

# Minutes



## LEGISLATION COMMITTEE

Monday March 13, 2006 3:00 PM to 4:30 PM

Governor's Commission on Disabilities

**John O. Pastore Center** (Formerly the Howard Center)

**- 41 Cherry Dale Court**

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**Secretary:** Bob Cooper

**Attendees:** Paul Choquette (Chair); Tim Flynn (Vice Chair); Raymond Bandusky; Jeanne Behie; Sharon Brinkworth; Rosemary C. Carmody; Joseph Corrente; Linda Deschenes; Liberty Goodwin; Bill Inlow; Kate McCarthy-Barnett, EdD; Kenneth Pariseau; Arthur M. Plitt; Rev. Gerard O. Sabourin; & Janet Spinelli

**Excused:** Scott A. Greco; Gwen Reeve; & Marie Strauss

### Minutes

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

Discussion: Chair calls the meeting to order at 3:05 PM.

Members and guests introduce themselves

MOTION: To accept the minutes corrected to delete the following:

On page 5 "Potential MOTION: To find beneficial/harmful 06 H-7181 PHARMACY"

On page 6 "Potential MOTION: To find beneficial/harmful 06 S-2107 INSURANCE" and

"Potential MOTION: To find beneficial/harmful 06 H-7088 MEDICAL ASSISTANCE"

LD/KMcB passed unanimously

**3:05 PM Status of GCD Legislative Package Bob Cooper**

**Commission Supports these bills**

**Scheduled for hearing and/or consideration**

**06 H-7226 CRIMINAL OFFENSES -- ASSAULTS Rep. Naughton Identical to S 2378 Similar to S 2251 & 2185 House Judiciary Committee 3/14/2006 @ Rise in Rm 205 (GCD # 1a)**

**06 H-7081 MOTOR AND OTHER VEHICLES -- STOPPING, STANDING AND PARKING RESTRICTIONS Rep. Naughton Joint Committee on Highway Safety 3/15/2006 @ 3 PM in Senate Lounge (GCD# 11)**

**In Committee**

**06 S-2378 CRIMINAL OFFENSES -- ASSAULTS Sen. McCaffrey Identical to H 7226, Similar to H 7228, S 2251 & 2185 Senate Health and Human Services Committee (GCD # 1a)**

**06 H-7095 DEPARTMENT OF HEALTH Rep. Kilmartin Identical to S 2627, S 2289 & H 7256**

House Health, Education, & Welfare Committee (GCD # 2)

**06 H-7256 DEPARTMENT OF HEALTH Rep. Kilmartin Identical to H 7095, S 2627 & S 2289**

House Environmental and Natural Resources (GCD # 2)

**06 S-2289 DEPARTMENT OF HEALTH Sen. Ciccone Identical to H 7095, S 2627 & H 7256**

Senate Environment and Agriculture Committee (GCD # 2)

**06 H-7672 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS Rep. Kilmartin Identical to S 2779 & S 2979** House Judiciary Committee (GCD # 4)

**06 S-2334 TOWNS AND CITIES -- ZONING ORDINANCES Sen. Levesque Similar to S 2352** Senate Commerce, Housing and Municipal Government Committee (GCD # 9)

**Hearings Continued**

**06 S-2209 HEALTH CARE SERVICES - UTILIZATION REVIEW ACT Sen. Pichardo Identical to H 7159** Senate Health and Human Services Committee (GCD # 1b)

**06 H-7159 HEALTH CARE SERVICES - UTILIZATION REVIEW ACT Rep. Story Identical to S 2209** House Health, Education, & Welfare Committee (GCD # 1b)

**06 S-2627 DEPARTMENT OF HEALTH Sen. Perry Identical to S 2289, H 7256 & H 7095** Senate Health and Human Services Committee (GCD # 2)

**06 S-2779 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS Sen. Perry Identical to S 2879 & H 7672** Senate Judiciary Committee (GCD # 4)

**06 S-2879 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS Sen. Ciccone Identical to S 2779 & H 7672** Senate Judiciary Committee (GCD # 4)

**Total Commission Supports these bills: 13**

**Commission Opposes this bill**

**Scheduled for hearing and/or consideration**

**06 H-6790 PARKING PRIVILEGES Rep. Lewiss** House Health, Education, & Welfare Committee 3/15/2006 @ Rise in Rm 135

**Total Commission Opposes this bill: 1**

**Commission Supports these bills if they are amended**

**Scheduled for hearing and/or consideration**

**06 S-2269 CIVIL RIGHTS OF PEOPLE WITH DISABILITIES Sen. Polisena** Senate Judiciary Committee 3/14/2006 @ 4:30 PM in Rm 313

**In Committee**

**06 S-2134 SCHOOL AND MUNICIPAL PLAYGROUND SAFETY Sen. Blais** Senate Finance Committee

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

**Total Commission Supports this bill if its amended: 3**

**Legislation Committee finds these bills Beneficial**

**Scheduled for hearing and/or consideration**

**06 H-7233 HEALTH AND SAFETY - LONG TERM CARE Rep. Naughton Identical to S 2615** House Health, Education, & Welfare Committee 3/15/2006 @ Rise in Rm 135

**In Committee**

**06 S-2026 CHILDREN WITH DISABILITIES Sen. Tassoni** Senate Finance Committee

**06 S-2217 INSURANCE -- COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE Sen. Perry** Senate Health and Human Services Committee

**06 S-2560 STATE AFFAIRS AND GOVERNMENT Sen. Perry** Senate Finance Committee

**06 S-2563 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY Sen. Perry Identical to H 7822** Senate Finance Committee

**06 S-2568 STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE TO**

**THE ELDERLY ACT** Sen. Roberts Senate Finance Committee

**06 S-2604 HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES** Sen. Blais Senate Health and Human Services Committee

**06 S-2615 LONG-TERM HEALTH CARE** Sen. Paiva-Weed Identical to H 7233 Senate Health and Human Services Committee

**06 H-7822 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Rep. Crowley Identical to S 2563 House Health, Education, & Welfare Committee

**Total Legislation Committee finds this bill Beneficial: 9**

**Legislation Committee finds these bills Harmful**

**In Committee**

**06 H-6952 PUBLIC RECORDS** Rep. Dennigan Identical to S 2270, H 6951 & S 2268 House Judiciary Committee

**Continued**

**06 S-2268 PUBLIC RECORDS -- ACCESS** Sen. Lenihan Identical to H 6951 & H 6952 Senate Judiciary Committee

**06 S-2270 PUBLIC RECORDS** Sen. Lenihan Identical to H 6952, H 6951, S 2268 Senate Judiciary Committee

**Total Legislation Committee finds these bills Harmful: 3**

**Legislation Committee finds this bill Harmful unless amended**

**In Committee**

**06 S-2368 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Sen. Felag Identical to H 7067 Senate Health and Human Services Committee

**Continued**

**06 H-7067 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Rep. Naughton Identical to S 2368 House Finance Committee

**Total Legislation Committee finds this bill Harmful unless amended: 2**

**Grand Total Number of Bills in Legislative Package: 31**

**Bills Needing Action**

**# 1b. Health Care Insurance Appeals/Advocacy:** The Department of Health has asked that the bill be rewritten. Their concern is that the bill as submitted leaves the impression that the Health Care Advocate and the Health Care Insurance Commissioner have a role to play during the appeals process. It has been suggested that we look at how Article 34 of the Budget Act seeks to spell out the role of health care insurance companies when there is dual coverage (Medicaid and Private Insurance). The Commission's bill (S 2209 and H 7959) and the budget article are on the following pages:

- 1-1 SECTION 1. Section 23-17.12-9 of the General Laws in Chapter 23-17.12 entitled
- 1-2 "Health Care Services - Utilization Review Act" is hereby amended to read as follows:
- 1-3 **23-17.12-9. Review agency requirement for adverse determination and internal**
- 1-4 **appeals.** -- (a) The decision and appeals process of the review agent shall conform to the
- 1-5 following:

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- 2-5 (5) Any notice of a determination not to certify a health care service shall be made,
- 2-6 documented, and signed and shall be mailed or otherwise communicated, and shall include:
- 2-7 (i) The principal reasons for the determination, ~~and~~
- 2-8 (ii) The procedures to initiate an appeal of the determination or the name and telephone
- 2-9 number of the person to contract with regard to an appeal-; ~~and~~
- 2-10 [\(iii\) The address and phone number of the attorney general's office of health care](#)
- 2-11 [advocate and the health insurance commissioner.](#)

1-1 **ARTICLE 34**

1-2 **RELATING TO INSURANCE - MANDATED BENEFITS**

1-3 SECTION 1. Section 27-18-30 of the General Laws in Chapter 27-18 entitled "Accident  
1-4 and Sickness Insurance Policies" is hereby amended to read as follows:

1-5 **§ 27-18-30. Health insurance contracts – Infertility.** – (a) Any health insurance  
1-6 contract, plan, or policy delivered or issued for delivery or renewed in this state, on or after July  
1-7 1, 2006, except contracts providing supplemental coverage to Medicare or other governmental  
1-8 programs, which includes pregnancy related benefits, shall provide coverage for medically  
1-9 necessary expenses of diagnosis and treatment of infertility. To the extent that a health insurance  
1-10 contract provides reimbursement for a test or procedure used in the diagnosis or treatment of  
1-11 conditions other than infertility, the tests and procedures shall not be excluded from  
1-12 reimbursement when provided attendant to the diagnosis and treatment of infertility; provided,  
1-13 that a subscriber co-payment not to exceed twenty percent (20%) may be required for those  
1-14 programs and/or procedures the sole purpose of which is the treatment of infertility.

1-15 (b) For the purpose of this section, "infertility" means the condition of an otherwise  
1-16 presumably healthy married individual thirty (30) years of age or older who is unable to conceive  
1-17 or produce conception during a period of one year.

1-18 (c) Notwithstanding the provisions of § 27-18-19 or any other provision to the  
1-19 contrary, this section shall apply to blanket or group policies of insurance.

1-20 SECTION 2. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
1-21 Insurance Policies" is hereby amended by adding thereto the following sections:

1-22 **§ 27-18-65. Coverage for home health services.** – (a) Every individual or group hospital  
1-23 or medical expense insurance policy or contract providing coverage for dependent children,  
1-24 delivered or renewed in this state on or after the July 1, 2006, shall include coverage of home  
1-25 health services, which coverage shall take effect no later than January 1, 2007. Such coverage  
1-26 shall be limited to a benefit of five thousand dollars (\$5,000) per covered dependent child up to  
1-27 age twenty-one (21) per policy year or calendar year and shall not be subject to deductibles and  
1-28 coinsurance factors. Any amount paid by an insurer under this section for a covered individual  
1-29 shall not be applied to any annual or lifetime maximum benefit contained in the policy or  
1-30 contract. For the purpose of this section, "home health services" means, but is not limited to,  
2-1 private duty or other skilled nursing and homemaking/personal care services when medically  
2-2 necessary. Personal care/ homemaking services include such tasks as assisting a child with  
2-3 personal hygiene, dressing, feeding, transfer, ambulatory needs, and household tasks incidental to  
2-4 the child's health needs. These homemaking tasks include making a child's bed, cleaning the  
2-5 client's living areas such as bedroom and bathroom, and doing a child's laundry and shopping.  
2-6 These services may be provided for children when the parent or caretaker is unable, because of  
2-7 illness or disability, to provide caretaking functions for herself/himself and her/his child(ren).

2-8 (b) Subject to the annual limits provided in this section, insurers shall

2-9 (1) reimburse certified home health providers for non- Medicaid eligible dependent  
2-10 children at rates for reimbursement equal to or greater than the prevailing integrated state/  
2-11 Medicaid rate;

2-12 (2) reimburse the Department of Human Services directly for home health services as  
2-13 defined in this section at rates of reimbursement for home health services as established by the  
2-14 Department of Human Services for children eligible for Medicaid in accord with title XIX of the  
2-15 Social Security Act.

2-16 (c) This section shall not apply to insurance coverage providing benefits for (1) hospital  
2-17 confinement indemnity, (2) disability income, (3) accident only, (4) long-term care, (5) Medicare  
2-18 supplement, (6) limited benefit health, (7) specified disease indemnity, (8) sickness or bodily  
2-19 injury or death by accident or both, and (9) other limited benefit policies.

2-20 **§ 27-18-66. Coverage for CEDARR Family Center and CEDARR Direct Services. -**

2-21 (a) Every individual or group hospital or medical expense insurance policy or contract providing  
2-22 coverage for dependent children, delivered or renewed in this state on or after July 1, 2006, shall  
2-23 include coverage of CEDARR Family Center and CEDARR Direct Services, which coverage  
2-24 shall take effect no later than January 1, 2007. Such coverage shall be limited to a benefit of five  
2-25 thousand dollars (\$5,000) per dependent child up to the age of twenty-one (21), per policy year or  
2-26 calendar year and shall not be subject to deductibles and coinsurance factors. Any amount paid by  
2-27 an insurer under this section for a dependent child shall not be applied to any annual or lifetime  
2-28 maximum benefit contained in the policy or contract.

2-29 (b) For the purpose of this section, "Comprehensive Evaluation, Diagnosis, Assessment,  
2-30 Referral and Re-evaluation (CEDARR)" means medically necessary services for children with  
2-31 special health care needs up to the age of twenty-one (21), and their families and includes the  
2-32 following Family Center Services:

2-33 (1) Initial Family Contact

2-34 (2) Initial Family Assessment and Basic Services and Supports including:

3-1 (i) basic services and supports provided by the CEDARR Family Center include the  
3-2 provision of special needs resource information, system mapping and navigation, resource  
3-3 identification, eligibility assessment and application assistance, and peer family support and  
3-4 guidance; and

3-5 (ii) Initial Family Assessment

3-6 (3) Specialty Clinical Evaluation

3-7 (4) Treatment Consultation

3-8 (5) Family Care Plan (FCP) Development

3-9 (6) Family Care Coordination Assistance

3-10 (7) Family Care Plan Review and Revision

3-11 (8) Crisis Intervention Services

3-12 (c) CEDARR Direct Services include:

3-13 (1) Home-Based Therapeutic Services (HBTS) provides intense, individualized services  
3-14 to children with severe behavioral health and/or developmental disorders. Services are  
3-15 individualized and are provided in the child's home by trained health care paraprofessionals  
3-16 under the direction and supervision of licensed health care professionals. The services include:

3-17 (i) Specialized Treatment

3-18 (ii) Treatment Support

3-19 (iii) Child Specific Orientation

3-20 (iv) Clinical Supervision

3-21 (v) Treatment Consultation

3-22 (vi) Social Skills Group

3-23 (vii) Treatment Coordination

3-24 (2) KIDS CONNECT is a set of specialized health services delivered in licensed child  
3-25 care centers for children and youth with behavioral, developmental or physical needs. These are  
3-26 medically necessary services with measurable goals and objectives delivered in child and youth  
3-27 care settings by health care paraprofessionals working under the direct supervision of licensed  
3-28 clinicians. These services include the following:

3-29 (i) Therapeutic Integration Assessment and Plan Development

3-30 (ii) Therapeutic Integration Direct Services

3-31 (iii) Nursing Service

3-32 (3) Personal Assistance Services and Supports (PASS) are consumer-directed services for  
3-33 children with special health care needs and their families. The PASS assistance provided by a  
3-34 personal attendant includes assistance in both the form of hands-on assistance (performing a

4-1 personal care task for a child), or cueing, so that the child performs the task by him/herself.  
4-2 Personal assistance services are related to the performance of traditional activities of daily living,  
4-3 as well as other activities related to living in the home and participating in the community. PASS  
4-4 is designed as a consumer-directed model of delivery of personal assistance services that allows  
4-5 the consumer (the families of children with special health care needs) to have greater choice and  
4-6 control over all aspects of service provision. PASS services include the following:  
4-7 (i) Therapeutic Assessment and Plan Development  
4-8 (ii) Service Plan Implementation  
4-9 (iii) Direct Services  
4-10 (iv) Clinical Consultation  
4-11 (d) Subject to the annual limits provided in this section, insurers shall:  
4-12 (1) reimburse certified CEDARR Family Center and CEDARR Direct services providers  
4-13 for commercially insured children up to twenty-one (21) years of age at rates of reimbursement  
4-14 equal to or greater than the prevailing integrated state/Medicaid rate;  
4-15 (2) reimburse the Department of Human Services directly for CEDARR Family Center  
4-16 and CEDARR Direct services as defined in this section at rates of reimbursement as established  
4-17 by the Department of Human Services for children eligible for Medicaid in accord with title XIX  
4-18 of the Social Security Act.  
4-19 (e) This section shall not apply to insurance coverage providing benefits for (1) hospital  
4-20 confinement indemnity, (2) disability income, (3) accident only, (4) long-term care, (5) Medicare  
4-21 supplement, (6) limited benefit health, (7) specified disease indemnity, (8) sickness or bodily  
4-22 injury or death by accident or both, and (9) other limited benefit policies.  
4-23 SECTION 3. Section 27-19-23 of the General Laws in Chapter 27-19 entitled “Nonprofit  
4-24 Hospital Service Corporations **§ 27-19-23. Coverage for infertility.**” is hereby amended to read as  
above:  
5-4 SECTION 4. Chapter 27-19 of the General Laws entitled “Nonprofit Hospital Service  
5-5 Corporations” is hereby amended by adding thereto the following sections: **§ 27-19-56. Coverage**  
**for home health services; § 27-19-57. Coverage for CEDARR Family Center and CEDARR**  
**Direct Services** that are identical to the above.  
8-4 SECTION 5. Section 27-20-30 of the General Laws in Chapter 27-20 entitled “Nonprofit  
8-5 Medical Service Corporations **§ 27-20-20. Coverage for infertility.**” is hereby amended to read as  
above:  
8-19 SECTION 6. Chapter 27-20 of the General Laws entitled “Nonprofit Medical  
8-20 Service Corporations” is hereby amended by adding thereto the following sections: **§ 27-20-**  
**51. Coverage for home health services; & § 27-20-52. Coverage for CEDARR Family Center**  
**and CEDARR Direct Services** that are identical to the above.  
11-20 SECTION 7. Sections 27-38.2-2 and 27-38.2-4 of the General Laws in Chapter 27-38.2  
11-21 entitled “Insurance Coverage for Mental Illness and Substance Abuse” are hereby amended to  
11-22 read as follows:  
11-23 **§ 27-38.2-2. Definitions.** – For the purposes of this chapter, the following words and  
11-24 terms have the following meanings:  
11-25 (1) "Health insurers" means all persons, firms, corporations, or other organizations  
11-26 offering and assuring health services on a prepaid or primarily expense-incurred basis, including  
11-27 but not limited to policies of accident or sickness insurance, as defined by chapter 18 of this title,  
11-28 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title  
11-29 or under any public law or by special act of the general assembly, health maintenance  
11-30 organizations, or any other entity which insures or reimburses for diagnostic, therapeutic, or  
11-31 preventive services to a determined population on the basis of a periodic premium. Provided, this  
11-32 chapter does not apply to insurance coverage providing benefits for:

11-33 (i) Hospital confinement indemnity;  
11-34 (ii) Disability income;  
12-1 (iii) Accident only;  
12-2 (iv) Long-term care;  
12-3 (v) Medicare supplement;  
12-4 (vi) Limited benefit health;  
12-5 (vii) Specific disease indemnity;  
12-6 (viii) Sickness or bodily injury or death by accident or both; and  
12-7 (ix) Other limited benefit policies.  
12-8 (2) "Mental illness" means any mental disorder and substance abuse disorder that is listed  
12-9 in the most recent revised publication or the most updated volume of either the Diagnostic and  
12-10 Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric  
12-11 Association or the International Classification of Disease Manual (ICO) published by the World  
12-12 Health Organization and that substantially limits the life activities of the person with the illness;  
12-13 provided, that tobacco and caffeine are excluded from the definition of "substance" for the  
12-14 purposes of this chapter. "Mental illness" shall not include: (i) mental retardation, (ii) learning  
12-15 disorders, (iii) motor skills disorders, (iv) communication disorders, and (v) mental disorders  
12-16 classified as "V" codes. Nothing shall preclude persons with these conditions from receiving  
12-17 benefits provided under this chapter for any other diagnoses covered by this chapter.  
12-18 (3) "Mental illness coverage" means inpatient hospitalization, partial hospitalization  
12-19 provided in a hospital or any other licensed facility, children's intensive services, intensive out  
12-20 patient services, outpatient services and community residential care services for substance abuse  
12-21 treatment. It shall not include methadone maintenance services or community residential care  
12-22 services for mental illnesses other than substance abuse disorders.  
12-23 (4) "Outpatient services" means office visits that provide for the treatment of mental  
12-24 illness and substance abuse.  
12-25 (5) "Community residential care services" mean those facilities as defined and licensed in  
12-26 accordance with chapter 24 of title 40.1.  
12-27 (6) "Children's intensive services (CIS)" means a program that is designed to provide the  
12-28 necessary support and treatment to a child or adolescent and family, substitute or natural, in order  
12-29 to allow the family to remain intact, thus preventing the need for long-term residential or hospital  
12-30 psychiatric care on the part of the young person. Services covered under this program include,  
12-31 but are not limited to, the following:  
12-32 (i) Assessment and evaluation  
12-33 (ii) Family therapy  
12-34 (iii) Medical treatment and pharmacotherapy  
13-1 (iv) Intervention with schools  
13-2 (v) Recreational activities  
13-3 (vi) Individual counseling and psychotherapy  
13-4 (vii) Group therapy  
13-5 (viii) Intervention with child welfare  
13-6 (ix) Juvenile justice/local police  
13-7 (x) Other systems affecting the youth  
13-8 **§ 27-38.2-4. Limitations of coverage.** – (a) The health care benefits outlined in this  
13-9 chapter apply only to services delivered within the state of Rhode Island; provided, that all health  
13-10 insurers shall be required to provide coverage for those benefits mandated by this chapter outside  
13-11 of the state of Rhode Island where it can be established through a pre-authorization process that  
13-12 the required services are not available in the state of Rhode Island from a provider in the health  
13-13 insurer's network.

13-14 (b) For the purposes of this chapter, outpatient services, with the exception of outpatient  
13-15 medication visits, shall be provided for up to thirty (30) visits in any calendar year; outpatient  
13-16 services for substance abuse treatment shall be provided for up to thirty (30) hours in any  
13-17 calendar year; community residential care services for substance abuse treatment shall be  
13-18 provided for up to thirty (30) days in any calendar year; and detoxification benefits shall be  
13-19 provided for up to five (5) detoxification occurrences or thirty (30) days in any calendar year,  
13-20 whichever comes first.

13-21 (c) Every individual or group hospital or medical expense insurance policy or contract  
13-22 providing coverage for dependent children up to the age of twenty-one (21), delivered or renewed  
13-23 in this state on or after July 1, 2006, shall include coverage of children’s intensive services  
13-24 which coverage shall take effect no later than January 1, 2007. Such coverage shall be limited to a  
13-25 benefit of five thousand dollars (\$5,000) per dependent child per policy or calendar year and shall  
13-26 not be subject to deductibles and coinsurance factors. Any amount paid by an insurer under this  
13-27 section for a dependent child shall not be applied to any annual or lifetime maximum benefit  
13-28 contained in the policy or contract.

13-29 (d) Subject to the annual limits provided in this section, insurers shall:

13-30 (1) reimburse certified CIS providers for non-Medicaid eligible dependent at rates of  
13-31 reimbursement equal to or greater than the prevailing integrated state/Medicaid rate;

13-32 (2) reimburse the Department of Human Services directly for CIS services as defined in  
13-33 this section for certified CIC services at rates of reimbursement as established by the Department  
13-34 of Human Services for children eligible for Medicaid in accord with title XIX of the Social  
14-1 Security Act.

14-2 SECTION 8. Section 27-41-33 of the General Laws in Chapter 27-41 entitled “Health  
14-3 Maintenance Organizations **§ 27-41-33. Coverage for infertility.**” is hereby amended to read as  
above:

14-17 SECTION 9. Chapter 27-41 of the General laws Title entitled “Health Maintenance  
14-18 Organizations” is hereby amended by adding thereto the following sections: **§ 27-41-69. Coverage**  
**for home health services; & § 27-41-70. Coverage for CEDARR Family Center and CEDARR**  
**Direct Services** those are identical to the above.

17-17 SECTION 10. This article shall take effect upon passage.

MOTION: Table until the next meeting Article 34 of the Budget Act <i>does/does not</i> address the Commission’s legislative goal of clarifying the role of private health care insurance when there is dual coverage with Medicaid. <b>H 7159 &amp; S 2209 Health Care Services - Utilization Review Act JB/PC passed unanimously</b>
<b># 2 Environmental Air Quality Bills</b> – The Senate Health & Human Service Committee heard the bill last week, as expected there was opposition from the manufacturers and retailers of fragrance and petro-chemically based products. The Department of Health recommended an education/awareness campaign focusing on health care practioners and a legislative study of the larger issues.
MOTION: To direct the Commission’s staff to draft in consultation with the Department of Health and the Toxics Information Center a substitute for <b>S 2289, S 2627, H 7095 &amp; H 7256 Department Of Health</b> to establish a study commission and authorize and direct the Department of Health to conduct an education/awareness campaign to educate health care practioners to the effects on some patients/consumers. <b>RC/LD passed unanimously</b>
<b># 4. Open Meetings &amp; Telecommunications Bills</b> – The American Civil Liberties Union had one concern about our bill to allow the use of speaker telephone by a member of a board or commission whose disability did not allow them to be physically present at the meeting location. The ACLU did not want to leave the decision as to who was entitled to the accommodation to the individual boards and

commissions. Potential rewording could include

**42-46-5. Purposes for which meeting may be closed -- Use of electronic communications -- Judicial proceedings -- Disruptive conduct. --**

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed service of the United States.

Provided, further however, that a member of a public body, who has a disability and is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communications as a reasonable accommodation, may participate by use of electronic communication or telephone communication, pursuant to RIGL 42-87 and Article I Section 2 of the Rhode Island Constitution. {Adding the following sentence may address the ACLU's concern} The governor's commission on disabilities is authorized and directed to: (1) establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communications as a reasonable accommodation due to that member's disability and (2) grant a wavier that allows a member to participate by electronic communications or telephone communications only if the member's disability would prevent her/him from being physically present at the meeting location.

MOTION: To direct the Commission's staff to draft in consultation with the ACLU a substitute for **S 2779, S 2879, & H 7672 State Affairs And Government -- Open Meetings**, that authorized the Commission to: (1) establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communications as a reasonable accommodation due to that member's disability and (2) grant a wavier to members of public bodies who meet the commission's criteria allowing them to participate by electronic communications or telephone communications. BI/PC passed unanimously

**# 11. Parking in Access Aisles** An issue relating to enforcement of disability parking in parking lots where each parking space does not have its own disability parking sign with the access logo on it has arisen at Lincoln Park. They have a separate parking lot, closer to the facility with a security guard who only lets in vehicles with a disability parking placard. The Lincoln police, as has most other police departments interpreted the law to require an above ground sign at each disability parking space. Rep. Naughton's bills **H 7081 Motor And Other Vehicles -- Stopping, Standing And Parking Restrictions will be heard on Wednesday** should the Commission take this opportunity to address this issue. Potential language reading as follows, could be added to her bill.

**31-28-7. Motor vehicle plates for persons with disabilities - Entitlement - Designated parking spaces - Violations.**

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(d) A person, other than a person with a disability, who for his or her own purposes uses the parking privilege placard, shall be fined five hundred dollars (\$500) for each violation. A person issued a special placard who uses the placard after expiration, or who shall allow unauthorized use of the disability parking placard or sticker, may be subject to immediate revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five hundred dollars (\$500).

(e) Disability parking spaces shall be designated and identified by the posting of signs above ground level incorporating the international symbol of access of white on blue, and the words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking-" at each space, at both ends of a row / series of adjacent disability parking spaces, or at the entrance to a parking lot restricted to only disability parking.

(f) A person, other than a person issued a special placard or motorcycle sticker pursuant to this section, who parks a vehicle in a parking space designated for persons with disabilities, shall be fined: (1) one hundred dollars (\$100) for a first violation, (2) one hundred seventy-five dollars (\$175) for a second violation, and (3) three hundred twenty-five dollars (\$325) for a third or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided further, that it shall not be unlawful for a person to park a vehicle in a space designated for person with disabilities if that person is transporting a person who has been issued a special placard and is properly displaying the placard on the vehicle.

(g) Enforcement of the parking provisions of this section shall be enforced by the local or state authorities on public or private property when the location of the parking spaces is within the purview of the State Building Code, chapter 27.3 of title 23.

**MOTION:** To direct the Commission's staff to testify in favor of amending **H 7081 Motor And Other Vehicles -- Stopping, Standing And Parking Restrictions** by adding a new SECTION 2. Subsection (e) of Section 31-28-7 of the General Laws in entitled "Parking Facilities And Privileges - Motor vehicle plates for persons with disabilities - Entitlement - Designated parking spaces – Violations" is hereby amended as follows:

(e) Disability parking spaces shall be designated and identified by the posting of signs above ground level incorporating the international symbol of access of white on blue, and the words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking-" at each space, at both ends of a row / series of adjacent disability parking spaces, or at the entrance to a parking lot restricted to only disability parking. KP/LG passed unanimously

**3:40 PM**

**Review of New Bills**

**Bob Cooper**

Discussion: Members discussed the following 18 bills

**Civil Rights**

**Review requested by Jeanne Behie**

**06 S-2860 ELECTIONS** Sponsors: Sen. Paiva-Weed Continued Senate Judiciary Committee  
 Identical to: **06 H-7535 ELECTIONS** Sponsors: Rep. Lewiss & Reps. McNamara, Crowley, Kennedy, & Jackson In Committee House Judiciary Committee

This act would repeal the use of Braille, and tactile or other accessible format ballots in person at the polls on election day. The bill restricts mail ballots to only Braille, and tactile. This act would take effect upon passage.

The Secretary of State's Office drafted the bill; the NFB of RI is satisfied that Braille ballots will still be available for voters, as a mail ballot.

**Review requested by Rory Carmody**

**06 H-7544 MENTAL HEALTH, RETARDATION, AND HOSPITALS** Sponsors: Rep. McNamara & Rep. Moffitt In Committee House Finance Committee Identical to **06 S-2852 STATE AFFAIRS AND GOVERNMENT – DEVELOPMENTAL DISABILITY** Sponsors: Sen. Goodwin In Committee Senate Judiciary Committee

This act would establish the office of the developmental disability ombudsperson. This act would also set forth the functions and duties of this office. This act would take effect upon passage.

Members discussed potential overlap with the Mental Health Advocate and the RI Disability Law Center.

**MOTION: To take no position on 06 H-7544 MENTAL HEALTH, RETARDATION, AND HOSPITALS & 06 S-2852 STATE AFFAIRS AND GOVERNMENT -- DEVELOPMENTAL DISABILITY BI/KP passed, RC abstained**

**Health Care Services**

**Review requested by Bill Inlow**

**06 S-2240 HEALTH AND SAFETY- STEM CELL RESEARCH** Sponsors: Sen. Perry & Sens. Gibbs, Bates, Pichardo, & Lenihan In Committee Senate Health and Human Services Committee  
Identical to **06 H-7429 HEALTH AND SAFETY- STEM CELL RESEARCH** Sponsors: Rep. Ajello & Reps. Handy, Dennigan, Fox, & Rice In Committee House Health, Education, & Welfare Committee  
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.

**CHAPTER 80**

**STEM CELL RESEARCH**

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**23-80-1. Statement of purpose. - - (a) Research involving the derivation and use of**

**human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any**

**source, including somatic cell nuclear transplantation, shall be permitted and that full**

**consideration of the ethical and medical implications of this research be given.**

**(b) That research involving the derivation and use of human embryonic stem cells, human**

**embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation,**

**shall be reviewed by an approved institutional review board.**

**23-80-2. Notification and consent. - - (a) In order for embryos to be donated, consent in**

**writing, is required by both parties involved in the creation of the embryos.**

**(b) A physician, surgeon, or other health care provider delivering fertility treatment shall**

**provide his or her patient with timely, relevant, and appropriate information to allow the donors**

**to make an informed and voluntary choice regarding the disposition of any human embryos**

**remaining following the fertility treatment.**

**(c) Any donor to whom information is provided pursuant to subdivision (b) shall be**

**presented with the option of storing any unused embryos, donating them to another individual,**

**discarding the embryos, or donating the remaining embryos for research.**

**(d) Any donor who elects to donate embryos remaining after fertility treatments for**

**research shall provide written consent.**

**SECTION 2. This act shall take effect upon passage.**

**MOTION: To find beneficial 06 S-2240 & 06 H-7429 HEALTH AND SAFETY- STEM CELL RESEARCH BI/PC passed, Yeas: KP,LD,PC,AP,BI,EG,TF,KMcC,& SB Nays: RC,GS,JC,JB,LG,MS Abstention JS.**

**Review requested by Bob Cooper**

**06 H-7223 HUMAN SERVICES -- FAMILY INDEPENDENCE ACT** Sponsors: Rep. Giannini & Reps. Rose, Williams, Malik, Palumbo In Committee House Finance Committee

This act would clarify the federal law concerning medical coverage for certain children under eighteen (18) who have disabling conditions and who live at home (Katie Becket) and would require that the department of human services submit a report every six (6) months to the general assembly pursuant to this program. This act would take effect upon passage.

**MOTION: To take no position 06 H-7223 HUMAN SERVICES -- FAMILY INDEPENDENCE ACT EG/JB passed unanimously**

**06 H-7418 INSURANCE - THE RHODE ISLAND BEST RX PROGRAM** Sponsors: Rep. Moura & Reps. Long, Kilmartin, McCauley & Lima In Committee House Finance Committee Identical to **06 S-2751 INSURANCE - THE RHODE ISLAND RX PROGRAM** Sponsors: Sen. Perry & Sens. Goodwin, Tassoni, Levesque & Pichardo In Committee Senate Health and Human Services Committee

This act would create the Rhode Island Rx Program to provide eligible uninsured persons with access to discounts on outpatient prescription drugs from participating pharmaceutical companies and pharmacists through a state-sponsored discount card program. The program will provide participants discounts on prescriptions based on existing negotiated discounts available to state employee health plans, established through agreements with participating pharmacists and manufacturers under this section, or at a manufacturer's option, an agreement to coordinate enrollment in a pharmaceutical manufacturer's prescription drug assistance program for the uninsured. This act would take effect on February 1, 2007.

**MOTION: To find take no position 06 H-7418 & 06 S-2751 INSURANCE - THE RHODE ISLAND RX PROGRAM BI/PC passed unanimously**

**06 S-2908 MEDICAL ASSISTANCE** Sponsors: Sen. Revens Referred to Committee Senate Health and Human Services Committee

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.

**Review requested by Jeanne Behie**

**06 H-7686 HUMAN SERVICES -- LONG-TERM CARE SERVICE AND FINANCE REFORM**

Sponsors: Rep. Sullivan & Reps. Jackson, Church, O'Neill, & Williamson In Committee House Finance Committee

This act would require the department of human services to develop a new model for the provision and delivery of long-term health care services that supports consumer choice and independence.

**06 S-2707 MENTAL HEALTH, RETARDATION, AND HOSPITALS - DIVISION OF MENTAL HEALTH** Sponsors: Sen. Pichardo & Sens. Perry, Roberts, Metts, & Gibbs In Committee Senate Finance

This act would provide 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 shall take effect upon passage.

1-1 SECTION 1. Chapter 40.1-5.4 of the General Laws entitled "Division of Mental Health"

1-2 is hereby amended by adding thereto the following sections:

1-3 **40.1-5.4-13. Financial support for services to persons with serious mental illness -**

1-4 **Findings and intent. - - Based on the following findings, it is the intent of the general assembly**

1-5 **to ensure that persons with serious mental illness receive necessary and appropriate mental health**

1-6 **services as required pursuant to this chapter through an appropriation of funds:**

1-7 **(1) The department of mental health, retardation and hospitals is required through its**

1-8 **division of mental health to develop, coordinate and administer a complete, comprehensive and**

1-9 **integrated statewide system of mental health services. The department's highest priority shall be**

1-10 **to provide services to residents with serious mental illness;**

1-11 **(2) The department of mental health, retardation and hospitals currently serves, through**

1-12 **its network of contracted community mental health organizations, approximately six thousand**

1-13 **(6,000) Rhode Islanders each year who have a serious mental illness as defined by the division of**

1-14 **mental health;**

1-15 (3) The department of mental health, retardation and hospitals recognizes that there are  
1-16 approximately one thousand fifty (1,050) additional individuals who have serious mental illness  
1-17 but who are unable to receive necessary services due to insufficient resources in the department's  
1-18 system of mental health services; and

2-1 (4) The department of mental health, retardation and hospitals further recognizes that of  
2-2 these one thousand fifty (1,050) Rhode Islanders approximately six hundred thirty (630) Rhode  
2-3 Islanders are without any form of health care coverage.

2-4 **40.1-8.5-14. Appropriation. --** There is hereby appropriated for the fiscal year  
2-5 extending from July 1, 2006 through June 30, 2007, an additional amount of four million dollars  
2-6 (\$4,000,000) to be allocated to the department of mental health, retardation and hospitals,  
2-7 division of mental health, for the purposes of increasing the number of Rhode Islanders with  
2-8 serious mental illness without health care coverage who need, and are able, to receive services in  
2-9 the community mental health system.

2-10 SECTION 2. This act shall take effect upon passage.

**MOTION: To find beneficial 06 S-2707 MENTAL HEALTH, RETARDATION, AND HOSPITALS - DIVISION OF MENTAL HEALTH JS/KP passed unanimously**

**06 H-7546 MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC** Sponsors: Rep. McNamara & Rep. Caprio In Committee House Finance Committee

This act would fund comprehensive instate services for individuals with traumatic brain injury by assessing a mandatory additional penalty of an additional ten dollars (\$10.00) for all speeding violations, and would increase the membership of the permanent advisory commission on traumatic brain injuries. This act would take effect upon passage.

1-1 SECTION 1. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled  
1-2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

1-3 **31-41.1-4. Schedule of violations. --** (a) The penalties for violations of the enumerated  
1-4 sections, listed in numerical order, correspond to the fines described. However, those offenses for  
1-5 which punishments which may vary according to the severity of the offense, or punishment which  
1-6 require the violator to perform a service, shall be heard and decided by the traffic tribunal or  
1-7 municipal court. The following violations may be handled administratively through the method  
1-8 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the  
1-9 traffic tribunal with regard to other violations.

\*\*\*\*\*

7-5 (3) For all speeds over the posted speed limit on public highways, a mandatory fine of ten  
7-6 dollars (\$10.00) for the purpose of funding the traumatic brain injury fund. Levied assessments  
7-7 shall be turned over by all traffic tribunals and municipal courts to a separate account on a  
7-8 quarterly basis and shall be used only for the purposes specified in section 42-12-20.1. Such  
7-9 assessments shall hereinafter be referred to as the "traumatic brain injury fund."

7-10 (c) Any person charged with a violation who pays the fine administratively pursuant to  
7-11 chapter 8.2 of title 8 shall not be subject to any additional costs or assessments, including, but not  
7-12 limited to, the hearing fee established in section 8-18-4 or assessment for substance abuse  
7-13 prevention, or the assessment for traumatic brain injuries set forth in section 42-12-20.

7-14 SECTION 2. Sections 42-12-19 and 42-12-20 of the General Laws in Chapter 42-12  
7-15 entitled "Department of Human Services" are hereby amended to read as follows:

7-16 **42-12-19. Permanent advisory commission on traumatic brain injuries --**  
7-17 **Commission established. --** (a) There is hereby established a permanent advisory commission on  
7-18 traumatic brain injuries.

7-19 (b) The purpose of the commission shall be to ~~report on all matters relating to traumatic~~

7-20 ~~brain injury in Rhode Island:~~

7-21 (i) Report on all matters relating to traumatic brain injury in Rhode Island to the governor  
7-22 and general assembly.

7-23 (ii) Advise the department of human services, department of mental health, retardation  
7-24 and hospitals, and the department of health regarding the development of priorities and criteria  
7-25 for disbursement of monies in response to both individual requests and grant-seeking entities  
7-26 from the traumatic brain injury fund. Such priorities and criteria shall be in accordance with the  
7-27 expenditure guidelines set forth in section 42-12-20.1 of this chapter.

7-28 (iii) Advise the department of human services, department of mental health, retardation  
7-29 and hospitals, and the department of health on all matters regarding traumatic brain injury.

7-30 (c) The commission shall consist of ~~eleven (11)~~ nineteen (19) members. ~~who shall serve~~  
7-31 ~~staggered terms of one, two (2) and three (3) years.~~ They shall meet not less than ~~two (2)~~ four (4)  
7-32 times a year and report their findings annually to the governor and general assembly. ~~forward~~  
7-33 ~~copies to the president of the senate and speaker of the house of representatives.~~ The members of  
7-34 the commission shall serve without compensation. The commissioners ~~may~~ shall elect their own  
8-1 officers on a biannual basis.

8-2 (d) The membership of the commission shall be as follows: the director of the  
8-3 department of mental health, retardation and hospitals or his or her designee; the director of the  
8-4 department of health or his or her designee; the director of the department of human services or  
8-5 his or her designee; the director of the department of education or his or her designee all of  
8-6 whom shall serve ex-officio; the chief of neurosurgery at Rhode Island hospital or his or her  
8-7 designee; the president and executive director or two (2) designees of the brain injury association  
8-8 of Rhode Island; ~~two (2) members of the Rhode Island chapter of the national head injury~~  
8-9 ~~foundation;~~ the director of the Rhode Island disability law center or designee; the governor or his  
8-10 or her designee; ~~a person appointed by the governor; the president of the senate or his or her~~  
8-11 ~~designee; and the speaker of the house or his or her designee.~~ ; and ten (10) persons appointed by  
8-12 the governor as follows: two (2) persons who are unrelated, one of whom must have a traumatic  
8-13 brain injury, and one of whom may be an immediate family member of an individual with a  
8-14 traumatic brain injury; one person who is a neurologist; one person who is a physiatrist; one  
8-15 person who is a neuropsychologist; one person who is a cognitive rehabilitation specialist; one of  
8-16 whom is a traumatic brain injury case manager; one of whom is a physical therapist or  
8-17 occupational therapist; one of whom is a representative of a post-acute rehabilitation facility; and  
8-18 one person who is a community-based service provider.

8-19 (e) The first meeting of the members of the commission shall be called to order by the  
8-20 governor or his or her designee within ninety (90) days of ~~June 25, 1986.~~ the effective date of  
8-21 this act. Of the ten (10) members appointed by the governor, three (3) shall serve a term of one  
8-22 year; three (3) shall serve a term of two (2) years and four (4) shall serve a term of three (3) years.  
8-23 Upon expiration of the initial term, commission members shall served terms of three (3) years.  
8-24 The initial terms of commission members shall be determined by lot.

8-25 **42-12-20. Responsibility of director -- Traumatic brain injury. --** It shall be the  
8-26 responsibility of the director of the department of human services to provide rehabilitative  
8-27 services for persons ~~suffering from with~~ traumatic brain injury; including the development of  
8-28 instate comprehensive community-based services. Monies to fund this section shall be  
8-29 appropriated from state general revenues and shall be raised by assessing an additional penalty of  
8-30 ten dollars (\$10.00) for all speeding violations set forth in section 31-41.1-4. The department of  
8-31 human services may utilize up to ten percent (10%) of the sums appropriated for the purpose of  
8-32 administering the traumatic brain injury program.

8-33 The department of human services, in consultation with the permanent advisory  
8-34 commission on traumatic brain injuries, shall promulgate such rules and regulations in

9-1 [accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and](#)  
 9-2 [proper to ensure responsible management and operation of section 42-12-20.1.](#)  
 9-3 SECTION 3. Chapter 42-12 of the General Laws entitled "Department of Human  
 9-4 Services" is hereby amended by adding thereto the following section:  
 9-5 **[42-12-20.1. Expenditures under the traumatic brain injury program.](#)** – [Expenditures](#)  
 9-6 [of the assessments under the traumatic brain injury program shall be for the following purposes:](#)  
 9-7 [\(a\) as the payor of last resort for individuals who have exhausted all other health or](#)  
 9-8 [rehabilitation benefit funding services for services covered under this section.](#)  
 9-9 [\(b\) services including, but not limited to: case management; cognitive rehabilitation;](#)  
 9-10 [transitional living; structured day programs; assistive technology services; devices and](#)  
 9-11 [equipment; transportation; housing; neuropsychological evaluations; behavioral health treatment;](#)  
 9-12 [substance abuse treatment; respite, and other services and/or assistance as deemed appropriate by](#)  
 9-13 [the commission for individuals with traumatic brain injury to accomplish a successful re-entry](#)  
 9-14 [and maintenance in the community.](#)  
 9-15 [\(c\) grants to community-based programs, private providers and municipal governments](#)  
 9-16 [for the purpose of expanding or developing services targeted for individuals with brain injuries as](#)  
 9-17 [well as for system development and maintenance. Such grants shall be awarded only after](#)  
 9-18 [consultation with the commission and pursuant to the criteria developed jointly by that body, the](#)  
 9-19 [department of human services, department of health, department of mental health, retardation and](#)  
 9-20 [hospitals.](#)  
 9-21 [\(d\) funding for public information and prevention education and for the continuation of](#)  
 9-22 [the resource center coordinated by the brain injury association of Rhode Island.](#)  
 9-23 SECTION 4. Section 42-12-21 of the General Laws in Chapter 42-12 entitled  
 9-24 "Department of Human Services" is hereby amended to read as follows:  
 9-25 **[42-12-21. "Traumatic brain injury" defined.](#)** -- As used in this chapter, "traumatic  
 9-26 brain injury" means an injury to the skull, the brain contents or its coverings, not of a  
 9-27 degenerative or congenital nature, which may or may not produce an altered state of  
 9-28 consciousness or result in temporary or permanent **anatomic** decrease of mental, cognitive,  
 9-29 behavioral or physical functioning which causes partial or total disability.  
 9-30 SECTION 5. This act shall take effect upon passage.

**MOTION: To find beneficial 06 H-7546 MOTOR AND OTHER VEHICLES --  
 ADJUDICATION OF TRAFFIC SB/JP passed unanimously**

**Housing**

**Review requested by Bob Cooper**

**06 S-2840 HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM**

Sponsors: Sen. Pichardo & Sens. Goodwin & Felag In Committee Senate Finance Committee Identical to

**06 H-7262 HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM**

Sponsors: Rep. Fox & Reps. Pacheco, Lewiss, Slater, & Rice In Committee House Finance Committee

This act would establish and fund the neighborhood opportunities program to address the housing and revitalization needs of the state's deteriorating neighborhoods. In FY 07 seven million, five hundred thousand dollars (\$7,500,000) would be available to: (a) family affordable housing program; (b) permanent supportive housing program for disabled individuals to be coupled with services and case management to stabilize homeless individuals in permanent housing at affordable rents for persons receiving supplemental social security income (SSI); and (c) neighborhood revitalization program. This act would take effect upon passage.

1-1 SECTION 1. Section 42-128-8 of the General Laws in Chapter 42-128 entitled "Rhode  
 1-2 Island Housing Resources Act of 1998" is hereby amended to read as follows:

1-3 **42-128-8. Powers and duties.** -- In order to provide housing opportunities for all Rhode  
1-4 Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make  
1-5 effective the housing responsibilities of the agencies and subdivisions of the state, the  
1-6 commission shall have the following powers and duties:

2-23 (ix) The neighborhood opportunities program, the purpose of which shall be to address  
2-24 the housing and revitalization needs of the state's deteriorating neighborhoods. The neighborhood  
2-25 opportunities program shall provide financial assistance to implement the following three  
2-26 components:

2-27 (a) The family affordable housing program, the purpose of which shall be to produce an  
2-28 additional supply of housing units at rents affordable to families working at or near minimum  
2-29 wage. State funding will leverage other resources for the production of housing, to create mixed  
2-30 income housing, and to revitalize neighborhoods through the rehabilitation of existing  
2-31 substandard units.

2-32 (b) The permanent supportive housing program, the purpose of which shall be to produce  
2-33 additional housing for disabled individuals to be coupled with services and case management to  
2-34 stabilize homeless individuals in permanent housing at affordable rents for persons receiving  
3-1 supplemental social security income (SSI).

3-2 (c) The neighborhood revitalization program, the purpose of which shall be to provide  
3-3 grants to local communities for renovation, demolition, and homeownership opportunities in  
3-4 neighborhoods designated for revitalization.

3-5 Section 2. There is hereby appropriated out of any money in the treasury not otherwise  
3-6 appropriated for the fiscal year 2006-2007, the sum of seven million, five hundred thousand  
3-7 dollars (\$7,500,000) for the purpose of carrying out the provisions of this act, and the state  
3-8 controller is hereby authorized to draw his orders upon the general treasurer for the payment of  
3-9 said sum, or so much thereof as may be from time to time required, upon receipt by him of  
3-10 properly authenticated vouchers.

3-11 SECTION 3. This act shall take effect upon passage.

**MOTION: To find beneficial 06 S-2840 & 06 H-7262 HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM PC/BI passed unanimously**

**06 H-7629 HUMAN SERVICES** Sponsors: Rep. Naughton & Reps. Ajello, Coderre, Moffitt, & Almeida In Committee House Finance Committee

This act would establish a program of loan guarantees or interest subsidies within the department of human services for the purpose of assisting homeowners with blindness or severe physical disabilities to make necessary modifications to their primary residence.

This act would take effect upon passage.

1-3 **CHAPTER 21**  
1-4 **STATE FINANCIAL ASSISTANCE -- LOAN GUARANTEES TO LOW-INCOME**  
**PERSONS**  
1-5 **WITH DISABILITIES**

1-6 **40-21-1. Purpose and authority.** – The state of Rhode Island acting through the  
1-7 department of human services, may enter into a contract or contracts for loan guarantees or  
1-8 interest subsidies to assist homeowners with blindness or severe physical disabilities in making  
1-9 modifications to their primary residence for the purpose of improved accessibility or to allow  
1-10 such homeowners to live independently in the community.

1-11 **40-21-2. Cost, eligibility and repayment.** – (a) The department of human services shall  
1-12 take all steps necessary to minimize this program's administrative costs.

1-13 **(b) The loan guarantees pursuant to this chapter shall be available on the basis of a sliding**

1-14 scale relative to the homeowner's income and assets to the cost of the home modifications.  
 1-15 (c) Interest subsidies shall be means tested and may be zero interest loans pursuant to  
 1-16 income standards developed by the director of the department of human services.  
 1-17 (d) Repayment of any loan pursuant to this chapter may be delayed until the sale of the  
 1-18 principal residence by the homeowner.  
 1-19 (e) Nothing contained herein shall be construed as giving rise to enforceable legal rights  
 2-1 on entitlement to any services.  
 2-2 **40-21-3. Establishment of rules, regulations and guidelines.** – The director of the  
 2-3 department of human services shall consult the governors commission on disabilities created  
 2-4 pursuant to chapter 45-51 to develop rules, regulations and guidelines for this program.  
 2-5 **40-21-4. Annual amount -- Reports.** – The total amount of all notes guaranteed  
 2-6 pursuant to this section shall not exceed the sum of five million dollars (\$5,000,000) in each  
 2-7 calendar year and the director shall submit quarterly reports to the general assembly detailing the  
 2-8 status of the program herein established.  
 2-9 **40-21-5. Severability.** – Provisions of this chapter are severable, and if any of its  
 2-10 provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of  
 2-11 the court shall not affect or impair any of the remaining provisions.  
 2-12 SECTION 2. This act shall take effect upon passage.

MOTION: To table until clarifying mortgage originator **06 H-7629 HUMAN SERVICES**  
 BI/KP passed unanimously

**06 H-7548 HUMAN SERVICES -- THE SUPPORTIVE RESIDENTIAL CARE SERVICE**

**ACCESS, QUALITY AND SAFETY ASSURANCE ACT** Sponsors: Rep. Story Requested by the  
 Department of Human Services In Committee House Finance Committee

This act would amend the public assistance act to – maximize the range of affordable supportive residential  
 service options available and to eliminate any inequities in service quality or access to those who receive  
 supplemental security income under the public assistance act. This act would take effect upon passage.

1-1 SECTION 1. Legislative intent and purpose. – The governor and the general assembly  
 1-2 recognize that one of the major challenges facing low-income frail elders and adults with  
 1-3 behavioral health and physical disabilities is the limited availability of affordable housing options  
 1-4 with the capacity to provide the full array of often specialized supportive services they need to  
 1-5 live as independently as possible in a safe and appropriate environment. Therefore, it is the intent  
 1-6 of the governor and general assembly to maximize the range of affordable supportive residential  
 1-7 service options open to any such individuals who are receiving or who are eligible to receive  
 1-8 supplemental security income under the provisions established in chapter 40-6, the public  
 1-9 assistance act. The governor and general assembly recognize further that it is incumbent upon the  
 1-10 state to utilize its leverage as one of the principal payers for supportive residential services to  
 1-11 eliminate any inequities in service quality or access limiting the opportunities for low-income  
 1-12 elderly and adults with disabling physical and behavioral health conditions to live safe, healthy  
 1-13 and full lives.

1-14 SECTION 2. Section 40-6-27 of the General Laws in Chapter 40-6 entitled "Public  
 1-15 Assistance Act" is hereby amended to read as follows:

1-16 **40-6-27. Supplemental security income.** -- (a) (1) The director of the department is  
 1-17 hereby authorized to enter into agreements on behalf of the state with the secretary of the  
 1-18 department of health and human services or other appropriate federal officials, under the  
 2-1 supplementary and security income (SSI) program established by title XVI of the Social Security  
 2-2 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility  
 2-3 for SSI benefits for residents of this state, except as otherwise provided in this section. The state's  
 2-4 monthly share of supplementary assistance to the supplementary security income program

2-5 effective January 1, 2003 shall be as follows:

2-6 Individual living alone: \$ 57.35

2-7 Individual living with others: 69.94

2-8 Couple living alone: 108.50

2-9 Couple living with others: 128.50

2-10 Individual living in ~~state-licensed~~ supportive residential care

2-11 settings licensed by the department of mental health, retardation

2-12 and hospitals in which Title XIX of the US Social Security

2-13 Act pays less than fifty percent (50%) of the cost of care

2-14 and assisted living ~~facilities~~ residences licensed by the

2-15 department of health: 575.00

2-16 (2) Individuals living in institutions shall receive a twenty dollar (\$20.00) per month

2-17 personal needs allowance from the state which shall be in addition to the personal needs

2-18 allowance allowed by the Social Security Act, 42 U.S.C. section 301 et seq.

2-19 (3) Individuals living in state licensed supportive residential care settings and assisted

2-20 living ~~facilities~~ residences who are receiving SSI shall be allowed to retain a minimum personal

2-21 needs allowance of fifty-five dollars (\$55.00) per month from their SSI monthly benefit prior to

2-22 payment of ~~the residential care and assisted living facility~~ any monthly fees.

2-23 (4) ~~The~~ To ensure supportive residential care or assisted living is a safe and appropriate

2-24 service setting, the department is authorized and directed to establish rules for ~~screening and~~

2-25 ~~assessment procedures and eligibility criteria~~ conducting eligibility screenings and

2-26 comprehensive services assessments for those persons who:

2-27 (i) Have applied for or are receiving SSI, and who apply for admission to supportive

2-28 residential care settings and assisted living ~~facilities~~ residences on or after October 1, 1998; or

2-29 (ii) Who are residing in supportive residential care settings and assisted living ~~facilities~~

2-30 residences, and who apply for or begin to receive SSI on or after October 1, 1998.

2-31 (5) The eligibility screening and assessment process required in the above section shall be

2-32 designed by the department ~~shall collaborate in collaboration~~ with the department of elderly

2-33 affairs ~~to design and implement the screening and assessment procedures as required in the above~~

2-34 ~~section~~ , the department of health and the department of mental health, retardation and hospitals

3-1 and shall be implemented in a manner that furthers the goal of establishing a statewide

3-2 coordinated long-term care entry system.

3-3 (6) To assure access to high quality coordinated services, the department is further

3-4 authorized and directed to establish rules specifying the payment certification standards that must

3-5 be met by those state licensed supportive residential care settings and assisted living residences

3-6 admitting or serving and persons eligible for state funded supplementary assistance under this

3-7 section. Such payment certification standards shall define:

3-8 (i) The scope and frequency of resident assessments, the development and implantation

3-9 of individualized service plans, staffing levels and qualifications, resident monitoring, service

3-10 coordination, safety risk management and disclosure and any other areas as the department may

3-11 deem appropriate;

3-12 (ii) The procedures for determining whether the payment certifications standards have

3-13 been met;

3-14 (iii) The criteria and process for granting a one time, short-term good cause exemption

3-15 from the payment certification standards to a licensed supportive residential care setting or

3-16 assisted living residence that provides documented evidence indicating that meeting or failing to

3-17 meet the standards poses an undue hardship on any person eligible under this section who is a

3-18 prospective or current resident.

3-19 (7) The payment certification standards required in the above section shall be developed

3-20 [by the department in collaboration with the department of elderly affairs, the department of](#)  
3-21 [health, the department of mental health, retardation and hospitals and other state agencies as](#)  
3-22 [necessary so as to ensure they compliment and coincide with applicable licensure regulations in](#)  
3-23 [effect and in development.](#)

3-24 (b) The department is authorized and directed to provide additional assistance to  
3-25 individuals eligible for SSI benefits for:

3-26 (1) Moving costs or other expenses as a result of an emergency of a catastrophic nature  
3-27 which is defined as a fire or natural disaster; and

3-28 (2) Lost or stolen SSI benefit checks or proceeds of them; and

3-29 (3) Assistance payments to SSI eligible individuals in need because of the application of  
3-30 federal SSI regulations regarding estranged spouses; and the department shall provide such  
3-31 assistance in a form and amount which the department shall by regulation determine.

3-32 SECTION 3. This act shall take effect upon passage.

**MOTION: To table until next meeting 06 H-7548 HUMAN SERVICES -- THE SUPPORTIVE RESIDENTIAL CARE SERVICE ACCESS, QUALITY AND SAFETY ASSURANCE ACT AP/PC passed unanimously get definitions**

### Special Education

**Review requested by Bob Cooper**

**06 H-7337 EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS** Sponsors: Rep. Loughlin & Reps. Savage, Gorham, Watson, & Long Continued House Health, Education, & Welfare Committee

This act would allow city and town councils to seek waivers of any state law or regulation related to education, including, but not limited to, regulations governing the education of children with disabilities, to the extent permitted by federal law, in order to reduce school budget increases to three percent (3%) over the prior fiscal year. The commissioner shall grant the waiver to the extent permitted by federal law so as to reduce the school budget increase to no more than five and one-half percent (5.5%). This act would take effect upon passage.

1-1 SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School  
1-2 Committees and Superintendents" is hereby amended to read as follows:

1-3 **16-2-21.4. School budgets -- Compliance with certain requirements. --**

2-33 [\(c\) Notwithstanding any other provisions to the contrary, in the event a school budget](#)  
2-34 [increases by more than three percent \(3%\) over the prior fiscal year, a governing school](#)  
3-1 [committee may seek a waiver, from the commissioner, of any state law or regulation related to](#)  
3-2 [education, including, but not limited to, regulations governing the education of children with](#)  
3-3 [disabilities, to the extent permitted by federal law so as to reduce the school budget increase to no](#)  
3-4 [more than three percent \(3%\).](#)

3-5 [\(d\) Notwithstanding any other provisions to the contrary, in the event a school budget](#)  
3-6 [increases by more than five and one-half percent \(5.5%\) over the prior fiscal year, a governing](#)  
3-7 [school committee may seek a waiver, from the commissioner, of any state law or regulation](#)  
3-8 [related to education, including, but not limited to, regulations governing the education of children](#)  
3-9 [with disabilities, to the extent permitted by federal law and the commissioner shall grant the](#)  
3-10 [waiver so as to reduce the school budget increase to no more than five and one-half percent](#)  
3-11 [\(5.5%\).](#)

3-12 SECTION 2. This act shall take effect upon passage

**MOTION: To find harmful 06 H-7337 EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS LG/AP passed unanimously**

**Review requested by Jeanne Behie**

**06 H-7841 A STATEWIDE SYSTEM OF SCHOOL TRANSPORTATION OF STUDENTS**

**WITH SPECIAL NEEDS** Sponsors: Rep. Mumford & Reps. Savage, Story, Ehardt & McManus

Scheduled for hearing and/or consideration House Health, Education, & Welfare Committee 3/15/2006 @

Rise in Rm 135 Identical to **06 S-2895 STATEWIDE SYSTEM OF SCHOOL TRANSPORTATION**

**OF STUDENTS WITH SPECIAL NEEDS** Sponsors: Sen. Bates & Sens. Gibbs & Breene Requested

by the Governor Referred to Committee Senate Education Committee

This act would require that the state department of administration and the Rhode Island public transit authority develop a plan for the creation and implementation of a statewide system of transportation of students with special needs and for all students including those without special needs to and from school. This act would take effect upon passage.

**Transportation**

**Review requested by Bill Inlow**

**06 S-2042 MOTOR AND OTHER VEHICLES** Sponsors: Sen. Cote & Sens. Tassoni, Doyle, Fogarty, and McBurney Continued Senate Commerce, Housing and Municipal Government Committee Identical to **06 H-6826 MOTOR AND OTHER VEHICLES** Sponsors: Rep. McCauley & Rep. Malik Continued House Environmental and Natural Resources

This act would define various terms designating different areas that a bicycle may be operated, and would also set forth rules for users of shared use paths to follow while on shared use paths. "Bikeway," "bike path" or "shared use path" means a transportation/recreational facility physically separated from motorized vehicular traffic by an open space or barrier. These facilities may be used by pedestrians, bicyclists, roller bladders, joggers, wheelchair users and other nonmotorized users. This act would take effect on July 1, 2007.

- 1-3 **31-1-23. Types of roads. --** ~~(a) "Bicycle trail or path" means a separate roadway~~  
1-4 ~~designated by the state or local governments to be used solely by bicycles. When a bicycle trail or~~  
1-5 ~~path forms a part of a highway as defined in this section, it is separated from the highway by an~~  
1-6 ~~open space or barrier.~~  
1-7 ~~(b)~~ (a) "Laned roadway" means a roadway which is divided into two (2) or more clearly  
1-8 marked lanes for vehicular traffic.  
1-9 ~~(c)~~ (b) "Limited access highway" means every highway, street, or roadway to or from  
1-10 which owners or occupants of abutting lands and other persons have no legal right of access  
1-11 except at those points and in that manner determined by the public authority having jurisdiction  
1-12 over it.  
1-13 ~~(d)~~ (c) "Local highway" means every street or highway other than a state highway,  
1-14 private road, or driveway.  
1-15 ~~(e)~~ (d) "Private road or driveway" means every way or place in private ownership that is  
1-16 used for vehicular travel only by the owner and by those others having express or implied  
1-17 permission from the owner.  
1-18 ~~(f)~~ (e) "Roadway" means that portion of a highway improved, designed, or ordinarily  
1-19 used for vehicular travel, excluding the sidewalk, berm, or shoulder even when used by persons  
2-1 riding bicycles. In the event a highway includes two (2) or more separate roadways, "roadway"  
2-2 refers to the roadway separately and not the roadways collectively.  
2-3 ~~(g)~~ (f) "Sidewalk" means that portion of a street between the curb lines, or the lateral  
2-4 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.  
2-5 ~~(h)~~ (g) "State highway" means every street or highway constructed and/or maintained by  
2-6 the director of public works and the division of roads and bridges.  
2-7 ~~(i)~~ (h) "Street or highway" means the entire width between boundary lines of every way

2-8 when any part of it is open to the use of the public for purposes of vehicular traffic.

2-9 **(i)** "Through highway" means every highway or portion of a highway having

2-10 entrances from intersecting highways at which vehicular traffic is required by law to stop before

2-11 entering or crossing, and where stop signs are erected under the provisions of chapters 1 -- 27 of

2-12 this title.

2-13 SECTION 2. Chapter 31-19 of the General Laws entitled "Operation of Bicycles" is

2-14 hereby amended by adding thereto the following sections:

2-15 **31-19-1.1. Definitions.** – (a) "Bicycle route" or "bike route" means a roadway shared by

2-16 both bicycles and other forms of transportation designated by the means of signs or pavement

2-17 markings.

2-18 (b) "Bicycle lane" or "bike lane" means a roadway restricted to bicycles and so

2-19 designated by means of painted lines, pavement coloring or other appropriate markings.

2-20 (c) "Bikeway," "bike path" or "shared use path" means a transportation/recreational

2-21 facility physically separated from motorized vehicular traffic by an open space or barrier. These

2-22 facilities may be used by pedestrians, bicyclists, roller bladers, joggers, wheelchair users and

2-23 other nonmotorized users.

2-24 **31-19-1.2. Rules of the road for bikeways.** – (a) All users of bikeways, bike paths or

2-25 shared use paths must:

2-26 (1) Stay to the right;

2-27 (2) Pass only on the left when it is safe to do so;

2-28 (3) Give appropriate warning to other users when passing; and

2-29 (4) Travel at speeds which are safe and appropriate for the conditions at the time and

2-30 place.

2-31 SECTION 3. This act shall take effect on July 1, 2007.

MOTION: To find harmful unless amended to include motorized personal mobility devices **06 H-6826 & 06 S-2042 MOTOR AND OTHER VEHICLES**. BI/AP passed unanimously

**06 S-2138 Sub A SEPARATION OF POWERS** Sponsors: Sen. Connor & Sens. Perry, Polisena, and McCaffrey **House Separation of Powers Committee 3/14 @ Rise in Rm 135** Identical to **06 H-6754 Sub A SEPARATION OF POWERS** Sponsors: Rep. Coderre & Reps. Crowley, Kilmartin, Davey, and Gallison In Committee House Separation of Powers Committee

This act would remove legislators and legislative appointees from the State Crime Laboratory Commission; State medical examiners commission; Health professional loan repayment board; State Building Code Standards Committee; State traffic commission; State properties committee; & Rhode Island Public Transit Authority, in accord with the recent amendments to the state constitution. The act would also amend reporting requirements for these boards and commissions. The governor would have to consider recommendations for appointment to RIPTA from the National Federation of the Blind of Rhode Island, the Gray Panthers of Rhode Island, the Sierra Club of Rhode Island, the Rhode Island AFL-CIO, the RIPTA Transportation Advisory Committee, and the Rhode Island business community and the Rhode Island League of Cities and Towns. This act would take effect upon passage. Substitute: deletes the section on the State Crime Laboratory Commission, revises the membership of the state properties committee.

11-12 SECTION 7. Sections 39-18-2 and 39-18-18 of the General Laws in Chapter 39-18

11-13 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

11-14 **39-18-2. Authority created -- Composition -- Terms -- Oath -- Officers -- Quorum --**

11-15 **Compensation -- Conflicts of interest.** – (a) There is hereby created a body corporate and

11-16 politic to be known as the "Rhode Island public transit authority".

11-17 (b) The authority shall consist of ~~seven (7)~~ eight (8) members, ~~four (4)~~ seven (7) of  
11-18 whom shall be appointed by the governor with the advice and consent of the senate; ~~one shall be a~~  
11-19 ~~member of the senate ex officio appointed by the president of the senate, one shall be a member~~  
11-20 ~~of the house of representatives ex officio appointed by the speaker of the house of representatives~~  
11-21 and one of whom shall be the director of the department of transportation or his or her designee  
11-22 who shall serve as an ex officio member. The governor shall achieve a diverse membership in the  
11-23 board and shall give due consideration to recommendations for nominations from the National  
11-24 Federation of the Blind of Rhode Island, the Gray Panthers of Rhode Island, the Sierra Club of  
11-25 Rhode Island, the Rhode Island AFL-CIO, the RIPTA Transportation Advisory Committee, and  
11-26 the Rhode Island business community and the Rhode Island League of Cities and Towns.  
11-27 ~~Forthwith, upon the enactment of this chapter, the governor, with the advice and consent of the~~  
11-28 ~~senate, shall appoint one member to serve until the first day of April, 1965, one member to serve~~  
11-29 ~~until the first day of April, 1966, and one member to serve until the first day of April, 1967, and~~  
11-30 ~~until their respective successors shall be duly appointed and qualified. Ex officio members shall~~  
11-31 ~~serve during their respective terms of office. No one shall be eligible for appointment unless he~~  
11-32 or she is a resident of this state.

11-33 (c) ~~In the month of March 1965, and in the months of March annually thereafter, the~~  
11-34 ~~governor, with the advice and consent of the senate, shall appoint one member of the authority to~~  
12-1 ~~serve for a term of three (3) years to succeed the member whose term will then next expire. On or~~  
12-2 ~~before July 1, 1979, the governor with the advice and consent of the senate, shall appoint the~~  
12-3 ~~seventh member to serve until the first day of April, 1982 and until his or her respective successor~~  
12-4 ~~shall be duly appointed and qualified. Those members of the authority as of the effective date of~~  
12-5 this act who were appointed to the authority by members of the board of the general assembly  
12-6 shall cease to be members of the authority on the effective date of this act, and the governor shall  
12-7 thereupon nominate two (2) members, each of whom shall serve the balance of the unexpired  
12-8 term of his or her predecessor. Those members of the authority as of the effective date of this act  
12-9 who were appointed to the authority by the governor shall continue to serve the balance of their  
12-10 current terms. Thereafter, during the month of January in each year, the governor shall appoint  
12-11 members to succeed the departing members. The newly appointed members shall serve for a  
12-12 term of three (3) years commencing on the day they are qualified. In the event of a vacancy  
12-13 occurring in the membership, the governor, with the advice and consent of the senate, shall  
12-14 appoint a member for the unexpired term. Any member of the authority shall be eligible for  
12-15 reappointment.

12-16 (d) Each member of the authority, before entering upon his or her duties, shall take an  
12-17 oath to administer the duties of his or her office faithfully and impartially, and the oath shall be  
12-18 filed in the office of the secretary of state.

12-19 (e) The authority shall elect one of its members as chairperson, and shall also elect a  
12-20 secretary and such other officers as it deems necessary.

12-21 (f) Four (4) members of the authority shall constitute a quorum. ~~and the vote of four (4)~~  
12-22 ~~members~~ The affirmative vote of a majority of the members present and voting shall be necessary  
12-23 for any action taken by the authority. No vacancy in the membership of the authority shall impair  
12-24 the right of a quorum to exercise all the rights and perform all the duties of the authority.

12-25 (g) The members of the authority ~~appointed by the governor with the advice and consent~~  
12-26 ~~of the senate shall receive twenty five dollars (\$25.00) per day as compensation for attendance at~~  
12-27 ~~meetings of the authority, but not to exceed the sum of twenty five hundred dollars (\$2,500)~~  
12-28 ~~annually as compensation of each member, such amounts to be payable from the revenue of the~~  
12-29 ~~authority. Ex officio members~~ shall receive no compensation, but ~~all members of the authority~~  
12-30 shall be reimbursed for their actual expenses necessarily incurred in the performance of their  
12-31 duties.

12-32 (h) No member of the authority shall be in the employ of, or own any stock in, or be in  
12-33 any way directly or indirectly pecuniarily interested in any railroad corporation, bus, or street  
12-34 railway company, nor shall any member of the authority personally or through a partner or agent  
13-1 render any professional service or make or perform any business contract with or for any  
13-2 company; nor shall any member of the authority, directly or indirectly, receive a commission,  
13-3 bonus, discount, present, or reward from any company.

13-4 (i) Members of the authority shall be removable by the governor pursuant to the  
13-5 provisions of section 36-1-7 of the general laws and for cause only, and removal solely for  
13-6 partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

13-7 (j) The authority shall conduct a training course for newly appointed and qualified  
13-8 members within six (6) months of their qualification or designation. The course shall be  
13-9 developed by the general manager of the authority, be approved by the authority, and be  
13-10 conducted by the general manager of the authority. The authority may approve the use of any  
13-11 authority and/or staff members and/or individuals to assist with training. The training course  
13-12 shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2;  
13-13 and the authority's rules and regulations. The director of the department of administration shall  
13-14 be responsible for the enforcement of the provisions of this subsection.

MOTION: To find beneficial **06 S-2138 Sub A 06 H-6754 Sub A SEPARATION OF POWERS PC/LG** passed, BI abstaining.

**Review requested by Bob Cooper**

**06 H-7507 BRIDLE AND HIKING TRAILS** Sponsors: Rep. Ginaitt & Reps. Gorham, Kilmartin, & Mumford Scheduled for hearing and/or consideration House Environmental and Natural Resources 3/16/2006 @ 1:30 PM in Rm 203

This act would restrict the use of motorized vehicles on state bridle and hiking paths (no exception for motorized wheelchairs). This act would take effect upon passage.

1-3 **32-5-1. Preservation.** – (a) All recognized bridle and hiking trails situated upon state  
1-4 property as of June 4, 1971 shall remain in existence unless and until closed pursuant to the  
1-5 provisions of section 32-5-2. All of those trails shall be reasonably accessible to any horserider or  
1-6 hiker during the daylight hours.

1-7 (b) No motorized vehicle other than rescue and emergency state maintenance vehicles  
1-8 shall be permitted to use any designated bridle or hiking trail or path located in a state park,  
1-9 recreation area or management area without specific authorization of the director. Any person  
1-10 who violates this subsection shall be fined not more than one hundred dollars (\$100) for the first  
1-11 offense and not more than five hundred dollars (\$500) for the second offense and, upon  
1-12 conviction of a third offense, the person shall be fined not more than seven hundred fifty dollars  
1-13 (\$750) and shall forfeit his or her motorized vehicle to the state. All fines collected, and the  
1-14 proceeds from the sale of any forfeited vehicle, shall be utilized by the department of  
1-15 environmental management for maintenance of bridle and hiking trails and paths.

1-16 Notwithstanding the foregoing, motorcycles may use designated trails and paths in the  
1-17 Arcadia Management Area subject to rules promulgated by the department of environmental  
1-18 management pursuant to section 32-2-4 and subject to such conditions as may be required by the  
1-19 department of environmental management.

2-1 SECTION 2. This act shall take effect upon passage

MOTION: To find harmful unless amended to include personal mobility devices (motorized wheelchairs/scooters) **06 H-7507 BRIDLE AND HIKING TRAILS** passed unanimously

**06 S-2754 OPERATORS' AND CHAUFFEURS' LICENSES** Sponsors: Sen. Roberts By Request In Committee Senate Health and Human Services Committee

This act would require the medical advisory board to promulgate specific rules and regulations to determine whether a person who has suffered an epileptic seizure in the past would be considered physically ineligible to obtain a motor vehicle operator's license. This act would also require an expedited hearing process for persons who remain seizure free for more than one year. This act would take effect upon passage

1-1 SECTION 1. Section 31-10-44 of the General Laws in Chapter 31-10 entitled "Operators'  
1-2 and Chauffeurs' Licenses" is hereby amended to read as follows:

1-3 **31-10-44. Medical advisory board.** -- (a) There shall be established within the division  
1-4 of motor vehicles a medical advisory board to function solely as an advisory panel to the  
1-5 administrator of the division of motor vehicles on the subjects of physical and mental fitness  
1-6 standards for licensure to operate a motor vehicle and eligibility standards for disability parking  
1-7 privileges. When any person's eligibility or continuing eligibility for a license is questioned on the  
1-8 grounds of physical or mental fitness, the administrator of the division of motor vehicles may  
1-9 consult with relevant specialist members of the medical advisory board in determining that  
1-10 person's qualifications to operate a motor vehicle. The administrator of the division of motor  
1-11 vehicles may also consult with relevant specialist members of the medical advisory board in  
1-12 making determinations of eligibility for disability parking privileges.

1-13 (b) In accordance with chapter 35 of title 42, the administrator of the division of motor  
1-14 vehicles shall establish by regulations functional standards for determining physical and mental  
1-15 fitness for motor vehicle licensure. The promulgated standards will be based on current medical  
1-16 knowledge and objective data regarding fitness to safely operate motor vehicles, and will conform  
1-17 to the requirements of the Americans With Disabilities Acts and chapter 87 of title 42. In  
1-18 developing those functional standards the administrator of the division of motor vehicles shall  
1-19 consult with knowledgeable health and rehabilitation professionals including the Medical Society  
2-1 of Rhode Island and the medical advisory board. [These standards shall contain specific](#)  
2-2 [guidelines applicable to persons with epilepsy, and shall include an expedited hearing procedure](#)  
2-3 [for individuals who have remained seizure free for more than one year.](#)

2-4 (c) The medical board shall consist of a physician in general practice, a neurologist, a  
2-5 psychiatrist, an optometrist, and an orthopedic physician who shall be appointed by the governor;  
2-6 a physician from the Rhode Island department of health designated by the director of health who  
2-7 shall serve ex officio; and two (2) members of the general public approved by the governor, one  
2-8 of whom shall be representative of the elderly, and one of whom shall be representative of the  
2-9 people who are disabled. These members shall be appointed for a period of three (3) years.

2-10 (d) Any physician or optometrist who diagnoses a physical or mental condition which in  
2-11 the physician's or optometrist's judgment will significantly impair the person's ability to operate  
2-12 safely a motor vehicle may voluntarily report the person's name and other information relevant to  
2-13 the condition to the medical advisory board within the division of motor vehicles.

2-14 (e) Any physician or optometrist reporting in good faith and exercising due care shall  
2-15 have immunity from any liability, civil or criminal, that otherwise might result by reason of his or  
2-16 her actions pursuant to this section. No cause of action may be brought against any physician or  
2-17 optometrist for not making a report pursuant to this section.

2-18 (f) For the purposes of this section, a "physician" is any person practicing medicine  
2-19 requiring a license pursuant to chapter 37 of title 5, and an "optometrist" is any person as defined  
2-20 in section 5-35-1.

2-21 (g) Members of the medical board shall not be compensated for their services on the  
2-22 board. They shall meet at the request of the administrator of the division of motor vehicles at a

2-23time convenient to them.

2-24 SECTION 2. This act shall take effect upon passage.

**MOTION: To find harmful but retain expedited hearing for all pwd06 S-2754 OPERATORS' AND CHAUFFEURS' LICENSES AP/KP passed unan**

**Bills to be referred to the Commission's Executive Committee**

Public Records bills backed by Common Cause, Access RI, and The ACLU want to remove the list of 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, or pupil records from the exemption from the RI Access to Public Records Act. The Committee found these harmful at the last meeting.

**H 6951 & 06 S-2270 PUBLIC RECORDS**

1-15 (4) (i) "Public record" or "public records" shall mean all documents, papers, letters,  
1-16maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data  
1-17processing records, computer stored data (including electronic mail messages, except specifically  
1-18for any electronic mail messages of or to elected officials with or relating to those they represent  
1-19and correspondence of or to elected officials in their official capacities) or other material  
2-1 regardless of physical form or characteristics made or received pursuant to law or ordinance or in  
2-2 connection with the transaction of official business by any agency. For the purposes of this  
2-3 chapter, the following records shall not be deemed public:

2-4 (A) (I) All records which are identifiable to an individual ~~applicant for benefits, client,~~  
2-5 ~~patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare,~~  
2-6 ~~employment security, pupil records, all records relating to a client/attorney relationship and to a~~  
2-7 ~~doctor/patient relationship, and all~~ pertaining to personal, confidential and protected health  
2-8 information or medical information ~~relating to an individual in any files~~, including information  
2-9 relating to medical or psychological facts, personal finances, welfare, employment security,  
2-10student performance, or information in personnel files maintained to hire, evaluate, promote, or  
2-11discipline any employee of a public body and which would constitute a clearly unwarranted  
2-12invasion of personal privacy; provided, however, with respect to employees, the name, gross  
2-13salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and  
2-14other remuneration in addition to salary, job title, job description, dates of employment and  
2-15positions held with the state or municipality, work location, business telephone number, the city  
2-16or town of residence, and date of termination shall be public.

**06 H-6952 & 06 S-2268 PUBLIC RECORDS**

1-16 (4) (i) "Public record" or "public records" shall mean all documents, papers, letters,  
1-17maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data  
1-18processing records, computer stored data (including electronic mail messages, except specifically  
1-19for any electronic mail messages of or to elected officials with or relating to those they represent  
2-1 and correspondence of or to elected officials in their official capacities) or other material  
2-2 regardless of physical form or characteristics made or received pursuant to law or ordinance or in  
2-3 connection with the transaction of official business by any agency. For the purposes of this  
2-4 chapter, the following records shall not be deemed public:

2-5 (A) (I) All records ~~which are identifiable to an individual applicant for benefits, client,~~  
2-6 ~~patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare,~~  
2-7 ~~employment security, pupil records, all records relating to a client/attorney relationship and to a~~  
2-8 ~~doctor/patient relationship, and all~~ reflecting personal or medical information relating to an  
2-9 individual in any files, including information relating to medical or psychological facts, personal  
2-10finances, welfare, employment security, student performance, or information in personnel files

2-11 maintained to hire, evaluate, promote, or discipline any employee of a public body; provided,  
 2-12 however, with respect to employees, the name, gross salary, salary range, total cost of paid fringe  
 2-13 benefits, gross amount received in overtime, and other remuneration in addition to salary, job  
 2-14 title, job description, dates of employment and positions held with the state or municipality, work  
 2-15 location, business telephone number, the city or town of residence, and date of termination shall  
 2-16 be public.

5-13 **38-2-3. Right to inspect and copy records -- Duty to maintain minutes of meetings --**

5-14 **Procedures for access.** -- (a) Except as provided in section 38-2-2(4), all records maintained or  
 5-15 kept on file by any public body, whether or not those records are required by any law or by any  
 5-16 rule or regulation, shall be public records and every person or entity shall have the right to inspect  
 5-17 and/or copy those records at such reasonable time as may be determined by the custodian thereof.

5-18 (b) Each public body shall make, keep, and maintain written or recorded minutes of all  
 5-19 meetings.

5-20 (c) Each public body shall establish procedures regarding access to public records but  
 5-21 shall not require written requests for public information available pursuant to R.I.G.L. section 42-  
 5-22 35-2 or for other documents prepared for or readily available to the public.

5-23 (d) A public body receiving a request shall permit the inspection immediately or as soon  
 5-24 as is practicable within three (3) business days after receiving a request. If the inspection is not  
 5-25 permitted within three (3) business days, the public body shall forthwith explain in writing when  
 5-26 the records will be available for inspection or when the public body will respond to the request,  
 5-27 but which in any event shall not be more than ten (10) business days after receiving a request.

MOTION: To recommended the Commission’s Executive Committee:

1. oppose the following bills: **06 H-6951, 06 H-6952, 06 S-2268, 06 S-2270 PUBLIC RECORDS** and
2. support the following bills: **06 S-2840 & 06 H-7262 Housing Resources – Neighborhood Opportunities** and **06 S-2604 HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES PC/AP** passed unanimously

<b>4:25 PM</b>	<b>Other Business</b>	
none		
<b>Adjourned at:</b>	5:30 PM	