 lbs.) shall sign an affidavit at the time of
136 application for said plates stating that the vehicle is to be used for personal use only.

137 (f)(1) For the purposes of this section, a "veteran" shall be defined as any person who has served
138 on active duty in the armed forces of the United States. The term "veteran" shall also include members of
139 the National Guard and Reserves: (i) called to active duty authorized by the President of the United States
140 or the Secretary of Defense; or (ii) who have twenty (20) years of service with a letter and record of
141 separation of service.

142 (2) For the purposes of this section "War Veteran" shall be defined as any veteran of any conflict
143 or undeclared war who has earned a campaign ribbon or expeditionary medal for service in either
144 declared or undeclared war as noted on the war veteran's DD-214. Upon the death of the holder of any
145 veteran plates, the plates shall be transferred to the surviving spouse for the spouse's lifetime until he or
146 she remarries.

147 (g) The "veteran" or "war veteran" described in subdivisions (f)(1)(i) or (ii) and (2) must have
148 been honorably discharged from the armed forces of this nation in order to receive plates pursuant to this
149 section and, for purposes of this section, a medical discharge or a general discharge shall be deemed an
150 honorable discharge.

151 (h) For the purpose of this section, "Gold Star Parent" means a person who has lost a son or a
152 daughter as a result of service with the armed forces of the United States of America; provided, the death
153 was determined to be in the line of duty.

154 (i) Veterans who have served in multiple conflicts are entitled to be issued, veterans' plates equal
155 to the number of conflicts he or she served in; provided, the plates are limited to the number of vehicles
156 owned by the veteran.

157 (j) A person shall be eligible for a veterans' plate if his or her deceased spouse was eligible for a
158 veterans' plate, notwithstanding the fact that the eligible deceased spouse died prior to the enactment of
159 this section in 1988.

160 **§ 31-3-62 National guard plates.** – (a) The administrator of the division of motor vehicles is
161 empowered and authorized to make available to all active and retired members of the Rhode Island army
162 and air national guard a special motor vehicle registration plate for any motor vehicle eligible for
163 registration as an automobile or a commercial vehicle having a gross weight of eight thousand-five
164 hundred pounds (8,500 lbs.) or less.

165 (b) The special motor vehicle registration plate shall carry on it the designation "National Guard"
166 and shall also carry on it an emblem on the left-hand side of the plate to be designed and provided by the
167 office of the adjutant general, with the numerals to the right of it.

168 (c) The administrator of the division of motor vehicles shall issue the plates upon the payment of
169 a service charge of twenty dollars (\$20) ~~and a transfer charge of five dollars (\$5)~~ for the order of each set
170 of plates. All revenues shall be deposited as general revenues.

171 (d) For the purposes of this section an active or retired member of the Rhode Island army and air
172 national guard shall be defined as any person certified by the adjutant general as currently serving or
173 having retired under honorable conditions in either the Rhode Island army or air national guard.

174 (e) In a state of emergency, any active member of the army or air national guard driving a vehicle
175 bearing the special motor vehicle registration plate shall be authorized and empowered to travel upon the
176 highways of the state notwithstanding any driving ban imposed by any state or municipal authority.

177 SECTION 3. Section 31-3.1-38 of the General Laws in Chapter 31-3.1 entitled "Certification of
178 Title and Security Interests" is hereby amended to read as follows:

179 **§ 31-3.1-38 Effective dates – Applicability.** – This chapter shall apply to all model vehicles
180 designated as ~~1973~~ 2001 models and all subsequent model year vehicles. All vehicles designated as model
181 years prior to ~~1973~~ 2001 shall be excluded from these provisions, provided that no title certificate shall be
182 required once a vehicle is ~~ten (10)~~ twenty (20) years old.

183 SECTION 4. Section 31-5-8 of the General Laws in Chapter 31-5 entitled "Dealers",

184 Manufacturers' and Rental Licenses" is hereby amended to read as follows:

185 **§ 31-5-8 License fee.** – The license fee for each year shall be as follows: the fee for the license to
186 each motor vehicle dealer shall be ~~one hundred dollars (\$100)~~ three hundred dollars (\$300) plus a fee in
187 like amount for each office or branch.

188 SECTION 5. Section 31-5-22 of the General Laws in Chapter 31-5 entitled "Dealers",
189 Manufacturers', and Rental Licenses" is hereby amended to read as follows:

190 **§ 31-5-22 Application for license – Fee – Expiration.** – (a) Any person desiring to be licensed
191 as a manufacturer, factory representative, or distributor shall apply to the department of revenue upon a
192 form containing any information that the department shall require. The department may require with the
193 application or, otherwise, information relating to the applicant's solvency, his or her financial standing, or
194 other pertinent matter commensurate with the safeguarding of the public interest, all of which may be
195 considered by the department in determining the fitness of the applicant to engage in the business for
196 which the applicant desires the license.

197 (b) Each application of a factory representative shall be accompanied by a fee of ~~forty dollars~~
198 ~~(\$40)~~ one hundred dollars (\$100). Each application of a manufacturer or distributor shall be accompanied
199 by a fee of ~~two hundred dollars (\$200)~~ three hundred dollars (\$300).

200 (c) All licenses shall be granted or refused within thirty (30) days after the application is filed and
201 shall expire, unless revoked or suspended before that time, on December 31st of the calendar year for
202 which they are granted.

203 SECTION 6. Section 31-6-1 of the General Laws in Chapter 31-6 entitled "Registration Fees" is
204 hereby amended to read as follows:

205 **§ 31-6-1 Amount of registration and miscellaneous fees.** – (a) The following registration fees
206 shall be paid to the division of motor vehicles for the registration of motor vehicles, trailers, semi-trailers,
207 and school buses subject to registration for each year of registration:

208 (1) For the registration of every automobile, when equipped with pneumatic tires, the gross
209 weight of which is not more than four thousand pounds (4,000 lbs.): thirty dollars (\$30).

210 (2) For the registration of every motor truck or tractor when equipped with pneumatic tires, the
211 gross weight of which is not more than four thousand pounds (4,000 lbs.): thirty-four dollars (\$34).

212 (3) For the registration of every automobile, motor truck or tractor, when equipped with
213 pneumatic tires, the gross weight of which is:

214 (i) More than four thousand pounds (4,000 lbs.), but not more than five thousand pounds (5,000
215 lbs.): forty dollars (\$40);

216 (ii) More than five thousand pounds (5,000 lbs.), but not more than six thousand pounds (6,000
217 lbs.): forty-eight dollars (\$48);

218 (iii) More than six thousand pounds (6,000 lbs.), but not more than seven thousand pounds (7,000
219 lbs.): fifty-six dollars (\$56);

220 (iv) More than seven thousand pounds (7,000 lbs.), but not more than eight thousand pounds
221 (8,000 lbs.): sixty-four dollars (\$64);

222 (v) More than eight thousand pounds (8,000 lbs.), but not more than nine thousand pounds (9,000
223 lbs.): seventy dollars (\$70);

224 (vi) More than nine thousand pounds (9,000 lbs.), but not more than ten thousand pounds (10,000
225 lbs.): seventy-eight dollars (\$78);

226 (vii) More than ten thousand pounds (10,000 lbs.), but not more than twelve thousand pounds
227 (12,000 lbs.): one hundred six dollars (\$106);

228 (viii) More than twelve thousand pounds (12,000 lbs.), but not more than fourteen thousand
229 pounds (14,000 lbs.): one hundred twenty-four dollars (\$124);

230 (ix) More than fourteen thousand pounds (14,000 lbs.), but not more than sixteen thousand
231 pounds (16,000 lbs.): one hundred forty dollars (\$140);

232 (x) More than sixteen thousand pounds (16,000 lbs.), but not more than eighteen thousand pounds
233 (18,000 lbs.): one hundred fifty-eight dollars (\$158);

234 (xi) More than eighteen thousand pounds (18,000 lbs.), but not more than twenty thousand
235 pounds (20,000 lbs.): one hundred seventy-six dollars (\$176);
236 (xii) More than twenty thousand pounds (20,000 lbs.), but not more than twenty-two thousand
237 pounds (22,000 lbs.): one hundred ninety-four dollars (\$194);
238 (xiii) More than twenty-two thousand pounds (22,000 lbs.), but not more than twenty-four
239 thousand pounds (24,000 lbs.): two hundred ten dollars (\$210);
240 (xiv) More than twenty-four thousand pounds (24,000 lbs.), but not more than twenty-six
241 thousand pounds (26,000 lbs.): two hundred thirty dollars (\$230);
242 (xv) More than twenty-six thousand pounds (26,000 lbs.), but not more than twenty-eight
243 thousand pounds (28,000 lbs.): two hundred ninety-six dollars (\$296);
244 (xvi) More than twenty-eight thousand pounds (28,000 lbs.), but not more than thirty thousand
245 pounds (30,000 lbs.): three hundred sixteen dollars (\$316);
246 (xvii) More than thirty thousand pounds (30,000 lbs.), but not more than thirty-two thousand
247 pounds (32,000 lbs.): four hundred and twenty-two dollars (\$422);
248 (xviii) More than thirty-two thousand pounds (32,000 lbs.), but not more than thirty-four
249 thousand pounds (34,000 lbs.): four hundred and forty-eight dollars (\$448);
250 (xix) More than thirty-four thousand pounds (34,000 lbs.), but not more than thirty-six thousand
251 pounds (36,000 lbs.): four hundred and seventy-six dollars (\$476);
252 (xx) More than thirty-six thousand pounds (36,000 lbs.), but not more than thirty-eight thousand
253 pounds (38,000 lbs.): five hundred and two dollars (\$502);
254 (xxi) More than thirty-eight thousand pounds (38,000 lbs.), but not more than forty thousand
255 pounds (40,000 lbs.): five hundred and twenty-eight dollars (\$528);
256 (xxii) More than forty thousand pounds (40,000 lbs.), but not more than forty-two thousand
257 pounds (42,000 lbs.): five hundred and fifty-four dollars (\$554);
258 (xxiii) More than forty-two thousand pounds (42,000 lbs.), but not more than forty-six thousand
259 pounds (46,000 lbs.): six hundred and eight dollars (\$608);
260 (xxiv) More than forty-six thousand pounds (46,000 lbs.), but not more than fifty thousand
261 pounds (50,000 lbs.): six hundred and sixty dollars (\$660);
262 (xxv) More than fifty thousand pounds (50,000 lbs.), but not more than fifty-four thousand
263 pounds (54,000 lbs.): seven hundred and twelve dollars (\$712);
264 (xxvi) More than fifty-four thousand pounds (54,000 lbs.), but not more than fifty-eight thousand
265 pounds (58,000 lbs.): seven hundred and sixty-eight dollars (\$768);
266 (xxvii) More than fifty-eight thousand pounds (58,000 lbs.), but not more than sixty-two thousand
267 pounds (62,000 lbs.): eight hundred and sixteen dollars (\$816);
268 (xxviii) More than sixty-two thousand pounds (62,000 lbs.), but not more than sixty-six thousand
269 pounds (66,000 lbs.): eight hundred and seventy-six dollars (\$876);
270 (xxix) More than sixty-six thousand pounds (66,000 lbs.), but not more than seventy thousand
271 pounds (70,000 lbs.): nine hundred and twenty-four dollars (\$924);
272 (xxx) More than seventy thousand pounds (70,000 lbs.), but not more than seventy-four thousand
273 pounds (74,000 lbs.): nine hundred and seventy-two dollars (\$972);
274 (xxxi) Over seventy-four thousand pounds (74,000 lbs.): nine hundred and seventy-two dollars
275 (\$972), plus twenty-four dollars (\$24) per two thousand pounds (2,000 lbs.) gross weight.
276 (4) For the registration of every semi-trailer to be used with a truck-tractor as defined in § 31-1-
277 4(a) shall be as follows annual fee of twelve dollars (\$12) for a one year registration, for multi-year
278 registrations the fee of fifty dollars (\$50) for a five (5) year registration and eighty dollars (\$80) for an
279 eight (8) year registration. However, when in use the weight of the resulting semi-trailer unit and its
280 maximum carrying capacity shall not exceed the gross weight of the original semi-trailer unit from which
281 the gross weight of the tractor was determined. A registration certificate and registration plate shall be
282 issued for each semi-trailer so registered. There shall be no refund of payment of such fee, except that
283 when a plate is returned prior to ninety (90) days before the effective date of that year's registration, the

284 pro rate amount, based on the unused portion of the multi-year registration plate period at time of
285 surrender, shall be refunded. A multi-year semi-trailer registration may be transferred to another semi
286 trailer subject to the provisions and fee set forth in § 31-6-11. Thirty percent (30%) of the semi-trailer
287 registration fee shall be retained by the division of motor vehicles to defray the costs of implementation of
288 the international registration plan (IRP) and fleet registration section.

289 (5) For the registration of every automobile, motor truck, or tractor, when equipped with other
290 than pneumatic tires, there shall be added to the above gross weight fees a charge of ten cents (10¢) for
291 each one hundred (100) pounds of gross weight.

292 (6) For the registration of every public bus, the rates provided for motor vehicles for hire plus two
293 dollars (\$2) for each passenger which that bus is rated to carry, the rating to be determined by the
294 administrator of the division of motor vehicles.

295 (7) For the registration of every motorcycle, or motor-driven cycle, thirteen dollars (\$13). Three
296 dollars (\$3) from that sum shall be turned over to the department of education to assist in the payment of
297 the cost of the motorcycle driver's education program as enumerated in § 31-10.1-1.1.

298 (8) For the registration of every trailer not including semi-trailers used with a truck-tractor as
299 defined in § 31-1-4(a), with a gross weight of three thousand pounds (3,000 lbs.) or less, five dollars (\$5).
300 Trailers with a gross weight of more than three thousand pounds (3,000 lbs.) shall be assessed a
301 registration fee of one dollar and fifty cents (\$1.50) per thousand pounds (1,000 lbs.).

302 (9) The annual registration fee for a motor vehicle, commonly described as a boxcar and/or
303 locomotive, and used only by la societe des 40 hommes et 8 chevaux for civic demonstration, parades,
304 convention purposes or social welfare work, shall be two dollars (\$2).

305 (10) For the registration of every motor vehicle, trailer, or semi-trailer owned by any department
306 or agency of any city or town or district, provided the name of the city or town or district or state
307 department or agency owning the same shall be plainly printed on two (2) sides of the vehicle, two dollars
308 (\$2).

309 (11) For the registration of motor vehicles used for racing, fifteen dollars (\$15).

310 (12) For every duplicate registration certificate, seventeen dollars (\$17).

311 (13) For every certified copy of a registration certificate or application, ten dollars (\$10).

312 (14) For every certificate assigning a special identification number or mark as provided in § 31-3-
313 37, one dollar (\$1).

314 (15) For every replacement of number plates or additional pair of number plates, without
315 changing the number, thirty dollars (\$30).

316 (16) For the registration of every farm vehicle, used in farming as provided in § 31-3-31, ten
317 dollars (\$10).

318 (17) For the registration of antique motor vehicles, five dollars (\$5).

319 (18) For the registration of a suburban vehicle, when used as a pleasure vehicle and the gross
320 weight of which is not more than four thousand pounds (4,000 lbs.), the same rates as charged in
321 subdivision (1) of this subsection shall be applicable and when used as a commercial vehicle and the
322 gross weight of which is not more than four thousand pounds (4,000 lbs.), the same rates as provided in
323 subdivision (2) of this subsection shall be applicable. The rates in subdivision (3) of this subsection shall
324 be applicable when the suburban vehicle has a gross weight of more than four thousand pounds (4,000
325 lbs.), regardless of the use of the vehicle.

326 (19) For the registration of every motor bus which is used exclusively under contract with a
327 political subdivision or school district of the state for the transportation of school children, ~~three dollars~~
328 ~~(\$3)~~ twenty-five dollars (\$25) provided that the motor bus may also be used for the transportation of
329 persons to and from church and Sunday school services, and for the transportation of children to and from
330 educational or recreational projects sponsored by a city or town or by any association or organization
331 supported wholly or in part by public or private donations for charitable purposes, without the payment of
332 additional registration fee.

333 (20) For the registration of every motorized bicycle, ten dollars (\$10).

334 (21) For the registration of every motorized tricycle, ten dollars (\$10).
335 (22) For the replacement of number plates with a number change, twenty dollars (\$20).
336 (23) For the initial issuance and each reissuance of fully reflective plates as required by §§ 31-3-
337 10 and 31-3-32, an additional six dollars (\$6).
338 (24) For the issuance of a trip permit under the International Registration Plan, twenty-five
339 dollars (\$25) per vehicle. The division of motor vehicles is authorized to issue seventy-two (72) hour trip
340 permits for vehicles required to be registered in the International Registration Plan that have not been
341 apportioned with the state of Rhode Island.
342 (25) For the issuance of a hunter's permit under the International Registration Plan, twenty-five
343 dollars (\$25) per vehicle. The division of motor vehicles is authorized to issue hunter's permits for motor
344 vehicles based in the state of Rhode Island and otherwise required to be registered in the International
345 Registration Plan. These permits are valid for thirty (30) days.
346 (26) For the registration of a specially adapted motor vehicle necessary to transport a family
347 member with a disability for personal, noncommercial use, a fee of thirty dollars (\$30) assessed.
348 (b) In the event that the registrant voluntarily cancels his registration within the period of
349 registration, the division of motor vehicles shall refund only that portion of the fee paid which represents
350 full-year segments of the registration fee paid.
351 SECTION 7. Sections 31-10-22 and 31-10-31 of the General Laws in Chapter 31-10 entitled
352 "Operators' and Chauffeurs' Licenses" are hereby amended to read as follows:
353 **§ 31-10-22 Road test.** – All applicants for a motor vehicle license shall pass a motor vehicle
354 road test as prescribed by the administrator of the division of motor vehicles in a motor vehicle supplied
355 by the applicant or in a dual controlled motor vehicle supplied by the state. In the case of the examination
356 for a chauffeur to operate a truck, tractor, trailer, tractor semi-trailer, bus, or other vehicle for hire or a
357 person who will operate only a vehicle equipped with automatic shift or a person who is disabled and
358 requires the use of a specially equipped motor vehicle, those persons shall be examined in vehicles
359 furnished by them. At the option of any person who is disabled, the road test shall be administered by the
360 local office of the division of motor vehicles nearest that person's home. A fee of twenty five dollars
361 (\$25) shall be charged for all road tests, including repeat road tests, following failure of a road test.
362 **§ 31-10-31 Fees.** – The following fees shall be paid to the division of motor vehicles:
363 (1) For every operator's first license to operate a motor vehicle, twenty-five dollars (\$25);
364 (2) For every chauffeur's first license, twenty-five dollars (\$25); provided, that when a Rhode
365 Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be two dollars (\$2);
366 (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25);
367 (4) For every operator's first license to operate a motorcycle, twenty-five dollars (\$25);
368 (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30); with the
369 exception of any person seventy-five (75) years of age or older for whom the renewal fee will be eight
370 dollars (\$8);
371 (6) For every duplicate operator's or chauffeur's license, twenty-five dollars (\$25);
372 ~~(7) For every road test, other than the road test included in the first license examination, two~~
373 ~~dollars (\$2);~~
374 ~~(8)~~(7) For every certified copy of any license, permit, or application issued under this chapter, ten
375 dollars (\$10);
376 ~~(9)~~(8) For every duplicate instruction permit, ten dollars (\$10);
377 ~~(10)~~(9) For every first license examination, five dollars (\$5);
378 ~~(11)~~(10) For every routine information update, i.e., name change or address change, five dollars
379 (\$5).
380 ~~(12)~~(11) For surrender of an out-of-state license, in addition to the above fees, five dollars (\$5).
381 SECTION 8. Section 31-24-31 of the General Laws in Chapter 31-24 entitled "Lighting
382 Equipment and Reflectors" is hereby amended to read as follows:
383 **§ 31-24-31 Flashing lights – Forward viewing or rotary beam lights.** – (a) Flashing lights are

384 prohibited, except on an authorized emergency vehicle, school bus, snow removal equipment, or on any
385 vehicle as a means for indicating a right or left turn. However, the requirements of § 31-24-33 shall be
386 deemed to be satisfied if the vehicle is equipped with lamps at the front mounted at the same level,
387 displaying simultaneously flashing white or amber lights, and at the rear mounted at the same level, and
388 displaying simultaneously flashing red lights, all of which lights shall be visible from a distance of not
389 less than five hundred feet (500').

390 (b) Forward viewing or rotating beam lights may be installed on and shall be restricted to the
391 following categories of vehicles, and these lights shall be of color designated:

392 (1) Emergency response vehicles of any fire, rescue, or ambulance department, fire chiefs,
393 assistant fire chiefs, deputy chiefs, captains; any privately owned vehicle of any authorized volunteer
394 member of a fire, rescue, or ambulance department; emergency management agency directors, assistant
395 directors, assistant medical examiners and/or forensic pathologists of the office of state medical
396 examiners; rescue vehicles, emergency response vehicles of the department of environmental
397 management and the division of state fire marshal; school buses; hospital emergency response vehicles;
398 and two (2) American Red Cross disaster vehicles: Red, white and/or alternating flashing white;

399 (2) Wrecker trucks, service station trucks, state and town safety and maintenance vehicles;
400 snowplows and tractors; light company trucks, telephone company trucks, water company trucks, oil
401 company trucks, and other utilities' trucks; vehicles of television, radio and press photographers; rural
402 mail carriers; all motor-propelled vehicles owned by the Northern Rhode Island REACT (radio
403 emergency associated citizens team); all motor-propelled vehicles owned by or under contract to the
404 Rhode Island department of transportation when on official state business; and vehicles marking the
405 beginning and end of funeral processions: Amber, provided, however, that wrecker and transportation
406 vehicles operated pursuant to a public utilities commission license, and roadside assistance vehicles of
407 any type operated for that purpose by the American Automobile Association shall be permitted to use
408 flashing amber lights at the front and rear of the vehicle, to be activated only in the course of providing
409 assistance to or transportation for a disabled vehicle. A fee of twenty-five dollars (\$25) shall be charged
410 for the issuance of a flashing lights permit to every vehicle identified in this subsection, with the
411 exception of flashing lights permits issued to state and town safety and maintenance vehicles, which shall
412 not be charged a fee.

413 (3) Police units, state and local: Center rotating beam lights: Blue or red; Outboard mounted
414 lights: Blue or red.

415 (4) Violations of this section are subject to fines enumerated in § 31-41.1-4.

416 SECTION 9. This article shall take effect as of July 1, 2010.

The Legislation Committee recommends the Commission support if amended (to retain the current “struck-though” wording on lines 63 – 64, and delete the new wording on lines 64 to 65) **10 H FY 11 Budget Art. 25 Relating to Division of Motor Vehicles Fees.**

MOTION: To oppose unless amended to retain the current “struck-though” wording on lines 63 – 64, and delete the new wording on lines 64 to 65 **10 H FY 11 Budget Art. 25 Relating to Division of Motor Vehicles Fees** RMcM/AP passed unanimously

10 H FY 11 Budget Art. 29 Relating to Government Restructuring This article would require the Board of Governors for Higher Education, by Oct. 1, 2011, to submit a plan to the chairperson of the House Finance Committee, the chairperson of the Senate Finance Committee, and the State Budget Officer to improve the coordination of educational services provided by the Higher Education Assistance Authority and the Rhode Island Public Telecommunications Authority {RI PBS Channel 36}. The plan would recognize the goal of improving and coordinating educational programs at the University and colleges under the purview of the Board of Governors and the pre-K-12 level the Rhode Island Department of Education.

The article would also require the director of the department of transportation, by Oct. 1, 2011, to submit a plan to the chairperson of the House Finance Committee, the chairperson of the Senate Finance Committee,

and the State Budget Officer on the feasibility of transferring the Rhode Island Public Transit Authority to the department of transportation. This article shall take effect upon passage. The plan shall include a review of other comparable states where public transit is provided by the state's department of transportation and shall consider such administrative factors such as a labor issues, benefit comparisons, and pension benefit comparisons, and strategic planning issues such as effective allocation of transportation funds and planning for and provision of integrated multi-modal transportation systems. The plan would review the statutory missions of the Department of Transportation and the Rhode Island Public Transit Authority; consider applicable reports, analyses, and discussions with key individuals. The plan would recognize the goal of improving and coordinating transportation in the State of Rhode Island planning, development, and implementation of transit, rail, water, and bicycle/pedestrian transportation projects to expand access and mobility opportunities for Rhode Islander. The Governor has submitted an amendment to change the reporting date from October 1, 2011 to October 1, 2010.

ARTICLE 29

RELATING TO GOVERNMENT RESTRUCTURING

SECTION 1. The general assembly hereby requires that the Board of Governors for Higher Education on or before October 1, 2010, submit a plan to the chairperson of the House Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget Officer which recommends actions to improve the coordination of educational services provided by various state agencies. The plan would include, but is not limited to, review of the statutory missions of the Higher Education Assistance Authority, contained in RIGL chapter 16-57, and the Rhode Island Public Telecommunications Authority, contained in RIGL chapter 16-61, and assess if the stated missions and actual current programs and activities of these two agencies reflect the needs of populations intended to be served. This plan shall be prepared following consultation with the Higher Education Assistance Authority, the Rhode Island Public Telecommunications Authority and other interested parties. The plan would recognize the goal of improving and coordinating educational programs at the University and colleges under the purview of the Board of Governors and the pre-K-12 level the Rhode Island Department of Education.

SECTION 2. The general assembly hereby requires that the director of the department of transportation on or before October 1, 2010, submit a plan to the chairperson of the House Finance Committee, to the chairperson of the Senate Finance Committee, and to the State Budget Officer on the feasibility of transferring the Rhode Island Public Transit Authority to that department. This plan shall include a review of other comparable states where public transit is provided by the state's department of transportation and shall consider such administrative factors such as a labor issues, benefit comparisons, and pension benefit comparisons, and strategic planning issues such as effective allocation of transportation funds and planning for and provision of integrated multi-modal transportation systems. The plan shall be prepared following consultation with the Rhode Island Public Transit Authority and with all interested parties. The plan would review the statutory missions of the Department of Transportation and the Rhode Island Public Transit Authority; consider applicable reports, analyses, and discussions with key individuals. The plan would recognize the goal of improving and coordinating transportation in the State of Rhode Island planning, development, and implementation of transit, rail, water, and bicycle/pedestrian transportation projects to expand access and mobility opportunities for Rhode Islander.

SECTION 3. This article shall take effect upon passage.

The Legislation Committee recommends the Commission support if amended to expand the plan/ study to determine the impact on people with disabilities' transit options and instructional television (captioning) **10 H FY 11 Budget Art. 29 Relating to Government Restructuring**

MOTION: To support if amended to expand the plan/ study to determine the impact on people with disabilities' transit options and instructional television (captioning) **10 H**

FY 11 Budget Art. 29 Relating to Government Restructuring RMcM/AP passed BI recused

10 H FY 11 Budget Art. 31 Relating To Rite Care Program This article would lower the income of recipients of Rite Care from 150% of the Federal Poverty level (FPL) to 133% who would be subject to premium cost-sharing, effective July 1, 2011. This article would take effect as of July 1, 2011.

ARTICLE 31

RELATING TO RITE CARE PROGRAM

SECTION 1. Sections 40-8.4-4 and 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled “Health Care for Families” are hereby amended to read as follows:

§ 40-8.4-4. Eligibility.- (a) *Medical assistance for families.* There is hereby established a category of medical assistance eligibility pursuant to § 1931 of Title XIX of the Social Security Act, 42 U.S.C. § 1396u-1, for families whose income and resources are no greater than the standards in effect in the aid to families with dependent children program on July 16, 1996 or such increased standards as the department may determine. The department of human services is directed to amend the medical assistance Title XIX state plan and to submit to the U.S. Department of Health and Human Services an amendment to the Rite Care waiver project to provide for medical assistance coverage to families under this chapter in the same amount, scope and duration as coverage provided to comparable groups under the waiver. The department is further authorized and directed to submit such amendments and/or requests for waivers to the Title XXI state plan as may be necessary to maximize federal contribution for provision of medical assistance coverage provided pursuant to this chapter, including providing medical coverage as a “qualified state” in accordance with Title XXI of the Social Security Act, 42 U.S.C. § 1397 et seq. Implementation of expanded coverage under this chapter shall not be delayed pending federal review of any Title XXI amendment or waiver.

(b) *Income.* The director of the department of human services is authorized and directed to amend the medical assistance Title XIX state plan or Rite Care waiver to provide medical assistance coverage through expanded income disregards or other methodology for parents or relative caretakers whose income levels are below one hundred seventy-five percent (175%) of the federal poverty level.

(c) *Waiver.* The department of human services is authorized and directed to apply for and obtain appropriate waivers from the Secretary of the U.S. Department of Health and Human Services, including, but not limited to, a waiver of the appropriate provisions of Title XIX, to require that individuals with incomes equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent (133%) of the federal poverty level pay a share of the costs of their medical assistance coverage provided through enrollment in either the Rite Care Program or under the premium assistance program under § 40-8.4-12, in a manner and at an amount consistent with comparable cost-sharing provisions under § 40-8.4-12, provided that such cost sharing shall not exceed five percent (5%) of annual income for those with annual income in excess of ~~one hundred fifty percent (150%)~~ one hundred thirty-three percent (133%); and provided, further, that cost-sharing shall not be required for pregnant women or children under age one.

§ 40-8.4-12. Rite Share Health Insurance Premium Assistance Program.- (1) The department of human services is authorized and directed to amend the medical assistance Title XIX state plan to implement the provisions of § 1906 of Title XIX of the Social Security Act, 42 U.S.C. § 1396e, and establish the Rhode Island health insurance premium assistance program for Rite Care eligible parents with incomes up to one hundred seventy-five percent (175%) of the federal poverty level who have access to employer-based health insurance. The state plan amendment shall require eligible individuals with access to employer-based health insurance to enroll themselves and/or their family in the employer-based health insurance plan as a condition of participation in the Rite Share program under this chapter and as a condition of retaining eligibility for medical assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium assistance under this chapter, provided that doing so meets the criteria established in § 1906 of Title XIX for obtaining federal matching funds and the department has

45 determined that the individual's and/or the family's enrollment in the employer-based health insurance
46 plan is cost-effective and the department has determined that the employer-based health insurance plan
47 meets the criteria set forth in subsection (d). The department shall provide premium assistance by paying
48 all or a portion of the employee's cost for covering the eligible individual or his or her family under the
49 employer-based health insurance plan, subject to the cost sharing provisions in subsection (b), and
50 provided that the premium assistance is cost-effective in accordance with Title XIX, 42 U.S.C. § 1396 et
51 seq.

52 *(b) Individuals who can afford it shall share in the cost.* The department of human services is
53 authorized and directed to apply for and obtain any necessary waivers from the secretary of the United
54 States Department of Health and Human Services, including, but not limited to, a waiver of the
55 appropriate sections of Title XIX, 42 U.S.C. § 1396 et seq., to require that individuals eligible for RIt
56 Care under this chapter or chapter 12.3 of title 42 with incomes equal to or greater than ~~one hundred fifty~~
57 ~~percent (150%)~~ one hundred-thirty three percent (133%) of the federal poverty level pay a share of the
58 costs of health insurance based on the individual's ability to pay, provided that the cost sharing shall not
59 exceed five percent (5%) of the individual's annual income. The department of human services shall
60 implement the cost-sharing by regulation, and shall consider co-payments, premium shares or other
61 reasonable means to do so.

62 *(c) Current RIt Care enrollees with access to employer-based health insurance.* The department
63 of human services shall require any individual who receives RIt Care or whose family receives RIt Care
64 on the effective date of the applicable regulations adopted in accordance with subsection (f) to enroll in an
65 employer-based health insurance plan at the individual's eligibility redetermination date or at an earlier
66 date determined by the department, provided that doing so meets the criteria established in the applicable
67 sections of Title XIX, 42 U.S.C. § 1396 et seq., for obtaining federal matching funds and the department
68 has determined that the individual's and/or the family's enrollment in the employer-based health insurance
69 plan is cost-effective and has determined that the health insurance plan meets the criteria in subsection
70 (d). The insurer shall accept the enrollment of the individual and/or the family in the employer-based
71 health insurance plan without regard to any enrollment season restrictions.

72 *(d) Approval of health insurance plans for premium assistance.* The department of human
73 services shall adopt regulations providing for the approval of employer-based health insurance plans for
74 premium assistance and shall approve employer-based health insurance plans based on these regulations.
75 In order for an employer-based health insurance plan to gain approval, the department must determine
76 that the benefits offered by the employer-based health insurance plan are substantially similar in amount,
77 scope, and duration to the benefits provided to RIt Care eligible persons by the RIt Care program, when
78 the plan is evaluated in conjunction with available supplemental benefits provided by the department. The
79 department shall obtain and make available to persons otherwise eligible for RIt Care as supplemental
80 benefits those benefits not reasonably available under employer-based health insurance plans which are
81 required for RIt Care eligible persons by state law or federal law or regulation.

82 *(e) Maximization of federal contribution.* The department of human services is authorized and
83 directed to apply for and obtain federal approvals and waivers necessary to maximize the federal
84 contribution for provision of medical assistance coverage under this section, including the authorization to
85 amend the Title XXI state plan and to obtain any waivers necessary to reduce barriers to provide premium
86 assistance to recipients as provided for in Title XXI of the Social Security Act, 42 U.S.C. § 1397 et seq.

87 *(f) Implementation by regulation.* The department of human services is authorized and directed to
88 adopt regulations to ensure the establishment and implementation of the premium assistance program in
89 accordance with the intent and purpose of this section, the requirements of Title XIX, Title XXI and any
90 approved federal waivers.

91 SECTION 2. This article shall take effect as of July 1, 2011.

The Legislation Committee recommends the Commission opposed **10 H FY 11 Budget Art. 31**
Relating To Rite Care Program

MOTION: To oppose **10 H FY 11 Budget Art. 31 Relating To Rite Care Program**
 RMcM/CA passed unanimously

4. Status of Commission's Legislative Package	Bob Cooper	10 min.
--	-------------------	----------------

Update on Securing Sponsors for the Commission's Legislation

Bill	House Sponsor	Senate Sponsor
1. An Act Relating To Criminal Offenses - Adult Crisis Intervention - Center And Protective Services	Representative Naughton 10 H 7369 referred to the House Finance Committee	Senator McCaffrey 10 S 2206 referred to the Senate Health and Human Services Committee
2. John J. MacDonald Jr. Transportation Initiative [accessible taxicabs]	Representative Coderre	
3. An Act Relating To Highways - Accessible Crosswalks	Representative Kennedy 10 H 7300 referred to the House Municipal Government Committee	Senator Tassoni 10 S 2133 referred to the Senate Housing and Municipal Government Committee

An Act Relating to Criminal Offenses - Adult Crisis Intervention – Center and Protective Services

This act would establish an adult crisis intervention center for vulnerable elders and adults with disabilities within the executive office of health and human services in accordance with the provisions of Rhode Island Public Law 2009, Chapter 068, Article 05, Section 01. It would create a single statewide toll free, twenty-four (24) hour a day, seven (7) days a week telephone line, for adult crisis intervention services, such as for reporting assaults, abuse, neglect, exploitation and self-neglect of patients/clients in health and human service facilities, or by health and human service practitioners, providers, or caregivers.

Sections 2, 3, 6, 8, 10 and 11 would take effect on July 1, 2010. The remaining sections of this act would take effect on January 1, 2011.

Long Term Care Ombudsperson's Revisions to the Crisis Intervention Bill*

Discussion: The Ombudsperson requested restoration of the following language:“for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital”.

This would require 1 extra notification by health care facilities, in addition to reporting to the central crisis intervention “hot-line”.

* The Long Term Care Ombudsperson's proposed amendment below is **high lighted on lines 9-8 to 9-11.**

A series of minor changes for consistency of report are high lighted on lines: 10-8 & 9; 12-26 & 27; 13-9 & 10; 14-3 & 4; 14-16 & 17; and 18-26

1-1 SECTION 1. Sections 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11 and
 1-2 11-5-12 of the General Laws in Chapter 11-5 entitled "Assaults" are hereby amended to read as
 1-3 follows:

1-4 **11-5-10. Assault on persons 60 years of age or older causing bodily injury. -- (a)** Any
 1-5 person who shall commit an assault and battery upon a person sixty (60) years of age or older,
 1-6 causing bodily injury, shall be deemed to have committed a felony and shall be imprisoned not
 1-7 exceeding five (5) years, or fined not exceeding one thousand dollars (\$1,000), or both.

1-8 (b) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall
 1-9 request the adult crisis intervention center to provide crisis intervention services for the victim
 1-10 when:

- 1-11 (1) Necessary to ensure the immediate health and safety of the victim; and
- 1-12 (2) The victim relies on the person believed to have committed the abuse, neglect and/or

1-13 [exploitation, for assistance in activities in daily living.](#)

1-14 **11-5-10.1. Assault on persons 60 years of age or older causing serious bodily injury.**

1-15 **==** (a) Any person who shall commit an assault or battery, or both, upon a person sixty (60) years

1-16 of age or older, causing serious bodily injury, shall be deemed to have committed a felony and

1-17 shall be imprisoned for not less than three (3) years but not more than twenty (20) years, or fined

1-18 not more than ten thousand dollars (\$10,000), or both. Every person so convicted shall be ordered

2-1 to make restitution to the victim of the offense or to perform up to five hundred (500) hours of

2-2 public community restitution work or attend violence counseling and/or substance abuse

2-3 counseling, or any combination of them imposed by the sentencing judge. The court may not

2-4 waive the obligation to make restitution and/or public community restitution work. The restitution

2-5 and/or public community restitution work shall be in addition to any fine or sentence which may

2-6 be imposed and not in lieu of the fine or sentence.

2-7 (b) "Serious bodily injury" means physical injury that:

2-8 (1) Creates a substantial risk of death;

2-9 (2) Causes protracted loss or impairment of the function of any bodily part, member or

2-10 organ; or

2-11 (3) Causes serious permanent disfigurement.

2-12 [\(c\) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall](#)

2-13 [request the adult crisis intervention center to provide crisis intervention services for the victim](#)

2-14 [when:](#)

2-15 [\(1\) Necessary to ensure the immediate health and safety of the victim; and](#)

2-16 [\(2\) The victim relies on the person believed to have committed the abuse, neglect and/or](#)

2-17 [exploitation, for assistance in activities in daily living.](#)

2-18 **11-5-10.2. Assault on persons with severe impairments causing serious bodily injury.**

2-19 **==** (a) Any person who shall commit an assault or battery, or both, upon a person, with severe

2-20 impairments causing serious bodily injury, shall be deemed to have committed a felony and shall

2-21 be imprisoned for not less than two (2) years but not more than twenty (20) years, or fined not

2-22 more than five thousand dollars (\$5,000), or both. Every person so convicted shall be ordered to

2-23 make restitution to the victim of the offense or to perform up to five hundred (500) hours of

2-24 public community restitution work, or both, or any combination of them imposed by the

2-25 sentencing judge. The court may not waive the obligation to make restitution and/or public

2-26 community restitution work. The restitution and/or public community restitution work shall be in

2-27 addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

2-28 (b) "Serious bodily injury" means physical injury that:

2-29 (1) Creates a substantial risk of death, serious disfigurement;

2-30 (2) Causes protracted loss or impairment of the function of any bodily part, member or

2-31 organ; or

2-32 (3) Causes serious permanent disfigurement.

2-33 (c) For the purposes of this section:

2-34 (1) "Adult" means a person over the age of eighteen (18).

3-1 (2) "Major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv)

3-2 receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for

3-3 independent living; or (viii) economic self-sufficiency.

3-4 (3) "Person with severe impairments" means a child or adult who has a disability which

3-5 is attributable to a mental or physical impairment or combination of mental and physical

3-6 impairments and results in substantial functional limitations in one or more major life activities.

3-7 (d) Violations of this section shall be reported to the local police department.

3-8 (e) After ~~July 1, 2007~~ [January 1, 2011](#) pursuant to section ~~40-8.5-2~~ [42-7.2-17](#), the local

3-9 police department ~~may shall~~ request the ~~department of mental health, retardation, and hospitals~~

3-10 [adult crisis intervention center to](#) provide crisis intervention services for the adult victim with

3-11 severe impairments when:

- 3-12 (1) Necessary to ensure the immediate health and safety of the adult victim; and
3-13 (2) The adult victim relies on the person believed to have committed the assault and/or
3-14 battery, for assistance in performing three (3) or more major life activities.

3-15 **11-5-10.3. Assault on persons 60 years of age or older by caretaker causing bodily**
3-16 **injury.** -- (a) Any person who shall commit an assault and battery upon a person sixty (60) years
3-17 of age or older, causing bodily injury, and who was, at the time of the assault and battery,
3-18 responsible for the care and treatment of the victim, shall be deemed to have committed a felony
3-19 and shall be imprisoned not exceeding five (5) years, or fined not exceeding two thousand five
3-20 hundred dollars (\$2,500), or both. Further, if at the time of the assault and battery the person
3-21 committing the act was employed by a health care facility that either condoned the act or
3-22 attempted to conceal it, the health care facility shall be fined not exceeding five thousand dollars
3-23 (\$5,000).

3-24 (b) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall
3-25 request the adult crisis intervention center to provide crisis intervention services for the victim
3-26 when:

- 3-27 (1) Necessary to ensure the immediate health and safety of the victim; and
3-28 (2) The victim relies on the person believed to have committed the abuse, neglect and/or
3-29 exploitation, for assistance in activities in daily living.

3-30 **11-5-10.4. Assault on persons 60 years of age or older by caretaker causing serious**
3-31 **bodily injury.** -- (a) Any person who shall commit an assault or battery, or both, upon a person
3-32 sixty (60) years of age or older, causing serious bodily injury, and who was, at the time of the
3-33 assault and battery, responsible for the care and treatment of the victim, shall be deemed to have
3-34 committed a felony and shall be imprisoned for not less than two (2) years but not more than
4-1 twenty (20) years, or fined not more than ten thousand dollars (\$10,000), or both. Further, if at the
4-2 time of the assault and battery the person committing the act was employed by a health care
4-3 facility that either condoned the act or attempted to conceal it, the health care facility shall be
4-4 fined not exceeding fifteen thousand dollars (\$15,000). Every person so convicted shall be
4-5 ordered to make restitution to the victim of the offense or to perform up to five hundred (500)
4-6 hours of public community restitution work or attend violence counseling and/or substance abuse
4-7 counseling, or any combination of them imposed by the sentencing judge. The court may not
4-8 waive the obligation to make restitution and/or public community restitution work. The restitution
4-9 and/or public community restitution work shall be in addition to any fine or sentence which may
4-10 be imposed and not in lieu of the fine or sentence.

4-11 (b) "Serious bodily injury" means physical injury that:

- 4-12 (1) Creates a substantial risk of death;
4-13 (2) Causes protracted loss or impairment of the function of any bodily part, member or
4-14 organ; or
4-15 (3) Causes serious permanent disfigurement.

4-16 (c) After January 1, 2011 pursuant to section 42-7.2-17 the local police department shall
4-17 request the adult crisis intervention center to provide crisis intervention services for the victim
4-18 when:

- 4-19 (1) Necessary to ensure the immediate health and safety of the victim; and
4-20 (2) The victim relies on the person believed to have committed the abuse, neglect and/or
4-21 exploitation, for assistance in activities in daily living.

4-22 **11-5-11. Assault on persons with severe impairments.** -- (a) For the purposes of this
4-23 section:

- 4-24 (1) "adult" means a person over the age of eighteen (18).
4-25 (2) "major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv)
4-26 receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for
4-27 independent living; or (viii) economic self-sufficiency.
4-28 (3) "person with severe impairments" means a child or adult who has a disability which

4-29 is attributable to a mental or physical impairment or combination of mental and physical
4-30 impairments which results in a substantial limitation on the person's ability to function
4-31 independently in the family or community and in one or more major life activities.
4-32 (b) Any person who shall commit an assault and battery upon a person who is severely
4-33 impaired as defined in subsection (a) of this section, causing bodily injury, shall be deemed to
4-34 have committed a felony and shall be imprisoned not exceeding five (5) years, or fined not
5-1 exceeding two thousand dollars (\$2,000), or both.

5-2 (c) Violations of this section shall be reported to the local police department.
5-3 (d) After ~~July 1, 2007~~ January 1, 2011 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local
5-4 police department ~~may~~ shall request the ~~department of mental health, retardation, and hospitals~~
5-5 adult crisis intervention center to provide crisis intervention services for the adult victim with
5-6 severe impairments when:

5-7 (1) Necessary to ensure the immediate health and safety of the adult victim; and
5-8 (2) The adult victim relies on the person believed to have committed the assault and/or
5-9 battery, for assistance in performing three (3) or more major life activities.

5-10 **11-5-12. Abuse, neglect and/or exploitation of adults with severe impairments. --** (a)
5-11 Any person primarily responsible for the care of an adult with severe impairments who shall
5-12 willfully and knowingly abuse, neglect or exploit that adult shall be subject to a fine of not more
5-13 than two thousand dollars (\$2,000), or imprisoned not more than five (5) years, or both, and
5-14 ordered to make full restitution of any funds as the result of any exploitation which results in the
5-15 misappropriation of funds. Every person convicted of or placed on probation for violation of this
5-16 section shall be ordered by the sentencing judge to attend appropriate professional counseling to
5-17 address his or her abusive behavior.

5-18 (b) As used in this section:
5-19 (1) "Abuse" means the subjection of an adult with a severe impairment to willful
5-20 infliction of physical pain, willful deprivation of services necessary to maintain the physical or
5-21 mental health of the person, or unreasonable confinement.
5-22 (2) "Adult with severe impairments" means a person over the age of eighteen (18) who
5-23 has a disability which is attributable to a mental or physical impairment or combination of mental
5-24 and physical impairments and results in substantial functional limitations in one or more of the
5-25 following areas of major life activity: (i) mobility; (ii) self-care; (iii) communication; (iv)
5-26 receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for
5-27 independent living; or (viii) economic self-sufficiency.
5-28 (3) "Exploitation" means an act or process of taking pecuniary advantage of impaired
5-29 persons by use of undue influence, harassment, duress, deception, false representation, false
5-30 pretenses, or misappropriation of funds.
5-31 (4) "Neglect" means the willful refusal to provide services necessary to maintain the
5-32 physical or mental health of an adult with severe impairments.
5-33 (5) "Person primarily responsible for care" or "caregiver" means any person who is for a
5-34 significant period of time the primary caregiver or is primarily responsible for the management of
6-1 the funds of an adult with severe impairments.

6-2 (c) Violations of this section shall be reported to the local police department.
6-3 (d) After ~~July 1, 2007~~ January 1, 2011 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local
6-4 police department ~~may~~ shall request the ~~department of mental health, retardation, and hospitals~~
6-5 adult crisis intervention center to provide crisis intervention services for the adult victim with
6-6 severe impairments when:

6-7 (1) necessary to ensure the immediate health and safety of the adult victim; and
6-8 (2) the adult victim relies on the person believed to have committed the abuse, neglect
6-9 and/or exploitation, for assistance in performing three (3) or more major life activities.

6-10 (e) Any person who fails to report known or suspected abuse or neglect shall be guilty of
6-11 a misdemeanor and upon conviction shall be subject to a fine of not more than five hundred

6-12 dollars (\$500).

6-13 (f) Nothing in this section shall be interpreted to apply to the discontinuance of life-
6-14 support systems or life-sustaining treatment for an adult for whom, if the treatment were
6-15 terminated, death may result.

6-16 (g) Any person participating in good faith in making a report pursuant to this chapter,
6-17 excluding any perpetrator or conspirator of the acts, shall have immunity from any civil liability
6-18 that might otherwise be incurred or imposed.

6-19 (h) Nothing in this section shall be interpreted to prohibit the use of any medical or
6-20 psychological treatment procedure designed and conducted in accordance with applicable
6-21 professional standards when performed by appropriately trained personnel under the supervision
6-22 of a person or facility licensed or approved by the state of Rhode Island and when any consent as
6-23 is required by law has been obtained.

6-24 (i) Nothing in this chapter shall be construed to mean a person is abused or neglected for
6-25 the sole reason that the person is being furnished or relies upon treatment by spiritual means
6-26 through prayer alone in accordance with the tenets and practices of a church or religious
6-27 denomination recognized by the laws of this state.

6-28 (j) Nothing in this chapter shall be construed to mean a person is abused or neglected
6-29 when the parent or legal guardian of an adult with severe impairments, who is the person
6-30 primarily responsible for care of the adult, (1) decides, in good faith, not to accept support
6-31 services from a governmental agency, which in the opinion of the parent or legal guardian and the
6-32 adult, is considered to be inappropriate or inconsistent with the best interests of that adult; or (2)
6-33 decides, in good faith, to reduce or discontinue assistance to that adult who is developing,
6-34 acquiring or practicing independent decision-making or living skills.

7-1 SECTION 2. The title of Chapter 12-1.4 of the General Laws entitled "Citizens'
7-2 Commission for the Safety and Care of the Elderly" is hereby amended to read as follows:

7-3 ~~CHAPTER 12-1.4~~

7-4 ~~CITIZENS' COMMISSION FOR THE SAFETY AND CARE OF THE ELDERLY~~

7-5 ~~CHAPTER 12-1.4~~

7-6 CITIZENS' COMMISSION FOR THE SAFETY AND CARE OF THE ELDERLY AND
7-7 ADULTS WITH SEVERE IMPAIRMENTS

7-8 SECTION 3. Sections 12-1.4-1, 12-1.4-2, 12-1.4-3, 12-1.4-4 and 12-1.4-7 of the General
7-9 Laws in Chapter 12-1.4 entitled "Citizens' Commission for the Safety and Care of the Elderly" are
7-10 hereby amended to read as follows:

7-11 **12-1.4-1. Short title.** -- This chapter shall be known and may be cited as the "Citizens'
7-12 Commission for the Safety and Care of the Elderly and Adults with Disabilities."

7-13 **12-1.4-2. Creation.** -- There is established within the ~~department of elderly affairs~~
7-14 executive office of health and human services the citizens' commission for the safety and care of
7-15 the elderly and adults with disabilities.

7-16 **12-1.4-3. Purpose.** -- The purpose of the commission shall be to act as a liaison between
7-17 the legislature, public safety officials, the ~~department~~ departments of elderly affairs, human
7-18 services, and mental health, retardation and hospitals, and the older ~~population~~ disabled
7-19 populations of Rhode Island in the area of crime against the elderly, fire safety, adults with
7-20 disabilities, and protective service options available to the elderly and adults with disabilities.

7-21 **12-1.4-4. Membership.** -- (a) The commission shall consist of ~~twenty-one (21)~~ twenty-
7-22 nine (29) members, eight (8) of whom shall be older citizens appointed by the speaker and seven
7-23 (7) of whom shall be older citizens appointed by the president of the senate. The speaker shall
7-24 appoint three (3) members and the president of the senate shall appoint two (2) members for
7-25 terms of three (3) years; the speaker shall appoint three (3) members and the president of the
7-26 senate shall appoint two (2) members for terms of two (2) years; and the speaker shall appoint
7-27 two (2) members and the president of the senate shall appoint three (3) members for a term of one
7-28 year. Three (3) members of the commission shall be adults with disabilities appointed by the

7-29 speaker and two (2) of whom shall be adults with disabilities appointed by the president of the
7-30 senate. The speaker shall appoint one member and the president of the senate shall appoint one
7-31 member for the terms of three (3) years; the speaker shall appoint one member and the president
7-32 of the senate shall appoint one member for terms of two (2) years; the speaker shall appoint one
7-33 member and the president of the senate shall appoint one member for the terms of one year.
7-34 These terms shall commence with the date of appointment and expire on the January 31 after the
8-1 appointment corresponding with the number of years of the term to which appointed.
8-2 Appointments shall be made for terms of three (3) years commencing on February 1 in the year of
8-3 appointment and ending on January 31 in the third year after the appointment. Any vacancy
8-4 among the members shall be filled by the appointing authority for the remainder of the unexpired
8-5 term.
8-6 (b) The remaining ~~six (6)~~ nine (9) members of the commission shall be the president of
8-7 the Police Chiefs' Association or his or her designee; the attorney general or his or her designee;
8-8 the director of elderly affairs or his or her designee; the director of the department of human
8-9 services or his or her designee; the director of the department of mental health, retardation and
8-10 hospitals or his or her designee; the chairperson of the governor's commission on disabilities or
8-11 his or her designee; a representative of the state police appointed by the superintendent of the
8-12 state police, the president of the fire chief's association, or his or her designee and the state fire
8-13 marshal or his or her designee; all ~~six (6)~~ eight (8) of whom shall be appointed for a term of three
8-14 (3) years.
8-15 (c) The members of the commission shall meet at the call of the speaker of the house and
8-16 organize and shall select a chairperson from among themselves.
8-17 **12-1.4-7. Cooperation of departments.** -- (a) All departments and agencies of the state
8-18 shall furnish any advice and information, documentary and otherwise, to the commission and its
8-19 agents deemed necessary or desirable by the commission to facilitate the purposes of this chapter.
8-20 (b) Each local police and fire chief shall designate at least one police officer or fire
8-21 fighter to serve as the department's "senior citizen police advocate" to work as a liaison between
8-22 the department and the elderly ~~community and disabled communities~~ to help address ~~elderly~~
8-23 safety and protection issues for elders and adults with disabilities.
8-24 SECTION 4. Section 23-17.2-5 of the General Laws in Chapter 23-17.2 entitled
8-25 "Accountability of Services to Patients of Nursing or Personal Care Homes" is hereby amended to
8-26 read as follows:
8-27 **23-17.2-5. Duty to report violations.** -- Any person who knows or has reason to know of
8-28 any violations of this chapter shall report the violations to the ~~director of the department of health~~
8-29 ~~who~~ adult crisis intervention program that shall conduct an immediate investigation and report his
8-30 or her findings to the attorney general.
8-31 SECTION 5. Sections 23-17.8-2 and 23-17.8-3.1 of the General Laws in Chapter 23-17.8
8-32 entitled "Abuse in Health Care Facilities" are hereby amended to read as follows:
8-33 **23-17.8-2. Duty to report.** -- (a) Any physician, medical intern, registered nurse,
8-34 licensed practical nurse, nurse's aide, orderly, certified nursing assistant, medical examiner,
9-1 dentist, optometrist, optician, chiropractor, podiatrist, coroner, police officer, emergency medical
9-2 technician, fire-fighter, speech pathologist, audiologist, social worker, pharmacist, physical or
9-3 occupational therapist, or health officer, or any person, within the scope of their employment at a
9-4 facility or in their professional capacity, who has knowledge of or reasonable cause to believe that
9-5 a patient or resident in a facility has been abused, mistreated, or neglected shall make, within
9-6 twenty-four (24) hours or by the end of the next business day, a telephone report to the ~~director of~~
9-7 ~~the department of health~~ secretary of the executive office of health and human services or his or
9-8 her designee for those incidents involving health care facilities, and in addition to the office of the
9-9 state long-term care ombudsperson for those incidents involving nursing facilities, assisted living
9-10 residences, home care and home nursing care providers, veterans' homes and long-term care units
9-11 in Eleanor Slater Hospital, or to the director of the department of mental health, retardation and

9-12 ~~hospitals or his or her designee for those incidents involving community residences for people~~
9-13 ~~who are mentally retarded or persons with developmental disabilities.~~ The report shall contain:

9-14 (1) The name, address, telephone number, occupation, and employer's address and the
9-15 phone number of the person reporting;

9-16 (2) The name and address of the patient or resident who is believed to be the victim of
9-17 the abuse, mistreatment, or neglect;

9-18 (3) The details, observations, and beliefs concerning the incident(s);

9-19 (4) Any statements regarding the incident made by the patient or resident and to whom
9-20 they were made;

9-21 (5) The date, time, and place of the incident;

9-22 (6) The name of any individual(s) believed to have knowledge of the incident;

9-23 (7) The name of any individual(s) believed to have been responsible for the incident.

9-24 (b) In addition to those persons required to report pursuant to this section, any other
9-25 person may make a report if that person has reasonable cause to believe that a patient or resident
9-26 of a facility has been abused, mistreated, or neglected.

9-27 (c) Any person required to make a report pursuant to this section shall be deemed to have
9-28 complied with these requirements if a report is made to a high managerial agent of the facility in
9-29 which the alleged incident occurred. Once notified, the high managerial agent shall be required to
9-30 meet all reporting requirements of this section within the time frames specified by this chapter.

9-31 (d) Telephone reports made pursuant to subsection (a) shall be followed-up within three
9-32 (3) business days with a written report.

9-33 **23-17.8-3.1. Physician's, certified registered nurse practitioner's and physician**

9-34 **assistant's report of examination -- Duty of facility.** -- Whenever a facility shall receive a
10-1 report by a person other than a physician or a certified registered nurse practitioner or physician
10-2 assistant that a patient or resident of the facility has been harmed as a result of abuse, neglect, or
10-3 mistreatment, the facility shall have the patient examined by a licensed physician or a certified
10-4 registered nurse practitioner or physician assistant. It shall be mandatory for the physician or
10-5 certified registered nurse practitioner or physician assistant to make a preliminary report of his or
10-6 her findings to the department of health for a health care facility, or to the ~~department of mental~~
10-7 ~~health, retardation and hospitals for a community residence for people who are mentally retarded~~
10-8 ~~or persons with developmental disabilities and to the facility~~ adult crisis intervention program secretary
10-9 of the executive office of
10-10 health and human services within forty-eight (48) hours after his or her examination, and a

10-11 written report within five (5) days after his or her examination.

10-12 SECTION 6. Section 40-8.5-2 of the General Laws in Chapter 40-8.5 entitled "Health
10-13 Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

10-14 **40-8.5-2. Services for adult victims with severe impairments of abuse, neglect and/or**
10-15 **exploitation.** -- (a) As used in this section the terms:

10-16 (1) "Adult victim with severe impairments" means:

10-17 (i) A person over the age of eighteen (18) who has a disability which is attributable to a
10-18 mental or physical impairment or combination of mental and physical impairments and results in
10-19 substantial functional limitations in three (3) or more major life activities;

10-20 (ii) Is an alleged victim of abuse, neglect or exploitation pursuant to section 11-5-12; or
10-21 assault pursuant to section 11-5-10.2 or 11-5-11 by a caregiver of the victim;

10-22 (iii) The adult victim relies on the person believed to have committed the abuse, neglect,
10-23 and/or exploitation, for assistance in performing three (3) or more major life activities; and

10-24 (iv) Crisis intervention services are necessary to ensure the immediate health and safety
10-25 of the adult victim.

10-26 (2) "Crisis intervention services" means the short term provision of health care and
10-27 residential services in the immediate hours and days following the abuse, neglect and/or
10-28 exploitation of an adult victim with severe impairments;

10-28 (3) "Major life activities" mean: (i) mobility; (ii) self-care; (iii) communication; (iv)
10-29 receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for
10-30 independent living; or (viii) economic self-sufficiency; and
10-31 (4) "Supportive services" means longer term support services for an adult victim with
10-32 severe impairments, and when appropriate that victim's family.

10-33 (b) After ~~July 1, 2007~~ January 1, 2011, local police departments may pursuant to section
10-34 42-7.2-17 request the ~~department of mental health, retardation, and hospitals~~ adult crisis
11-1 intervention center provide crisis intervention services for the adult victim with severe
11-2 impairments when:

11-3 (1) Necessary to ensure the immediate health and safety of the adult victim; and
11-4 (2) The adult victim with severe impairments relies on the person believed to have
11-5 committed the abuse, neglect and/or exploitation for assistance in performing three (3) or more
11-6 major life activities.

11-7 (c) (1) If the ~~department of mental health, retardation, and hospitals~~ adult crisis
11-8 intervention center determines that longer term supportive services are necessary, the victim and
11-9 when appropriate that victim's family will be referred to the public and private agencies and
11-10 departments whose supportive services are within its statutory and/or regulatory responsibility, as
11-11 are needed by the victim.

11-12 (2) In developing the supportive services care plan, the adult victim with severe
11-13 impairments' rights to self-determination and lifestyle preferences commensurate with his or her
11-14 needs shall be of prime consideration.

11-15 (3) If the adult victim with severe impairments withdraws consent or refuses to accept
11-16 crisis intervention or supportive services, the services shall not be provided.

11-17 (d) The department of human services is hereby authorized to seek federal approval of a
11-18 state plan amendment to its title XIX state plan to initiate crisis intervention services and support
11-19 services for adults who qualify for title XIX services and are victims of severe impairments of
11-20 abuse, assault, neglect or exploitation.

11-21 SECTION 7. Section 40.1-5-40.1 of the General Laws in Chapter 40.1-5 entitled "Mental
11-22 Health Law" is hereby amended to read as follows:

11-23 **40.1-5-40.1. Duty to report. --** Any employee who has reasonable cause to believe that
11-24 an assault or a battery has been committed upon a patient shall make an immediate report,
11-25 including the identity of parties and witnesses and details of the incident, to the ~~director of the~~
11-26 ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program or his or
11-27 her designee. The ~~director of the department~~ adult crisis intervention program shall cause the
11-28 report to be investigated immediately and further shall notify the mental health advocate and
11-29 appropriate law enforcement agencies of the investigation. Any person who fails to make a report
11-30 shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars
11-31 (\$500).

11-32 SECTION 8. Section 40.1-5.3-17 of the General Laws in Chapter 40.1-5.3 entitled
11-33 "Incompetency to Stand Trial and Persons Adjudged Not Guilty by Reason of Insanity" is hereby
11-34 amended to read as follows:

12-1 **40.1-5.3-17. Penalties for deprivation of rights -- Disciplinary action -- Duty to**
12-2 **report. --** (a) Any person who willfully withholds from or denies to a person committed to a
12-3 facility pursuant to this chapter any of his or her rights as herein granted, shall, on conviction
12-4 thereof, be fined not exceeding two thousand dollars (\$2,000) or imprisoned not exceeding two
12-5 (2) years.

12-6 (b) Any employee of a facility who shall deny to or withhold from any person any right
12-7 granted him or her by this chapter shall, independently of the above criminal sanctions, be subject
12-8 to such disciplinary action as the officer in charge shall see fit to impose, after notice, a hearing,
12-9 and a finding of a violation of the right.

12-10 (c) Any employee who has reasonable cause to believe that an assault or a battery has

12-11 been committed upon a committed person shall make an immediate report, including the identity
12-12 of parties and witnesses and details of the incident, to the ~~director of the department of mental~~
12-13 ~~health, retardation, and hospitals or his or her designee~~ adult crisis intervention program. The
12-14 ~~director of the department~~ adult crisis intervention program shall cause the report to be
12-15 investigated immediately and further shall notify the mental health advocate and appropriate law
12-16 enforcement agencies of the results of the investigation. Any person who fails to make such a
12-17 report shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars
12-18 (\$500).

12-19 SECTION 9. Sections 40.1-27-2, 40.1-27-3 and 40.1-27-5 of the General Laws in
12-20 Chapter 40.1-27 entitled "Penalties for Abuse of Persons with Developmental Disabilities" are
12-21 hereby amended to read as follows:

12-22 **40.1-27-2. Duty to report.** -- (a) Any person within the scope of their employment at a
12-23 program or in their professional capacity who has knowledge of or reasonable cause to believe
12-24 that a participant in a program has been abused, mistreated or neglected shall make, within
12-25 twenty-four (24) hours or by the end of the next business day, a written report to the ~~director~~
12-26 ~~secretary~~ of the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program
executive office of health
12-27 and human services or his or her designee. The report shall contain:

12-28 (1) The name, address, telephone number, occupation, and employer's address and the
12-29 phone number of the person reporting;

12-30 (2) The name and address of the participant who is believed to be the victim of the
12-31 abuse, mistreatment, or neglect;

12-32 (3) The details, observations, and beliefs concerning the incident(s);

12-33 (4) Any statements regarding the incident made by the participant and to whom they
12-34 were made;

13-1 (5) The date, time, and place of the incident;

13-2 (6) The name of any individual(s) believed to have knowledge of the incident; and

13-3 (7) The name of any individual(s) believed to have been responsible for the incident.

13-4 (b) In addition to those persons required to report pursuant to this section, any other
13-5 person may make a report if that person has reasonable cause to believe that a participant has
13-6 been abused, mistreated, or neglected.

13-7 **40.1-27-3. Duties of the director of the department of mental health, retardation,**
13-8 **and hospitals.-- Duties of the secretary of the executive office of health and human services.**

13-9 -- The ~~director~~ ~~secretary~~ of the ~~department of mental health, retardation, and hospitals~~ executive
13-10 office of health and human services or his or her designee adult crisis intervention program shall:

13-11 (1) Notify the attorney general or his or her designee, the chair of the program's human
13-12 rights committee forthwith upon receipt of an oral or written report made pursuant to section
13-13 40.1-27-2;

13-14 (2) Investigate and evaluate or cause to be investigated and evaluated the information
13-15 reported in those reports. The investigation and evaluation shall be made within twenty-four (24)
13-16 hours if the ~~director~~ ~~secretary~~ of the ~~department of mental health, retardation, and hospitals~~
13-17 executive office of health and human services has reasonable cause to believe the participant's
13-18 health or safety is in immediate danger of further abuse or neglect and within seven (7) days for
13-19 all other reports. The investigations shall include a visit to the program, an interview with the
13-20 participant allegedly abused, mistreated or neglected, an interview with all witnesses to the
13-21 alleged incident, a determination of the nature, extent, and cause or causes of the injuries, the
13-22 identity of the person or persons responsible therefor, all other pertinent facts and
13-23 recommendations to prevent further abuse, mistreatment or neglect of the participant or other
13-24 program participants. The determination shall be in writing;

13-25 (3) Evaluate the environment in the program named in the report and make a written
13-26 determination of the risk of physical or emotional injury to any other participants in the same

13-27 program;

13-28 (4) Forward to the attorney general and the chair of the program's human rights
13-29 committee within fifteen (15) days after a case is initially reported pursuant to section 40.1-27-2 a
13-30 summary of the findings and recommendations on each case;

13-31 (5) If the ~~director secretary~~ of the ~~department of mental health, retardation, and hospitals~~
13-32 ~~executive office of health and human services~~ has reasonable cause to believe that a participant
13-33 had died as a result of abuse, mistreatment, or neglect, immediately report the death to the
13-34 attorney general and to the office of the medical examiner. The office of the medical examiner
14-1 shall investigate the report and communicate its preliminary findings, orally within seventy-two
14-2 (72) hours, and in writing within seven (7) working days to the attorney general and to the
14-3 ~~department of mental health, retardation, and hospitals~~ ~~executive office of health and human~~
14-4 ~~services~~ ~~adult crisis intervention program~~. The office of the medical examiner shall also communicate its
final findings and
14-5 conclusions, with the basis therefore to the same parties within sixty (60) days;

14-6 (6) Promulgate such regulations as may be necessary to implement the provisions of this
14-7 chapter; and

14-8 (7) Maintain a file of the written reports prepared pursuant to this chapter. The written
14-9 reports shall be confidential, but shall be released to the attorney general, to a court of competent
14-10 jurisdiction, and upon written request to the participant, his or her counsel, the reporting person or
14-11 agency, the appropriate review board or a social worker assigned to the case.

14-12 **40.1-27-5. Physician's report of examination -- Duty of program. --** Whenever a
14-13 program shall receive a report by a person other than a physician that a participant has been
14-14 harmed as a result of abuse, neglect, or mistreatment, the program shall have the patient examined
14-15 by a licensed physician. It shall be mandatory for the physician to make a preliminary report of
14-16 his or her findings to the ~~secretary~~ ~~director of the~~ ~~department of mental health, retardation, and~~
14-17 ~~hospitals~~ ~~executive office of health and human services~~ ~~adult crisis intervention program~~ and to the program
within forty-eight (48)
14-18 hours after his or her examination, and a written report within five (5) days after his or her
14-19 examination.

14-20 SECTION 10. Section 42-7.2-6.1 of the General Laws in Chapter 42-7.2 entitled "Office
14-21 of Health and Human Services" is hereby amended to read as follows:

14-22 **42-7.2-6.1. Transfer of powers and functions. --** (a) There are hereby transferred to the
14-23 executive office of health and human services the powers and functions of the departments with
14-24 respect to the following:

14-25 (1) By July 1, 2007, fiscal services including budget preparation and review, financial
14-26 management, purchasing and accounting and any related functions and duties deemed necessary
14-27 by the secretary;

14-28 (2) By July 1, 2007, legal services including applying and interpreting the law, oversight
14-29 to the rule-making process, and administrative adjudication duties and any related functions and
14-30 duties deemed necessary by the secretary;

14-31 (3) By September 1, 2007, communications including those functions and services
14-32 related to government relations, public education and outreach and media relations and any
14-33 related functions and duties deemed necessary by the secretary;

14-34 (4) By March 1, 2008, policy analysis and planning including those functions and
15-1 services related to the policy development, planning and evaluation and any related functions and
15-2 duties deemed necessary by the secretary;

15-3 (5) By June 30, 2008, information systems and data management including the
15-4 financing, development and maintenance of all data-bases and information systems and platforms
15-5 as well as any related operations deemed necessary by the secretary;

15-6 (6) By October 1, 2009, assessment and coordination for long-term care including those
15-7 functions related to determining level of care or need for services, development of individual

15-8 service/care plans and planning, identification of service options, the pricing of service options
15-9 and choice counseling; and

15-10 (7) By October 1, 2009, program integrity, quality control and collection and recovery
15-11 functions including any that detect fraud and abuse or assure that beneficiaries, providers, and
15-12 third-parties pay their fair share of the cost of services, as well as any that promote alternatives to
15-13 publicly financed services, such as the long-term care health insurance partnership.

15-14 (8) By January 1, 2011, ~~client~~ [crisis intervention and adult](#) protective services ~~including~~
15-15 ~~any such services provided to children, for vulnerable~~ elders and adults with ~~developmental and~~
15-16 ~~other~~ disabilities;

15-17 (9) By March 1, 2010, administrative management of food and nutritional services
15-18 including food stamps, WIC and any other such programs or initiatives in which operational
15-19 efficiencies that improve access may be achieved through greater consolidation or coordination of
15-20 functions.

15-21 (b) The secretary shall determine in collaboration with the department directors whether
15-22 the officers, employees, agencies, advisory councils, committees, commissions, and task forces of
15-23 the departments who were performing such functions shall be transferred to the office.

15-24 (c) In the transference of such functions, the secretary shall be responsible for ensuring:
15-25 (1) Minimal disruption of services to consumers;
15-26 (2) Elimination of duplication of functions and operations;
15-27 (3) Services are coordinated and functions are consolidated where appropriate;
15-28 (4) Clear lines of authority are delineated and followed;
15-29 (5) Cost-savings are achieved whenever feasible;
15-30 (6) Program application and eligibility determination processes are coordinated and,
15-31 where feasible, integrated; and

15-32 (7) State and federal funds available to the office and the entities therein are allocated
15-33 and utilized for service delivery to the fullest extent possible.

15-34 (d) Except as provided herein, no provision of this chapter or application thereof shall be
16-1 construed to limit or otherwise restrict the departments of children, youth and families, human
16-2 services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any
16-3 statutory requirement or complying with any regulation deemed otherwise valid.

16-4 (e) The secretary shall prepare and submit to the leadership of the house and senate
16-5 finance committees, by no later than January 1, 2010, a plan for restructuring functional
16-6 responsibilities across the departments to establish a consumer centered integrated system of
16-7 health and human services that provides high quality and cost-effective services at the right time
16-8 and in the right setting across the life-cycle.

16-9 SECTION 11. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
16-10 Services" is hereby amended by adding thereto the following section:
16-11 [42-7.2-17. Adult crisis intervention and protective services. -- \(a\)\(1\) There is hereby](#)
16-12 [established within the executive office of health and human services an adult crisis intervention](#)
16-13 [center to coordinate crisis intervention services for the dependent adult during the immediate](#)
16-14 [hours and days following:](#)

16-15 [\(i\) The arrest or removal of the caregiver of a dependent adult who is the alleged victim](#)
16-16 [of abuse, neglect or exploitation pursuant to sections 11-5-11, 11-5-12, or 42-66-4.1; or assault](#)
16-17 [pursuant to sections 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11, 11-37-2 or 42-](#)
16-18 [66-8 by that caregiver; or](#)

16-19 [\(ii\) The unplanned absence of the caregiver of a dependant adult, due to accident, illness,](#)
16-20 [or death of that caregiver; and](#)

16-21 [\(iii\) Crisis intervention services are necessary to ensure the immediate health and safety](#)
16-22 [of the dependent adult.](#)

16-23 [\(2\) On or before July 1, 2010 the center shall provide, for the use of public safety](#)
16-24 [agencies, health and human service providers, and the general public a statewide toll free, twenty-](#)

16-25 four (24) hour a day, seven (7) days a week telephone line, to report assault, abuse, neglect, or
16-26 exploitation of the dependent adults.
16-27 (3) After January 1, 2011, public safety agency may request the center provide crisis
16-28 intervention services for the dependent adult victim when:
16-29 (i) Necessary to ensure the immediate health and safety of the adult victim; and
16-30 (ii) The dependant adult victim relies on the person believed to have committed the
16-31 assault and battery, abuse, neglect and/or exploitation for assistance in performing three (3) or
16-32 more major life activities.
16-33 (4) After July 1, 2011, public safety, health or human service providers, may request the
16-34 center provide crisis intervention services for the dependant adult when:
17-1 (i) Necessary to ensure the immediate health and safety of the dependant adult; and
17-2 (ii) The dependent adult victim relies on the absent caregiver for assistance in performing
17-3 three (3) or more major life activities.
17-4 (iii) The caregiver has an unplanned absence, due to accident, illness, or death of
17-5 involving the caregiver.
17-6 (5) The center shall upon being contacted by public safety, health or human service
17-7 providers immediately determine if the dependent adult needs and will accept crisis intervention
17-8 services and/or longer term protective services.
17-9 (6) The center shall notify the:
17-10 (i) Attorney general, and
17-11 (ii) Director of the department of health for those incidents involving health care
17-12 facilities;
17-13 (iii) Office of the state long-term care ombudsperson for those incidents involving
17-14 nursing facilities, assisted living residences, home care and home nursing care providers,
17-15 veterans' homes and long-term care units in Eleanor Slater Hospital; or
17-16 (iv) Director of the department of mental health, retardation and hospitals or his or her
17-17 designee for those incidents involving community residences for adults with developmental and
17-18 or behavioral health disabilities.
17-19 (7) If the adult crisis intervention center determines that longer term supportive services
17-20 are necessary, the dependent adult and when appropriate that dependent adult's family, the
17-21 executive office of health and human services shall coordinate the development of a longer term
17-22 supportive services care plan to:
17-23 (i) Identify the appropriate public and private agencies and departments whose supportive
17-24 services are within its statutory and/or regulatory responsibility, as are needed by the dependent
17-25 adult; and
17-26 (ii) Ensure a smooth transition from crisis intervention services to long-term supportive
17-27 services;
17-28 (7) In developing the supportive services care plan, the dependent adult's rights to self-
17-29 determination and lifestyle preferences commensurate with his or her needs shall be of prime
17-30 consideration.
17-31 (8) If the dependant adult withdraws consent or refuses to accept crisis intervention
17-32 services or supportive services, the services shall not be provided.
17-33 (b) As used in this section the following words and phrases shall have the following
17-34 meanings unless the context clearly indicates otherwise.
18-1 (1) "Caregiver" means a person who has assumed the responsibility for the care of the
18-2 dependent adult voluntarily, by contract or by order of a court of competent jurisdiction, or who is
18-3 otherwise legally responsible for the care of the dependant adult.
18-4 (2) "Dependent adult" means:
18-5 (i) A person over the age of eighteen (18) who due to age and/or disability has substantial
18-6 functional limitations in three (3) or more major life activities; and
18-7 (ii) Needs assistance of a caregiver in performing three (3) or more major life activities.

18-8 (3) "Crisis intervention services" means the short-term provision of health care and
 18-9 residential services in the immediate hours and days following the abuse, neglect and/or
 18-10 exploitation of a dependent adult;
 18-11 (4) "Major life activities" means: (i) Mobility; (ii) Self-care; (iii) Communication; (iv)
 18-12 receptive and/or expressive language; (v) Learning; (vi) Self-direction; (vii) Capacity for
 18-13 independent living; or (viii) Economic self-sufficiency; and
 18-14 (5) "Supportive Services" means longer term support services for a dependent adult, and
 18-15 when appropriate that adult's family.
 18-16 SECTION 12. Section 42-9.2-3 of the General Laws in Chapter 42-9.2 entitled "Office of
 18-17 Elder Justice Prosecution Unit" is hereby amended to read as follows:
 18-18 **42-9.2-3. Establishment.** -- There shall be established and funded within the department
 18-19 of attorney general an elder justice prosecution unit. The elder justice prosecution unit shall be an
 18-20 assistant or special assistant attorney general appointed by the attorney general. Additionally, the
 18-21 unit shall have both an inspector and paralegal to be appointed by the attorney general. The elder
 18-22 justice prosecution unit is authorized to perform the following duties as the attorney general may
 18-23 direct:
 18-24 (1) Prosecute cases relating to elder abuse, neglect and exploitation;
 18-25 (2) Educate law enforcement personnel of the department of elderly affairs ~~personnel~~
 18-26 and executive office of health and human services adult crisis intervention program on investigative
 issues unique to elder justice;
 18-27 (3) Intervene in, or request that the state or any agency thereof initiate administrative,
 18-28 legal and legislative actions related to elder justice issues as determined by the attorney general.
 18-29 SECTION 13. Section 42-66-8 of the General Laws in Chapter 42-66 entitled "Elderly
 18-30 Affairs Department" is hereby amended to read as follows:
 18-31 **42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons -- Duty to**
 18-32 **report.** -- Any person who has reasonable cause to believe that any person sixty (60) years of age
 18-33 or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate
 18-34 report to the director of the department of elderly affairs or his or her designee. In cases of abuse,
 19-1 neglect or exploitation, any person who fails to make the report shall be punished by a fine of not
 19-2 more than one thousand dollars (\$1,000). Nothing in this section shall require an elder who is a
 19-3 victim of abuse, neglect, exploitation or who is self-neglecting to make a report regarding such
 19-4 abuse, neglect, exploitation or self-neglect to the ~~director~~ secretary of the executive office of
 19-5 health and human services or his or her designee.
 19-6 SECTION 14. Section 42-66-8.1 of the General Laws in Chapter 42-66 entitled "Elderly
 19-7 Affairs Department" is hereby repealed.
 19-8 ~~42-66-8.1. Abuse of elderly persons -- Telephone line. -- The director shall provide, for~~
 19-9 ~~the use of the general public, a statewide toll free, twenty-four (24) hour a day, seven (7) days a~~
 19-10 ~~week telephone line, to report abuse, neglect, exploitation and self-neglect of the elderly.~~
 19-11 SECTION 15. Sections 2, 3, 6, 8, 10 and 11 shall take effect on July 1, 2010. The
 19-12 remaining sections of this act shall take effect on January 1, 2011.

An additional section would be added to the bill to make the Long Term Care Ombudsperson's statute consistent with the already proposed changes.

The proposed amendment is double ~~struck through~~ or underlined below on lines 9 & 10.

1 NEW SECTION 13. Section 42-66.7-5 of Chapter 66.7 of the General Laws entitled "Long-Term Care
 2 Ombudsperson Act of 1995" is hereby amended to read as follows:
 3 **42-66.7-5. Powers and duties.**
 4 The long-term care ombudsperson shall:
 5 (1) Identify, investigate, and resolve complaints that: (a) are made by, or on behalf of, residents; and
 6 (b) relate to action, inaction, or decisions, that may adversely effect the health, safety, welfare, or rights of

- 7 the residents (including the welfare and rights of the residents with respect to the appointment and
 8 activities of guardians and representative payees) and health care and financial powers of attorney;
- 9 (2) Receive all reports of incidents reportable to the ~~department of health~~ adult crisis intervention
 10 program within twenty-four (24) hours, or by the next business day of the occurrence, in cases of resident
 11 abuse, neglect, exploitation, theft, sexual abuse, accidents involving fires, elopement and patient to patient
 12 abuses;
- 13 (3) Receive all reports of thirty (30) day notices of resident discharge from long-term care facilities;
- 14 (4) Provide referral services to assist residents in protecting their health, safety, welfare and rights;
- 15 (5) Inform residents of their rights and advocate on their behalf to improve their quality of life and live
 16 with dignity and respect;
- 17 (6) Formulate policies and procedures to identify, investigate, and resolve complaints;
- 18 (7) Make appropriate referrals of investigations to other state agencies, including, but not limited to, the
 19 departments of health, human services and attorney general;
- 20 (8) Offer assistance and training to public and private organizations on long-term care of elders and
 21 persons with disabilities;
- 22 (9) Represent the interests of residents of facilities before government agencies and seek
 23 administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents
 24 including, but not limited to, rights with respect to the appointment or removal of guardians and
 25 representative payees powers of attorney;
- 26 (10) Review and, if necessary, comment on any existing and proposed laws, regulations, and other
 27 government policies and actions, that pertain to the rights and well-being of residents of facilities.

The Legislation Committee recommends the Commission support amending 10 H 7369 & S 2206 Acts Relating to Criminal Offenses - Adult Crisis Intervention - Center and Protective Services, and its Senate counterpart the changes requested by the Long Term Care Ombudsperson, as presented		
MOTION: To support amending 10 H 7369 & S 2206 Acts Relating to Criminal Offenses - Adult Crisis Intervention - Center and Protective Services , the changes requested by the Long Term Care Ombudsperson, as presented RMcM/LW passed unanimously		
Announcements and Scheduling of Meetings	R. Timothy Flynn	5 min.
CA announced that the United Way just won the contract to manage “The Point” Aging and Disability Resource Center. The Department of Environmental Management & the Commission will be submitting a nomination to the US Environmental Management Agency regarding their Environmental Merit Award for the Salty Brine Beach and Fishing project.		
Upcoming Commission meetings Mondays 5 – 7 PM: 04/19; 07/19; 09/13; and 11/29		
Next meeting will be on:	Monday April 19 th	Starting at: 5 PM
Adjournment:	Chairperson adjourned the meeting at 6:18 PM	
Observers:	Anthony Robinson, House Policy Office.	
Resource persons:	Bob Cooper, Secretary; Harvey Salvas; Christine Rancourt-Bruzzi. (GCD)	