

Minutes



LEGISLATION COMMITTEE

Monday March 14, 2005 2:00 PM to 5:00 PM

Governor's Commission on Disabilities

John O. Pastore Center (Formerly the Howard Center)

- 41 Cherry Dale Court

Cranston, RI 02920

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Secretary: Bob Cooper

Attendees: Raymond Bandusky; Jeanne Behie; Joseph Corrente; Joan D'Agostino; Bill Inlow; Ken Pariseau; Arthur Plitt; & Gwen Reeve

Excused: Victoria Wilcox (Chair); Tim Flynn (Vice Chair); Sharon Brinkworth; Rosemary Carmody; Regina Connor; Paul Choquette; Linda Deschenes; Scott Greco; Mitch Henderson; Kate McCarthy-Barnett; & Rev. Gerard Sabourin

Minutes

2:00 PM Call to Order and acceptance of minutes Victoria Wilcox, Chair.

Discussion: Chair calls the meeting to order at 2:30 PM.

Members and guests introduce themselves

MOTION: To accept the minutes as corrected to include "Jeanne Behie" on the list of attendees and correct the spelling of "Gwen Reeve" JC/AP passed unanimously

2:05 PM Status of GCD Legislative Package Bob Cooper

Supports if amended

Continued

05 H-5270 Art. 30 COMPENSATION OF BOARD MEMBERS Rep. Watson

Total Scheduled for hearing and/or consideration: 1

Commission Total Supports if amended: 1

Supports

Scheduled for hearing and/or consideration

05 S-0114 MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES

Sen. Blais Identical to H 5220

05 S-0171 HUMAN SERVICES - HEALTH CARE FOR ELDERLY AND DISABLED

RESIDENTS ACT Sen. Gibbs

05 S-0238 HUMAN SERVICES - HEALTH CARE FOR ELDERLY AND DISABLED

RESIDENTS ACT Sen. Perry Identical to H 5382

05 S-0261 HUMAN SERVICES -- HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT Sen. Lanzi

05 S-0413 HUMAN SERVICES -- PERSONAL CARE ATTENDANT PROGRAM Sen. Gallo
Total Scheduled for hearing and/or consideration: 5

In Committee

05 S-0062 TAXATION - PROPERTY TAX RELIEF Sen. Felag Similar to H 5370, H 5475 & H 5270 Art. 04

05 S-0651 HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM Sen. Felag Similar to 5270 Art. 06 & H 5175

05 S-0801 HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS Sen. Paiva-Weed
Identical H 5734

05 H-5175 HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM Rep. Fox Identical to S 651, Similar to 5270 Art. 06

05 H-5220 MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES
Rep. McNamara Identical to S 0114

05 H-5270 Art. 04 PROPERTY TAX RELIEF Rep. Watson Similar to H 5370 & S 0062

05 H-5270 Art. 06 CAPITAL DEVELOPMENT PROGRAM Rep. Watson Similar to H 5175 & S 651

05 H-5370 TAXATION - PROPERTY TAX RELIEF Rep. McManus Similar to H 5270 Art. 04, H 5472, & S 0062

05 H-5382 HUMAN SERVICES - HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT Rep. Slater Identical to S 238

05 H-5475 PROPERTY TAX RELIEF Rep. Amaral Similar to S 62, H 5370, & H 5270 Art. 04

05 H-5734 HUMAN SERVICES -- HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT Rep. Naughton Identical to S 801

Total In Committee: 11

Continued

05 H-5270 Art. 01/05 GCD MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2006 Rep.

Watson

05 H-5270 Art. 08 GENERAL PUBLIC ASSISTANCE HARDSHIP CONTINGENCY FUND
Rep. Watson

Total Continued: 2

Commission Total Supports: 18

Opposes
Continued

05 H-5270 Art. 14 MEDICAL ASSISTANCE FOR CERTAIN DISABLED CHILDREN Rep. Watson

Total Continued: 1

Commission Total Opposes: 1

Beneficial
Scheduled for hearing and/or consideration

05 H-5055 HEALTH AND SAFETY Rep. Palumbo

Total Scheduled for hearing and/or consideration: 1

In Committee

05 H-5226 HEALTH AND SAFETY -- ENVIRONMENTAL LEAD PROGRAM Rep. Lewiss

Total In Committee: 1

Continued

05 H-5182 HEALTH AND SAFETY OF PUPILS Rep. Naughton

05 H-5186 EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION Rep. Almeida

05 H-5236 BRIDLE AND HIKING TRAILS Rep. Gorham

Total Continued: 3

Legislative Cmte Total Beneficial: 5

Beneficial if amended

Scheduled for hearing and/or consideration

05 S-0236 STATE AFFAIRS AND GOVERNMENT - - PHARMACEUTICAL ASSISTANCE TO THE ELDERLY Sen. Perry Similar to H 5790

Total Scheduled for hearing and/or consideration: 1

In Committee

05 S-0122 SCHOOL AND MUNICIPAL PLAYGROUND SAFETY Sen. Blais

05 S-0202 PUBLIC OFFICERS AND EMPLOYEES -- SALARIES AND TRAVELING EXPENSES Sen. Gibbs

Total In Committee: 2

Legislative Cmte Total Beneficial if amended: 3

Harmful

Scheduled for hearing and/or consideration

05 H-5020 HEALTH AND SAFETY Rep. Faria

05 H-5763 INSURANCE Rep. Church Similar to S 0078, S 841, & H 5233

05 H-6127 TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) Rep. Nicholas Gorham Identical to H 5243 & S 124, Related to S 0125 & H 5245

Total Scheduled for hearing and/or consideration: 3

In Committee

05 S-0078 INSURANCE Sen. Blais Similar to S 841, H 5233, & H 5763

05 S-0124 APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) Sen. Cote Identical to H 5243 & 6127, Related to S 0125 & H 5245

05 S-0125 INITIATIVE AND REFERENDUM Sen. Cote Identical to H 5245, Related to S 0124, H 5243 & H 6127

05 S-0172 STATE EDUCATION - - MANDATES Sen. Blais Similar to H 5063

05 S-0841 INSURANCE Sen. Daniel P. Connors Similar to S 0078, H 5233, & H 5763

05 H-5063 TOWNS AND CITIES Rep. Kilmartin Similar to S 0172

05 H-5243 PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) Rep. Picard Identical to H 6127 & S 0124, Related to H 5245 & S 0125

05 H-5245 INITIATIVE AND REFERENDUM Rep. Picard Identical to S 0125, Related to H 5243, H 6127 & S 0124

Total In Committee: 8

Continued

05 H-5111 STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION Rep.

McHugh Similar to H 5112, H 5235

05 H-5112 STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION Rep.

McHugh Similar to H 5111, H 5235

05 H-5233 MANDATED BENEFITS REVIEW ACT Rep. Menard Similar to S 0078, S 841, & H 5763

05 H-5235 STATE AFFAIRS AND GOVERNMENT - - LEAD HAZARD MITIGATION Rep.

Lewis Similar to H 5111, H 5112

Total Continued: 4

Legislative Cmte Total Harmful: 15

Grand Total Number of Bills in Legislative Package: 43

3:40 PM Review of Tabled Bills

Bob Cooper

Discussion: Members discussed the following bills, tabled at the last meeting

Tabled for more information Disability Law Center

Status: Scheduled for hearing and/or consideration 3/2/2005

Location: House Health, Education, & Welfare Committee

05 H-5248, H 5249, H 5250, 05 S-0808 & 05 S-0814 Title: HEALTH INSURANCE COVERAGE

Sponsors: Rep. Giannini & Reps. Petrarca, Trillo, Williams, and McHugh

Sponsors: Sen. Damiani & Sens. Polisena, and Sosnowski

Description: This act would require that health insurance policies include coverage for the purchase of prosthetic devices from distributors which are not on the health care provider's approved list.

This act would take effect upon passage.

The Committee took no position

Tabled for more information Housing Resource Commission / Homeless Coalition

05 S-0145, 05 H-5385 & 05 H-5793 Title: STATE AFFAIRS AND GOVERNMENT -- THE SHELTER TO HOUSING PROGRAM

Sponsors: Sen. Perry & Sens. Goodwin, Roberts, Gibbs, and Pichardo

Sponsors: Rep. Slater & Reps. Almeida, Diaz, Williams, and Coderre

Description: This act would create a program designed to move homeless individuals and families from shelter to rental housing. The program would be administered by the office of homelessness and emergency assistance within the housing resources commission.

This act would take effect upon passage.

05 H-5289 & 05 S-0204 Title: STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Sponsors: Rep. Slater & Reps. Jackson, Fox, Diaz, and Almeida

Sponsors: Sen. Pichardo & Sens. Tassoni, Perry, Goodwin, and Gallo

Description: This act would give the Rhode Island Housing Resources Commission the power to administer the supportive services program which aids in the prevention of homelessness, and would appropriate \$350,000 in fiscal year 2005-2006 to carry out this provision of this act.

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0145, 05 H-5385 & 05 H-5793 Relating to STATE AFFAIRS AND GOVERNMENT -- THE SHELTER TO HOUSING PROGRAM AP/JD' A passed unanimously

MOTION: To find beneficial 05 S-0204 & 05 H-5289 Relating to STATE AFFAIRS

AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998
AP/JB passed unanimously

Tabled for more information Alliance for Better Long Term Care

Status: In Committee

Location: House Finance Committee

05 H-5008 & H-5011 Title: STATE AFFAIRS AND GOVERNMENT -- OFFICE OF THE LONG-TERM HEALTH CARE ADVOCATE

Sponsors: Rep. Giannini & Reps. Petrarca, McHugh, and Handy

Description: This act would establish the office of the long-term health care advocate to advocate for the needs of residents of long-term health care facilities. The act would grant the office specific powers and duties, and provide for funding of the office from the general assembly.

This act would take effect upon passage.

The Committee took no position

Tabled for more information from the Paul Sherlock Center for Disability

05 S-0032 Title: EDUCATION -- SCHOOL FOR THE DEAF

Sponsors: Sen. Issa

Description: This act would require that the board of trustees at the Rhode Island School for the Deaf, for as long as the Vision Services Program is located at the School for the Deaf, have at least one member who is a parent, grandparent, or guardian of a visually impaired student.

This act would take effect upon passage.

Question to the Sherlock Center - Didn't the vision services get shifted to the Sherlock Center from the School for the Deaf, last year? Answer – Yes.

The Committee took no position

4:00 PM Review of New Bills

Victoria Wilcox

Discussion: Members discussed the following bills.

Category: Life Safety & Health / Disability Prevention

Committee review requested by Jeanne

05 H-5285 Title: TAXATION -- CIGARETTE TAX

Sponsors: Rep. Rice & Reps. Gallison, Jackson, and Church

Description: This act would raise the tax imposed on smokeless tobacco, cigars, and pipe tobacco products from thirty percent (30%) to fifty percent (50%) and allocate up to \$3,000,000 of the tax collected to the department of health tobacco prevention program. This act would further remove this section from the chapter entitled "Cigarette Tax" to its own chapter entitled "Smokeless Tobacco Tax."

This act would take effect upon passage.

Potential MOTION: To find beneficial 05 H-5285 Relating to TAXATION -- CIGARETTE TAX JB/BI Passed unanimously

Committee review requested by Jeanne & Victoria

05 H-5278 Title: EDUCATION-HEALTH AND SAFETY OF PUPILS

Sponsors: Rep. Savage & Reps. McManus, Loughlin, and McHugh

Description: This act would provide that the department of elementary and secondary education and the department of health would incorporate into their policies, rules and regulations pertaining to school health programs, a procedure for addressing an incidence of hypoglycemia resulting in unconsciousness or

seizure in order to provide for the health and safety of any child who has been medically identified as having diabetes.

This act would take effect upon passage.

The Committee took no position

Category: Civil Rights

Committee review requested by Victoria

05 H-5195 Title: PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ENFORCEMENT)

Sponsors: Rep. Anguilla & Reps. Davey, Gemma, Rice, and Dennigan

05 S-0720 Title: CAUSES OF ACTION

Sponsors: Sen. J. Michael Lenihan

Would amend the Constitution to make it self-executing, allowing its provisions to be enforceable in the appropriate courts of this state by legal or equitable action without the necessity for the enactment of any enabling legislation.

The Committee took no position

Committee review requested by Raymond

05 S-0844 & H 6157 Title: SOVEREIGN IMMUNITY

Sponsors: Sen. McCaffrey

Sponsors: Rep. Moura & Reps. Kilmarti, and Lima

Description: This act would clarify that a cause of action exists against the state of Rhode Island by state employees and other parties seeking to enforce rights with respect to federal statutes where the United States Congress has indicated its intent that said federal statutes be applicable to the states, including: (1) Fair labor standards. The Fair Labor Standards Act of 1938, 29 U.S.C. section 201 et seq., including, but not limited to, the Equal Pay Act of 1963, 29 U.S.C. section 206 et seq.; (2) Discrimination generally. Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e et seq.; the Fair Housing Act of 1968, 42 U.S.C. section 3601 et seq.; and the Civil Rights Acts codified at 42 U.S.C. sections 1981-1988; (3) Race discrimination. Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d et seq.; (4) Age discrimination. The Age Discrimination in Employment Act, 29 U.S.C. section 621 et seq.; (5) Sex discrimination. Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq.; (6) Disability discrimination. The Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq.; and the Rehabilitation Act of 1973, 29 U.S.C. section 794 et seq.; (7) Religious discrimination. The Religious Land Use and Institutionalized Persons Act of 2000; (8) Family and medical leave. The Family and Medical Leave Act of 1993, 29 U.S.C. section 2612 et seq.;

This act would take effect on July 1, 2005 and would apply to causes of action arising on or after that date.

Commission has supported this in the past

MOTION: To find beneficial 05 S-0844 & H 6157 Relating to SOVEREIGN IMMUNITY RB/AP passed unanimously

Category: Health Care Services

Committee review requested by Bob

05 S-0397 Title: STATE AFFAIRS AND GOVERNMENT

Sponsors: Sen. Goodwin & Sen. Issa Lieutenant Governor

Description: This act would reduce the minimum age social security disability recipients are required to pay one hundred percent (100%) of the State discount price for qualified RI Pharmaceutical Assistance for the Elderly prescriptions from fifty-five (55) to twenty-one (21) years of age.

This act would take effect upon passage.

05 H-5299 Title: STATE AFFAIRS AND GOVERNMENT -- ELDERLY PHARMACEUTICAL ASSISTANCE

Sponsors: Rep. Ginaitt & Reps. Anguilla, Handy, Gemma, and McNamara Requested by the Lieutenant Governor

This act would reduce the minimum age of social security disability recipients required to pay one hundred percent (100%) of qualified prescriptions to persons between the ages of twenty-one (21) to sixty-five (65) years of age.

This act would take effect upon passage.

These were Commission drafted bills in 2004

MOTION: To find beneficial 05 H-5299 & 05 S-397 Relating to STATE AFFAIRS AND GOVERNMENT -- ELDERLY PHARMACEUTICAL ASSISTANCE GR/BI passed unanimously

05 H-5288 Title: INSURANCE

Sponsors: Rep. Slater & Reps. Diaz, Williams, Almeida, and Naughton

Description: This act would eliminate the following health insurance maximum # of treatments for mental illness and substance abuse:

outpatient services, with the exception of outpatient medication visits, shall be provided for up to thirty (30) visits in any calendar year;

outpatient services for substance abuse treatment shall be provided for up to thirty (30) hours in any calendar year;

community residential care services for substance abuse treatment shall be provided for up to thirty (30) days in any calendar year; and

detoxification benefits shall be provided for up to five (5) detoxification occurrences or thirty (30) days in any calendar year, whichever comes first.

This act would take effect upon passage.

This act would take effect upon passage.

This was a Commission drafted bill in 2004

Potential MOTION: To find beneficial 05 H-5288 Relating to INSURANCE KP/BI passed unanimously

Committee review requested by Jeanne

05 H-5280 Title: HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES

Sponsors: Rep. Ginaitt Reps. Anguilla, Gemma, Laroche, and Naughton

This act would expand funding sources for the emergency medical services for children (EMSC) program to include funds available through the state government.

This act would take effect upon passage.

The Committee took no position

Committee review requested by Jeanne

05 H-5228 Title: INSURANCE -- EARLY INTERVENTION SERVICES

Sponsors: Rep. Naughton & Reps. Costantino, and Slater

This act would provide that a deductible and coinsurance factor may be applied to early intervention services covered by high deductible health plans issued in conjunction with health savings accounts established pursuant to section 223 of the Internal Revenue Code.

This act would take effect upon passage.

Tabled for KP to research.

Committee review requested by Jeanne

05 S-0118 Title: TOWNS AND CITIES

Sponsors: Sen. Tassoni & Sens. Connors, Lanzi, and Ciccone

This act would require cities and towns to continue medical coverage after a disability pension is granted.

This act would take effect upon passage.

The Committee took no position

Committee review requested by Jeanne & Victoria

05 S-0139 Title: HUMAN SERVICES -- ESTABLISHING A LONG-TERM CARE IMPROVEMENT FUND

Sponsors: Sen. Connors & Sens. Perry, Gallo, Doyle, and Polisena Requested by the Lieutenant Governor) **Identical to H 5300**

This act would provide that all monies received by the state from the federal government as a result of the imposition of civil monetary penalties on nursing facilities by the federal government pursuant to 488.444 42 CFR Chapter IV shall be deposited in the long-term care improvement trust fund to be administered by the department of human services.

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0139 & H 5300 Relating to HUMAN SERVICES -- ESTABLISHING A LONG-TERM CARE IMPROVEMENT FUND

AP/KP passed unanimously

Committee review requested by Jeanne

05 H-5291 Title: HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Sponsors: Rep. Slater & Reps. Diaz, Williams, Almeida, and Naughton

This act would set minimum Medicaid reimbursement rates for transport services.

This act would take effect upon passage.

MOTION: To find beneficial if amended to replace the specific rates with a requirement for annual adjustments based on the market. 05 H-5291 Relating to HUMAN SERVICES -- PUBLIC ASSISTANCE ACT GR/KP passed unanimously

05 H-5332 Title: STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE ELDERLY PROTECTION ACT OF 2005

Sponsors: Rep. Sullivan & Reps. Anguilla, Slater, Williams, and Landroche Requested by the Lieutenant Governor

Description: This act would promote coordination of benefits between the elderly pharmaceutical assistance program and Medicare Part D prescription drug program.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5332 Relating to STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE ELDERLY PROTECTION ACT OF 2005 JD' A/AP Passed unanimously

Committee review requested by Kate, Jeanne & Hadassah

05 S-0183 Title: HEALTH AND SAFETY- STEM CELL RESEARCH

Sponsors: Sen. Perry & Sosnowski, Roberts, C Levesque, and Gibbs **Identical to H 6047**

Description: This act would permit stem cell research to be conducted in this state with informed written consent from the individual receiving the fertility treatments.

This act would take effect upon passage.

MOTION: To find beneficial if amended to clarify that both “owners” of the embryo must give written consent 05 S-0183 & H 6047 Relating to HEALTH AND SAFETY- STEM CELL RESEARCH BI/KP passed, Nay – JB, Abstain - RB

Category: People with Disabilities

Committee review requested by Attorney General

05 S-0439 & 05 H-5544 Title: ASSAULTS

Sponsors: Sen. McCaffrey Sen. Gallo Sponsors: Reps. Naughton & Reps. Kilmartin, Coderre, Malik, and Lima Requested by the Attorney General

Description: This act would mandate that a person convicted of abuse and neglect of adults with severe impairments be subject to a fine of not more than two thousand dollars (\$2,000), or imprisoned not more than five (5) years, or both, and ordered to make full restitution of any funds obtained as the result of any exploitation which results in the misappropriation of funds.

MOTION: To find harmful 05 S-0439 & 05 H-5544 Title: RELATING TO ASSAULTS AP/BI passed, Abstain - RB

Category: Housing

Committee review requested by Sponsor & Jeanne

05 S-0291 Title: TOWNS AND CITIES -- ZONING ORDINANCES

Sponsors: Sen. C Levesque Sen. Perry

Description: This act would amend the definition section of the law on zoning ordinances to include a definition for "accessory family dwelling unit."

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0291 Relating to TOWNS AND CITIES -- ZONING ORDINANCES JB/BI Passed unanimously

Category: financial assistance

Committee review requested by Lt. Governor

05 S-0377 & 05 H-5364 Title: MEMORIALIZING CONGRESS TO OPPOSE PRIVATIZATION OF SOCIAL SECURITY

Sponsors: Sen. Goodwin Sponsors: Rep. Moura & Reps. Lima, Ajello, Slater, and McCauley Requested by the Lieutenant Governor

Description: That the Rhode Island General Assembly, on behalf of all generations of Rhode Island citizens, opposes the privatization of Social Security and respectfully requests Rhode Island members of Congress oppose any efforts to create "carve outs" or a system of privatization of Social Security.

MOTION: To find beneficial 05 S-0377 & 05 H-5364 Title: MEMORIALIZING CONGRESS TO OPPOSE PRIVATIZATION OF SOCIAL SECURITY BI/KP passed unanimously

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| <p>Category: Confidential Information</p> <p>committee review requested by Bob</p> <p>05 H-5701 Title: PUBLIC RECORDS -- ACCESS</p> <p>Sponsors: Rep. Dennigan & Reps. Anguilla, Almeida, and Williams</p> <p>This act would modify the definition of public records in the open records law to prevent the disclosure of records that would constitute a clear unwarranted invasion of privacy or which are otherwise exempt pursuant to state law.</p> <p>This act would take effect upon passage.</p> |
| <p>MOTION: To find harmful 05 H-5701 Title: PUBLIC RECORDS – ACCESS BI/JC passed unanimously</p> |
| <p>committee review requested by Kate</p> <p>05 H-5905 Title: BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT</p> <p>Sponsors: Rep. McNamara & Reps. Kennedy, Corvese, Costantino, and Story Identical to S 820</p> <p>This act would prevent disclosure of a patient's health care information through ex parte contacts with the provider by persons other than the patient or his or her legal representative. This act would further provide that no consent for release or transfer of confidential health care information be required by a third-party administrator, HMO, nonprofit hospital and medical service corporation or service provider if permitted by HIPAA.</p> <p>This act would take effect upon passage.</p> <p>The Committee took no position</p> |
| <p>Category: Health Care Services</p> <p>committee review requested by Gwen</p> <p>05 H-5790 Title: PHARMACEUTICAL ASSISTANCE TO THE ELDERLY</p> <p>Sponsors: Rep. Crowley & Reps. Lewiss, Naughton, Malik, and McNamara Similar to S 236</p> <p>This act would include drugs used in treating multiple sclerosis to the list of eligible drugs, provided that payments by the state for multiple sclerosis drugs shall not exceed \$300,000 dollars in any fiscal year.</p> <p>This act would take effect upon passage.</p> |
| <p>MOTION: To find beneficial 05 H-5790 Relating to PHARMACEUTICAL ASSISTANCE TO THE ELDERLY JD' A/AP passed, Abstain - GR</p> |
| <p>committee review requested by Jeanne</p> <p>05 H-5332 Title: STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE ELDERLY PROTECTION ACT OF 2005</p> <p>Sponsors: Rep. Sullivan & Reps. Anguilla, Slater, Williams, and Landroche Requested by the Lieutenant Governor</p> <p>This act would promote coordination of benefits between the elderly pharmaceutical assistance program and Medicare Part D prescription drug program.</p> <p>This act would take effect upon passage.</p> <p>The Committee took no position</p> |
| <p>committee review requested by Kate & Jeanne</p> <p>05 S-0710 Title: FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT</p> <p>Sponsors: Sen. Perry & Sens. Polisena, Damiani, McCaffrey, Sosnowski Identical to H 6052</p> <p>This act would protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.</p> |

This act would take effect upon passage.

05 H-6052 Title: FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT

Sponsors: Rep. Slater & Reps. Watson, Diaz, Faria, and Costantino

Identical to S 0710

This act would protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana.

This act would take effect upon passage.

Bills Tabled for KMcC-B.

05 H-5590 Title: HEALTH -- CANCER TREATMENT FUND

Sponsors: Rep. Joanne M. Giannini

This act would establish a fund to assist uninsured and underinsured persons in paying for cancer treatment drugs.

This act would take effect upon passage.

05 H-5562 Title: INSURANCE COVERAGE -- CANCER EXAMINATIONS AND TESTS

Sponsors: Rep. McNamara & Reps. Malik and Corvese

This act would require health insurance companies to cover cancer examinations and testing of asymptomatic individuals.

This act would take effect upon passage.

Bills Tabled for KMcC-B.

05 H-5742 Title: HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE

Sponsors: Rep. Jacquard & Reps. Lewiss, and Schadone

This act would provide that coverage for a portion of the cost of hearing aids for adults be included in every health insurance contract, plan or policy issued or renewed on or after January 1, 2006.

This act would take effect upon passage.

Bills Tabled for KMcC-B.

Category:

Human Services

committee review requested by Bob

05 S-0516 Title: STATE AFFAIRS AND GOVERNMENT -- THE EXECUTIVE DEPARTMENT -- ESTABLISHMENT OF THE SECRETARIAT OF HEALTH AND HUMAN SERVICES

Sponsors: Senator Jun. Gibbs

Identical to H 5600 Sponsors: Rep. Mumford & Reps. Davey, Long, Savage, and Singleton

Sponsors: Senator Jun. Gibbs

This act would establish the secretariat of health and human services to serve as the principal agency of the executive branch of state government for managing the departments of children, youth and families (DCYF), elderly affairs (DEA), health (Health), human services DHS), and mental health, retardation and hospitals (MHRH). The act would further establish the position and duties of the secretary of the secretariat of health and human services.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5600 & S 615 Title: STATE AFFAIRS AND GOVERNMENT -- THE EXECUTIVE DEPARTMENT -- ESTABLISHMENT OF THE SECRETARIAT OF HEALTH AND HUMAN SERVICES RB/KP passed, Abstained - JD'A

Category:

Special Education

committee review requested by Kate

05 S-0411 Title: EDUCATION

Sponsors: Sen. Sheehan & Sens. Lenihan, F Caprio, Cote, and Gallo

This act would establish a fund to subsidize the costs incurred by cities and towns when a special education student enters the municipality's school system after the commencement of the school year. This act would take effect upon passage.

05 S-0410 Title: EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

Sponsors: Sen. Sheehan & Sens. Lenihan, F Caprio, Cote, and Gallo

This act would establish the "special education statewide mean supplemental fund" to provide additional funds to school districts who receive special needs students during the school year.

This act would take effect upon passage.

The Committee took no position

Category: People with Disabilities
committee review requested by Attorney General

05 S-0068 Title: CRIMINAL OFFENSES -- ASSAULTS

Sponsors: Sen. Polisenia & Sens. Damiani, Sosnowski, Blais, and Algieri **Similar 05 S-0439 & 05 H-5544**

This act would impose a mandatory twenty (20) year prison sentence for any person who commits an assault or battery upon a person who is severely impaired causing serious bodily injury.

This act would take effect upon passage.

05 S-0734 Title: CRIMINAL OFFENSES -- ASSAULTS

Sponsors: Sen. Polisenia & Sen. Damiani **Similar to 05 S-0439 & 05 H-5544**

This act would impose a mandatory twenty (20) year prison sentence for any person who commits and assault or battery upon a person sixty (60) years or older causing serious bodily injury, a person who is severely impaired who suffers serious bodily injury, and a caretaker who commits an assault upon a person 60 years or older causing serious bodily injury. For the purposes of this section, "severely impaired person" means a child or adult who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments and results in substantial functional limitations in one or more major life activities.

This act would take effect upon passage.

The Committee took no position

Category: appropriations
committee review requested by Jeanne

05 H-5372 Title: THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Sponsors: Rep. Moran & Reps. T Brien, Gallison, Ucci, and Kilmartin

This act would establish a child opportunity zone (COZ) family center fund and appropriate one million dollars (\$1,000,000) for the development of existing or new COZ family centers.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5372 Relating to THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE JB/KP Passed unanimously

Category: financial assistance
committee review requested by Jeanne

05 S-0022 Title: DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT

Sponsors: Sen. Bates & Sen. McCaffrey

This act would allow the Family Court to order child support if the child has a severe physical or mental impairment, beyond the child's emancipation event. The onset of the disability must have occurred prior to the emancipation event.

This act would take effect upon passage.

MOTION: To find beneficial if amended to ensure payments are made into a Self-

Sufficiency Trust 05 S-0022 Relating to DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT JB/GR Passed unanimously

05 S-0654 Title: LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- NATIONAL GUARD

Sponsors: Sen. Breene Governor

This act would adjust the temporary disability insurance base period for members of the United States military service, the Rhode Island National Guard, or a United States military reserve force, who served in a United States declared combat operation, and who would normally be monetarily ineligible for temporary disability insurance benefits as a result of their having been called into active military service, to use wages earned prior to their being called into active military service to determine their eligibility for benefits.

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0654 Relating to LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- NATIONAL GUARD BI/JC passed unanimously

Category: Health Care Services

committee review requested by Jeanne

05 H-5735 Title: EDUCATION -- HEALTH AND SAFETY OF PUPILS

This act would prohibit local regulation that would not allow students with diabetes to possess and administer glucose monitoring test and insulin delivery systems.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5735 Relating to EDUCATION -- HEALTH AND SAFETY OF PUPILS BI/AP passed unanimously

Category: Life Safety & Health / Disability Prevention

committee review requested by Jeanne

05 H-5621 Title: HEALTH AND SAFETY - - PUBLIC BEACH SMOKING POLLUTION CONTROL ACT

Sponsors: Rep. Lewiss & Reps. Malik, Corvese, Dennigan, and T Brien

This act would prohibit smoking on public beaches in the state.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5621 Relating to HEALTH AND SAFETY - - PUBLIC BEACH SMOKING POLLUTION CONTROL ACT AP/JC passed, Nay – BI, Abstain - GR

05 H-5383 Title: MAKING AN APPROPRIATION OF \$2,000,000 FOR LEAD HAZARD MITIGATION

Sponsors: Rep. Slater & Reps. Diaz, Almeida, Williams, and E Coderre

This act would appropriate two million dollars (\$2,000,000) for the implementation of the Lead Hazard Mitigation Act.

This act would take effect upon passage.

The Committee took no position

Category: Special Education

committee review requested by Jeanne

05 H-6049 Title: EDUCATION

Sponsors: Rep. Steven F. Smith **Similar to H 6016**

This act would establish an Alternative School Pilot Program to be adopted by the Board of Regents of Elementary and Secondary Education and the local school committees for the purpose of educating children who have been expelled from school or have otherwise been determined to be unsuitable for attendance at a regular school.

This act would take effect upon passage.

The Committee took no position

05 H-6050 Title: EDUCATION

Sponsors: Rep. Steven F. Smith

This act would require school districts to employ one full time speech language pathologist for every forty students receiving speech language services.

This act would take effect upon passage.

The Committee took no position

Category:

Civil Rights

committee review requested by Vickie

05 H-5758 Title: ELECTIONS -- ELECTION OFFENSES

Sponsors: Rep. Handy & Reps. Naughton, Jacquard, Winfield, and Carter

This act would require television stations to provide close-captioning in their political advertisements.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-5758 Relating to ELECTIONS GR/AP passed unanimously

committee review requested by Vickie & Arthur

05 H-5863 Title: ELECTIONS -- MAIL BALLOTS

Sponsors: Rep. Slater & Reps. Diaz, Williams, Dennigan, and Rose

This act would require that all mail ballots cast by confined persons be witnessed by state supervisors. A voter who is indefinitely confined because of physical illness or infirmity or is disabled for an indefinite period may, by signing an affidavit to that effect, request that an absentee ballot application be sent to him or her automatically for every election.

This act would take effect upon passage

MOTION: To find harmful 05 H-5863 Relating to ELECTIONS AP/JB passed unanimously

Category:

Health Care Services

committee review requested by Vickie

05 S-0815 Title: HUMAN SERVICES -- ALL-INCLUSIVE CARE FOR THE ELDERLY

Sponsors: Sen. Alves & Sens. McBurney, Doyle, Issa, and Walaska

This act would authorize and initiate a state program for all-inclusive care for the elderly is a pre-paid, capitated program of managed care service delivery for beneficiaries who meet special eligibility requirements, including being eligible for nursing home placement, and who elect to enroll. The model of care includes as core services the provision of adult day health care and multidisciplinary team case management, through which access to and allocation of all health services are coordinated.

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0815 Relating to HUMAN SERVICES -- ALL-INCLUSIVE CARE FOR THE ELDERLY AP/KP passed unanimously

05 H-5760 Title: INSURANCE

Sponsors: Rep. Dennigan & Reps. Anguilla, Almeida, and Williams

This act would create the High-Risk Health Insurance Pool Act that would provide coverage for:

(a) Any individual person who is and continues to be a resident of Rhode Island and a citizen of the United States shall be eligible for coverage from the Pool if evidence is provided of:

(1) a notice of rejection or refusal to issue substantially similar insurance for health reasons by two insurers, provided that at least two insurers offer individual health insurance coverage in the state. If only one insurer offers individual market health insurance coverage in the state, then one rejection shall be sufficient. A rejection or refusal by an insurer offering only stop-loss, excess loss, or re-insurance coverage with respect to the applicant shall not be sufficient evidence under this subsection;

(2) a refusal by two (2) insurers to issue insurance except at a rate exceeding the Pool rate, provided that at least two (2) insurers offer individual health insurance coverage in the state. If only one insurer offers individual market health insurance coverage in the state, then one quote that exceeds the Pool rate shall be sufficient;

(3) a diagnosis of the individual with one of the medical or health conditions listed by the board in accordance with this chapter. A person diagnosed with one or more of these conditions shall be eligible for a Pool coverage without applying for health insurance coverage;

(4) for persons eligible due to eligibility under federal HIPAA law, the maintenance of health insurance coverage for the previous eighteen (18) months with no gap in coverage greater than sixty-three (63) days of which the most recent coverage was through an employer sponsored plan; or

(5) for persons eligible as a result of certification for federal trade adjustment assistance or for pension benefit guarantee corporation assistance, as provided by the federal Trade Adjustment Assistance Reform Act of 2002, as amended, coverage with no pre-existing conditions limitation for individuals with three (3) months of prior creditable coverage with a break in coverage of no more than sixty-three (63) days.

(b) Each dependent of a person who is eligible for coverage from the Pool shall also be eligible for coverage from the Pool. In the instance of a child who is primary insured, resident family members shall also be eligible for coverage.

(c) A person may maintain Pool coverage for the period of time the person is satisfying a pre-existing waiting period under another health insurance policy or insurance arrangement intended to replace the Pool policy.

(d) A person is not eligible for coverage from the Pool if the person:

(1) has in effect on the date Pool coverage takes effect health insurance coverage from an insurer or insurance arrangement;

(2) is eligible for other health care benefits at the time application is made to the Pool, including COBRA continuation except:

(a) coverage, including COBRA continuation, other continuation or conversion coverage, maintained for the period of time the person is satisfying any pre-existing condition waiting period under a Pool policy; or

(b) employer group coverage conditioned by any limitation described herein; or

(c) individual coverage conditioned by any limitation described herein.

(3) has terminated coverage in the Pool within twelve (12) months of the date that application is made to the Pool, unless the person demonstrates a good faith reason for the termination;

(4) is confined in a county jail or imprisoned in a state prison;

(5) has premiums that are paid for or reimbursed by any third-party payer or under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent thereof, of a government agency or health care provider; or if the individual receives premium payment assistance through the federal health insurance tax credit established by the federal Trade Adjustment Assistance Reform Act of 2002.

(6) has had prior coverage with the Pool terminated for nonpayment of premiums or fraud.

(e) Pool pre-existing condition requirements are waived for the following individuals:
 (1) Individuals for whom, as of the date on which the individual seeks plan coverage, the aggregate of the periods of creditable coverage is eighteen (18) or more months, and whose most recent prior creditable coverage was under group health insurance coverage by a health insurance issuer, a group health plan, a governmental plan, or a church plan (or health insurance coverage offered in connection with any such plans) or any other type of creditable coverage that may be required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or the regulations under that Act;
 (2) Individuals who are eligible for federal trade adjustment assistance or for pension benefit guarantee corporation assistance, as provided by the federal Trade Adjustment Assistance Reform Act of 2002, as amended, provided that as of the date on which the individual was certified as eligible for federal trade adjustment assistance, the individual had at least (3) three months of prior creditable coverage with no longer than a sixty-three (63) day break in coverage as established by the federal Trade Adjustment Assistance Reform Act of 2002, as it may be amended or the regulations under that Act.
 This act would take effect upon passage.

Tabled for information from sponsor

05 S-0473 Title: MEDICAL ASSISTANCE

Sponsors: John C. Revens

This act would provide that there would be no restrictions including prior authorization required on medications used to treat mental illnesses; and there would be no preference for one medication over another or one (1) class of medications over another.

This act shall take effect upon passage.

The Committee took no position

05 S-0749 Title: MENTAL HEALTH, RETARDATION, AND HOSPITALS - DIVISION OF MENTAL HEALTH

Sponsors: Sen. Pichardo & Sens. Roberts, Sheehan, C Levesque, and Perry

Identical to H 5482

Sponsors: Rep. Slater & Reps. Lewiss, Diaz, Williams, and Sullivan

This act would provide from July 1, 2005 through June 30, 2006, an additional amount of four million dollars (\$4,000,000) to be allocated to the department of mental health, retardation and hospitals, division of mental health, for the purposes of increasing the number of Rhode Islanders with serious mental illness without health care coverage who need, and are able, to receive services in the community mental health system.

This act would take effect upon passage.

MOTION: To find beneficial 05 S-0749 & 05 H-5482 Relating to MENTAL HEALTH, RETARDATION, AND HOSPITALS - DIVISION OF MENTAL HEALTH KP/AP passed unanimously

Category:

Transportation

committee review requested by Vickie

05 H-5723 Title: PARKING PRIVILEGES

Sponsors: Rep. Lewiss & Reps. Crowley, Ginaitt, Carter, and Slater

This act would extend handicapped parking privileges to persons seventy five (75) years of age or older without regard to disability.

This act would take effect upon passage.

MOTION: To find harmful 05 H-5723 Relating to PARKING PRIVILEGES JC/JB passed unanimously

05 H-6044 Title: PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC TRANSIT AUTHORITY

Sponsors: Rep. Handy Reps. Slater, and Ajello

This act would add three (3) new members to the RIPTA board and would require the governor to include transit riders, business persons, and environmentalists as board members. One of those seven 7 members shall be a "para-transit" rider.

This act would take effect upon passage.

MOTION: To find beneficial 05 H-6044 Relating to PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND PUBLIC TRANSIT AUTHORITY AP/GR passed, Abstain - BI

4:55 PM Other Business

None

Adjourned at: 4:50 PM

Observers: John Kach, Schroeder Fellow