

Minutes



LEGISLATION COMMITTEE

Monday 3:00 PM to 4:30 PM

Governor's Commission on Disabilities

John O. Pastore Center (Formerly the Howard Center)

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Secretary: Bob Cooper

Attendees: Jeanne Behie; Sharon Brinkworth; Rosemary C. Carmody; Elaina Goldstein; Liberty Goodwin; Arthur M. Plitt; Gwen Reeve; Rev. Gerard O. Sabourin; & Janet Spinelli

Excused: Paul Choquette (Chair); Tim Flynn (Vice Chair); Raymond Bandusky; Joseph Corrente; Joan D'Agostino; Linda Deschenes; Bill Inlow; Scott A. Greco; Kate McCarthy-Barnett, EdD; Kenneth Pariseau; & Michael Spoerri

Minutes

3:00 PM Call to Order and acceptance of minutes Tim Flynn, Vice Chair

Discussion: Executive Secretary called the meeting to order at 3: PM, in the absence of the chair & vice chair.

Members and guests introduce themselves

MOTION: To accept the minutes as presented AP/RC passed unanimously

3:05 PM Status of GCD Legislative Package Bob Cooper

1. 06 S-2378 CRIMINAL OFFENSES -- ASSAULTS Sponsor: Sen. McCaffrey Similar to S 2251 & 2185 Senate Health and Human Services Committee

This act would establish a protective services program for victims of assault, abuse, or neglect of any person who is severely impaired or mentally disabled within the department of mental health, retardation and hospitals. This act would take effect on January 1, 2007.

Representative Naughton's bill has not been introduced yet.

2. 06 S-2209 HEALTH CARE SERVICES - UTILIZATION REVIEW ACT Sponsor: Sen. Pichardo Senate Health and Human Services Committee

06 H-7159 Sponsor: Rep. Story House Health, Education, & Welfare Committee

Hearing: 2/15/2006 @ the Rise in rm 135

This act would require when health insurers decide not to certify a health care service, to provide patients and providers with the address and phone number of the attorney general's office of the health care advocate and the health insurance commissioner. This act would take effect upon passage.

3. 06 S-2627 DEPARTMENT OF HEALTH Sponsor: Sen. Perry Senate Health and Human Services Committee

06 S-2289 DEPARTMENT OF HEALTH Sponsor: Sen. Ciccone Senate Environment and Agriculture Committee

06 H-7095 DEPARTMENT OF HEALTH Sponsor: Rep. Kilmartin House Health, Education, & Welfare Committee

This act would authorize and direct the director of the department of health to establish minimum accessibility standards regarding fragrance-free, less-toxic, and low volatile organic compound cleaning product, pest control, and indoor air and environmental quality policies, based on the recommendations contained in the National Institute of Building Sciences' Indoor Environmental Quality Report, for health care, home care services facilities; adult and child daycare services; educational services, and public buildings. This act would take effect upon passage.

5. Not yet introduced: Amend the Open Meeting Law's ban on the use of telephones allow the use of telephones as a reasonable accommodations for members of boards who are unable to be physically present at the meeting because of a disability; {**Sen. Ciccone & Rep. Kilmartin**}

9. 06 S-2334 TOWNS AND CITIES -- ZONING ORDINANCES Sponsor: Sen. Levesque Similar to S 2352 Senate Commerce, Housing and Municipal Government Committee

This act would permit an accessory family dwelling within a single family residence for the sole use of one or more members of the family of the occupant who is a person with a disability or is over the age of sixty-five. This act would take effect upon passage.

The Commission Position: Commission Supports this bill if its amended

8. 06 S-2134 SCHOOL AND MUNICIPAL PLAYGROUND SAFETY Sponsor: Sen. Blais Senate Finance Committee

This act would provide grants to cities and towns for projects undertaken specifically to comply with the department of education and department of health's joint health and environment recreational facility safety regulations and/or to provide access for people with disabilities. This act would take effect upon passage.

10. S 2269 CIVIL RIGHTS OF PEOPLE WITH DISABILITIES Sponsor: Sen. Polisena Senate Judiciary Committee

This act would allow an individual to file a complaint with the governor's commission on disabilities who believes that he or she or specific class of individuals has been subject to discrimination on the basis of disability due to the physical inaccessibility of the building or structure. This act would take effect upon passage.

The Commission Position: Commission Opposes this bill

06 H-6790 PARKING PRIVILEGES Sponsor: Rep. Lewiss House Health, Education, & Welfare Committee

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.

3:40 PM Review of New Bills

Bob Cooper

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

Civil Rights Bills: Review Requested by Rory Carmody

06 H-7124 OFFICE OF THE LONG-TERM HEALTH CARE ADVOCATE Sponsor: Rep. Giannini
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.

06 S-2615 LONG-TERM HEALTH CARE Sponsor: Sen. Paiva-Weed (Requested by the Lieutenant Governor)

This act would make changes in the reporting requirements under the long-term health care ombudsperson

act. Reports of abuse would be reported to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care institutions.

MOTION: To find beneficial 06 S-2615 LONG-TERM HEALTH CARE EG/RC passed unanimously

Review requested by Liberty Goodwin

06 S-2626 HEALTH AND SAFETY -- TRUTH IN FOOD DISCLOSURE LAW Sponsor: Sen. McBurney

This act would require restaurants, including take-out facilities and catering businesses serving food, to train all employees coming into contact with food about the serious consequences of food allergies, including, listing certain ingredients on the menu or in a conspicuous location. This act would take effect upon passage.

Review Requested by Bob Cooper

06 S-2185 ASSAULTS Sponsor: Sen. McCaffrey (Requested by the Attorney General) **And S 2251** Sponsors: Senators McCaffrey

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. These acts would take effect upon passage.

06 S-2430 CRIMINAL OFFENSES – ASSAULTS Sponsor: Sen. Polisena

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.

06 H-7108 CAUSES OF ACTION Sponsor: Rep. Anguilla **And 06 S-2280** Sponsor: Sen. Lenihan This act would provide a cause of action for violations of the Rhode Island constitution. These acts would take effect upon passage.

06 S-2266 JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (ENFORCEMENT) Sponsor: Sen. Lenihan **And H 7073** Sponsors: Rep. Anguilla

This act would authorize a referendum question to amend the state constitution to authorize the superior courts to entertain such an action and to provide suitable relief for any proven violations of the RI State Constitution.

06 S-2250 SOVEREIGN IMMUNITY Sponsor: Sen. McCaffrey

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 civil rights and fair labor statutes where the United States Congress has indicated its intent that said federal statutes be applicable to the states. This act would take effect on July 1, 2005 and would apply to causes of action arising on or after that date.

06 S-2478 AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) Sponsor: Sen. Cote **And 06 S-2485** Sponsor: Sen. Breene (Requested by the Governor)

This resolution would propose an amendment to the state constitution by establishing a voter initiative process to allow voters to initiate proposed legislation which would, upon vote of the electorate, become law.

06 S-2488 INITIATIVE AND REFERENDUM Sponsor: Sen. Cote

This act would provide a detailed process by which a proponent of a voter initiative and referendum proposal would present the proposal to the secretary of state, the general assembly and the governor. This act would take effect upon ratification of a constitutional amendment entitled "JOINT

RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM). Similar to S 2485

06 H-7070: MENTAL HEALTH, RETARDATION AND HOSPITALS -- INCOMPETENCY TO STAND TRIAL AND PERSONS ADJUDGED NOT GUILTY BY REASON OF INSANITY

Sponsor: Rep. Aimeida **And 06 S-2324** Sponsor Sen. Blais

This act would empower the mental health advocate to file petitions on behalf of mentally ill inmates held by the department of corrections in order to have those inmates considered for transfer from the department of corrections to the department of mental health, retardation and hospitals. This act shall take effect upon passage.

06 S-2270 PUBLIC RECORDS Sponsor: Sen. Lenihan **And H 6952** Sponsors: Rep. Dennigan

Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship.

The replacement language would exempts from disclosure all records "reflecting" personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body.

These acts would take effect upon passage.

06 S-2268 PUBLIC RECORDS – ACCESS Sponsor: Sen. Lenihan **And H 6951** Sponsor: Rep. Dennigan

Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, and all pertaining to personal, health information or medical information relating to an individual in any files.

The replacement language would exempts from disclosure all records which are identifiable to an individual "pertaining to" personal, "confidential and protected health information" or medical information, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body "and which would constitute a clearly unwarranted invasion of personal privacy." These acts would take effect upon passage.

MOTION: To find harmful 06 S-2270 And H 6952 PUBLIC RECORDS, 06 S-2268 And H 6951 PUBLIC RECORDS – ACCESS AP/GR passed unanimously

06 H-6980 DEPARTMENT OF ADMINISTRATION Sponsor: Rep. Dennigan

This act would require the state website to provide access to public records and documents of all state departments and agencies. This act would take effect upon passage.

Prescription Drug Bills: Review requested by Gwen Reeve

06 S-2563 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY Sponsor: Sen. Perry

This act would add to the list of drugs defined as "eligible drugs" to include injectable drugs for that are used in the treatment of multiple sclerosis. This act would take effect upon passage.

MOTION: To find beneficial 06 S-2563 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY RC/LG passed unanimously

Review requested by Bob Cooper

06 S-2368 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY Sponsor: Sen. Felag

(Requested by the Lieutenant Governor) **And 06 H-7067** Sponsor: Rep. Naughton (Requested by the

Lieutenant Governor)

This act would change the definition of eligible drugs and specifically excludes prescription drugs used for cosmetic purposes. The new definition of eligible drugs is "(5) (i) "Eligible drugs" means noninjectable drugs which require a physician's prescription according to federal law and which are contained in the American Hospital Formulary Service pharmacologic -therapeutic classifications categories that have not been determined by the federal "Drug Efficacy and Safety Implementation (DESI) Commission" to lack substantial evidence of effectiveness, which are not included in the definition of drugs as defined in this subdivision. However, this shall not include prescription drugs used for cosmetic purposes." **The new definition does not cover any injectable drugs including insulin.** This act would take effect upon passage.

MOTION: To find harmful unless amended "all injectable" 06 S-2368 and H-7067 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY RC/AP passed unanimously

06 S-2560 STATE AFFAIRS AND GOVERNMENT Sponsor: Sen. Perry

This act would make eligibility changes to the Prescription Drug Discount Program for the Uninsured. Change the ages of coverage from between age nineteen (19) and sixty-five (65) years of age to age nineteen or older and change the income limit from an annual family income at or below two hundred percent (200%) to annual income at or below three hundred fifty percent (350%) of the federal poverty level. This act would take effect on January 1, 2007.

06 S-2568 Title: STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT Sponsor: Sen. Roberts (Requested by the Lieutenant Governor)

This act would promote coordination of benefits between the elderly pharmaceutical assistance program and Medicare Part D prescription drug plan. It would require the general assembly to fund the program at levels at least equal to the amount appropriated to the department in fiscal year 2006. This act would take effect upon passage.

MOTION: To find beneficial 06 S-2560 Title: STATE AFFAIRS AND GOVERNMENT RC/SB passed, AP abstain

MOTION: To find beneficial 06 S-2568 Title: STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT GW/EG passed unanimously

06 H-7181 PHARMACY Sponsor: Rep. Picard

This act would require that mail order pharmaceuticals be signed for by a person at least 17 years old. This act would take effect upon passage.

Potential MOTION: To find beneficial/harmful 06 H-7181 PHARMACY

Traumatic Brain Injury Bills: Review requested by Sharon Brinkworth

06 S-2617 DEPARTMENT OF HUMAN SERVICES Sponsor: Sen. Algieri

This act would direct the director of the department of human services to seek a waiver from the federal government to establish a Medicaid-financed home and community-based program for individuals with acquired brain injury. This act would take effect upon passage.

06 S-2604 HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES Sponsor: Sen. Blais

This act would change the composition of the permanent advisory commission on traumatic brain injuries. It would also identify the type of expenditures that can be paid by the traumatic brain injury program. This act would take effect upon passage.

MOTION: To find beneficial 06 S-2604 HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES JB/AP passed unanimously

Health Care Insurance Bills: Review requested by Bob Cooper

<p>06 H-7125 HEALTH -- CANCER TREATMENT FUND Sponsor: Rep. 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.</p>
<p>06 S-2107 INSURANCE Sponsor: Sen. Roberts (Requested by the Lt. Governor) This act would establish a Rhode Island affordable health plan and reinsurance program. This act would take effect upon passage.</p>
<p>Potential MOTION: To find beneficial/harmful 06 S-2107 INSURANCE</p>
<p>06 S-2264 INSURANCE Sponsor: Sen. Cote This act would create the High-Risk Health Insurance Pool Act. Eligibility would be restricted to RI residents who: are citizen of the United States and provide evidence 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 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. This act would take effect upon passage.</p>
<p>06 S-2217 INSURANCE -- COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE Sponsor: Sen. Perry This act would provide that reimbursement for professional providers for mental illness coverage be comparable to that paid for similar medical services. This act would take effect upon passage.</p>
<p>MOTION: To find beneficial 06 S-2217 INSURANCE -- COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE GR/RC failed Aye-GW, Nay – AP, SB, everyone else abstained</p>
<p>06 H-7088 MEDICAL ASSISTANCE Sponsor: Rep. Gemma This act would provide for the eligibility requirements for medical assistance. It would also establish the resource rules and regulations for insufficient income and resources. It would specifically provide that the income limits established must be more than the AFDC standard in effect on July 16, 1996, under the Rhode Island state plan and would not be more than one hundred and eighty-five percent (185%) of the federal poverty level as established and revised annually by the United States department of health and human services. This act would take effect upon passage.</p>
<p>Potential MOTION: To find beneficial/harmful 06 H-7088 MEDICAL ASSISTANCE</p>
<p>Special Education Bills: Review requested by Bob Cooper</p>
<p>06 S-2026 CHILDREN WITH DISABILITIES Sponsor: Sen. Tassoni</p>

<p>This act would require the state to provide funding for the special education needs of a child who moves into a city or town after the school committee adopts its budget for the school year. Any additional funding would apply to that school year only. This act would take effect upon passage.</p>	
<p>MOTION: To find beneficial 06 S-2026 CHILDREN WITH DISABILITIES RC/AP passed, Nay – JB, Abstained, JS, GW, & SB</p>	
<p>06 H-7134 EDUCATION Sponsor: Rep. Story This act would reimburse school districts for ninety percent (90%) of its extraordinary special education expenditures, including a school district's expenditures which for any one child exceed fifty thousand dollars (\$50,000) for a fiscal year, and any expenditures required under federal law, and any cost of mediation conducted by a mediator in accordance with applicable law, who is approved by the commissioner. This act would take effect upon passage.</p>	
<p>06 S-2129 EDUCATION – MANDATES Sponsor: Sen. Raptakis This act would place restrictions on educational mandates; any rule, regulation or policy adopted by state agencies which require any new expenditure of money or increased expenditure of money by a city or town shall take effect on July 1 of the calendar year following the year of adoption. Should funding be provided then such rule, regulation or policy shall take effect upon adoption. When the rule, regulation or policy does not exceed what may be required by federal statute or regulation or court order, it shall take effect upon its effective date of adoption. This act would take effect upon passage.</p>	
<p>06 S-2108 STATE EDUCATION - - MANDATES Sponsor: Sen. Blais This act would require that educational mandates be fully funded or else unenforceable. This act would take effect upon passage.</p>	
<p>Transportation Bills: Review Requested by OSCIL</p>	
<p>06 H-7081 Motor And Other Vehicles -- Stopping, Standing And Parking Restrictions Sponsor: Rep. Naughton This act would prohibit parking upon any crosshatched access aisle adjacent to disability parking spaces. This act would take effect upon passage.</p>	
<p>MOTION: To find beneficial 06 H-7081 MOTOR AND OTHER VEHICLES -- STOPPING, STANDING AND PARKING RESTRICTIONS RC/AP passed unanimously</p>	
<p>4:25 PM Other Business</p>	
<p>Does the Committee want to recommend to the Commission’s Executive Committee any of these bills for heightened support or opposition?</p>	
<p>MOTION: To recommend the Executive Committee support H 7081 AP/GR passed unanimously</p>	
Adjourned at:	4:30 PM