

# Minutes



## LEGISLATION COMMITTEE

Monday April 10, 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**

**Cranston, RI 02920**

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**Secretary:** Bob Cooper

**Attendees:** Paul Choquette (Chair); Tim Flynn (Vice Chair); Raymond Bandusky; Jeanne Behie; Sharon Brinkworth; Linda Deschenes; Elaina Goldstein; Bill Inlow; Kate McCarthy-Barnett, EdD; Kenneth Pariseau; Gwen Reeve; & Michael Spoerii

**Excused:** Rosemary C. Carmody; Joseph Corrente; Liberty Goodwin; Scott A. Greco; Rev. Gerard O. Sabourin; Janet Spinelli & 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 3:08 PM.

Members and guests introduce themselves

MOTION: To accept the minutes as corrected to reflect EG attendees. PC/KMcCB passed unanimously

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

Legislative Package Status as of 4/4/2006

#### **The Commission Position: Commission Supports this bill if its amended**

##### In Committee

**06 S-2134 SCHOOL AND MUNICIPAL PLAYGROUND SAFETY** Sponsor: Sen. Blais  
Senate Finance Committee Last Action 1/24/2006 Next Action

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

This act would take effect upon passage.

**06 S-2352 TOWNS AND CITIES -- ZONING ORDINANCES** Sponsor: Sen. Levesque  
Senate Commerce, Housing and Municipal Government Committee Last Action 2/7/2006 Next Action  
Similar to S 2334

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

This act would take effect upon passage.

**Total of GCD Bills Commission Supports these bills if amended - In Committee: 2**

**The Commission Position: Commission Supports these bills**

**Passed the Senate and Transferred**

**06 S-2269 CIVIL RIGHTS OF PEOPLE WITH DISABILITIES** Sponsor: Sen. Polisena  
House Health, Education, & Welfare Committee Last Action 3/29/2006 Next Action

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

**Total of GCD Bills Commission Supports this bill – Passed the Senate & Transferred: 1**

**Senate - Recommend Passage**

**06 S-2604 Sub A HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES** Sponsor: Sen. Blais  
Senate Last Action 3/29/2006 Next Action

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

This act would take effect upon passage. Substitute: References to the moneys to fund this program shall be raised by assessing an additional penalty of ten dollars (\$10.00) for all speeding violations set forth in section 31-41.1-4 have been deleted. Also deleted was the 10% cap on the department of human services' administrative costs.

**Total of GCD Bills Commission Supports this bill - Recommend Passage: 1**

**Scheduled for hearing and/or consideration**

**06 S-2879 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS** Sponsor: Sen. Ciccone  
Senate Judiciary Committee Last Action 3/9/2006 Next Action Identical to S 2779 & H 7672

Description: This act would authorize the use of electronic communication or telephone communications as a reasonable accommodation for a member of a public body who has a disability.

This act would take effect upon passage.

**06 H-7095 DEPARTMENT OF HEALTH** Sponsor: Rep. Kilmartin  
House Health, Education, & Welfare Last Action 2/7/2006 Next Action  
Identical to S 2627, S 2289 & H 7256

*{Duplicate of Rep. Kilmartin's bill that was heard by House Environmental and Natural Resources}*

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

This act would take effect upon passage.

**06 H-7226 CRIMINAL OFFENSES -- ASSAULTS** Sponsor: Rep. Naughton  
House Judiciary Committee Last Action 3/28/2006 Next Action  
Identical to S 2378 Similar to S 2251 & 2185

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

This act would take effect on January 1, 2007.

**06 H-7672 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS** Sponsor: Rep. Kilmartin  
House Judiciary Committee Last Action 3/21/2006 Next Action Identical to S 2779 & S 2979

Description: This act would authorize the use of electronic communication or telephone communications as a reasonable accommodation for a member of a public body who has a disability.

This act would take effect upon passage.

**Total of GCD Bills Commission Supports this bill – Scheduled for hearing and/or consideration: 4**

*{The Commission decided to support Article 34 on Mandated Health Care Benefits, as a result these 2 bills will stay in committee}*

### Continued

**06 H-7159 HEALTH CARE SERVICES - UTILIZATION REVIEW ACT** Sponsor: Rep. Story  
Identical to S 2209 House Health, Education, & Welfare Committee Last Action 2/15/2006 Next Action  
Description: This act would require when health insurers decide not to certify a health care service, to provide patients and providers with the address and phone number of the attorney general's office of the health care advocate and the health insurance commissioner.

This act would take effect upon passage.

**06 S-2209 HEALTH CARE SERVICES - UTILIZATION REVIEW ACT** Sponsor: Sen. Pichardo  
Identical to H 7159 Senate Health and Human Services Committee Last Action 3/1/2006 Next Action  
Description: This act would require when health insurers decide not to certify a health care service, to provide patients and providers with the address and phone number of the attorney general's office of the health care advocate and the health insurance commissioner.

This act would take effect upon passage.

### Hearing Continued

**06 S-2627 DEPARTMENT OF HEALTH** Sponsor: Sen. Perry  
Senate Health and Human Services Committee Last Action 3/8/2006 Next Action  
Identical to S 2289, H 7256 & H 7095

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

This act would take effect upon passage.

**06 S-2779 STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS** Sponsor: Sen. Perry  
Senate Judiciary Committee Last Action 3/9/2006 Next Action Identical to S 2879 & H 7672  
Description: This act would authorize the use of electronic communication or telephone communications as a reasonable accommodation for a member of a public body who has a disability.

This act would take effect upon passage.

**06 H-7081 MOTOR AND OTHER VEHICLES -- STOPPING, STANDING AND PARKING RESTRICTIONS** Sponsor: Rep. Naughton

Joint Committee on Highway Safety Last Action 3/15/2006 Next Action

Description: This act would prohibit parking upon any crosshatched access aisle adjacent to disability parking spaces.

This act would take effect upon passage.

**06 H-7256 DEPARTMENT OF HEALTH** Sponsor: Rep. Kilmartin  
House Environmental and Natural Resources Last Action 3/28/2006 Next Action  
Identical to H 7095, S 2627 & S 2289

Description: This act would authorize and direct the director of the department of health to establish minimum accessibility standards regarding fragrance-free, less-toxic, and low volatile organic compound cleaning product, pest control, and indoor air and environmental quality policies, based on the

recommendations contained in the National Institute of Building Sciences' Indoor Environmental Quality Report, for health care, home care services facilities; adult and child daycare services; educational services, and public buildings.

This act would take effect upon passage.

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

Sponsor: Rep. Fox

House Finance Committee Last Action 2/15/2006 Next Action 4/7/2006 Identical to H 2840

Description: 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.

**06 S-2378 CRIMINAL OFFENSES -- ASSAULTS** Sponsor: Sen. McCaffrey

Senate Health and Human Services Committee Last Action 3/29/2006 Next Action

Identical to H 7226, Similar to H 7228, S 2251 & 2185

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

This act would take effect on January 1, 2007.

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

Sponsor: Sen. Pichardo Senate Finance Committee Last Action 3/30/2006 Next Action

Identical to H 7262

Description: 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.

**06 S-7120 Art. 34 INSURANCE - MANDATED BENEFITS** Sponsor: Rep. Watson

House Finance Committee Last Action 3/30/2006 Next Action

Description: This article would mandate health insurance coverage for:

Infertility Treatments - Health care insurance contracts issued or renewed, on or after July 1, 2006, which includes pregnancy related benefits, shall provide coverage for medically necessary expenses of diagnosis and treatment of infertility to an otherwise presumably healthy married individual thirty (30) years of age or older who is unable to conceive or produce conception during a period of one year. The subscriber's co-payments shall not to exceed twenty percent (20%) of the cost of diagnosis and treatment.

Coverage for home health services - Health care insurance policy or contract providing coverage for dependent children, delivered or renewed in this state on or after the July 1, 2006, shall include coverage of home health services, starting no later than January 1, 2007. The coverage shall be limited to a benefit of five thousand dollars (\$5,000) per covered dependent child up to age twenty-one (21) per policy year or calendar year and shall not be subject to deductibles and coinsurance factors. Any amount paid by an

insurer under this section for a covered individual shall not be applied to any annual or lifetime maximum benefit contained in the policy or contract. Home health services when medically necessary include; private duty or other skilled nursing; assisting a child with personal hygiene, dressing, feeding, transfer, ambulatory needs, and when incidental to the child's health needs: making a child's bed, cleaning the client's living areas such as bedroom and bathroom, and doing a child's laundry and shopping. These services may be provided for children when the parent or caretaker is unable, because of illness or disability, to provide care taking functions for herself/himself and her/his child(ren). Insurers shall reimburse at rates equal to or greater than the prevailing integrated state/ Medicaid rate certified home health providers for non- Medicaid eligible dependent children; and reimburse the Department of Human Services directly for home health for children eligible for Medicaid.

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

Coverage for CEDARR Family Center and CEDARR Direct Services: Health care insurance policy or contract providing coverage for dependent children, delivered or renewed in this state on or after July 1, 2006, shall include coverage of CEDARR Family Center and CEDARR Direct Services, which coverage shall take effect no later than January 1, 2007. Such coverage shall be limited to a benefit of five thousand dollars (\$5,000) per dependent child up to the age of twenty-one (21), per policy year or calendar year and shall not be subject to deductibles and coinsurance factors. Any amount paid by an insurer under this section for a dependent child shall not be applied to any annual or lifetime maximum benefit contained in the policy or contract. Comprehensive Evaluation, Diagnosis, Assessment, Referral and Re-evaluation (CEDARR) means medically necessary services for children with special health care needs up to the age of twenty-one (21), and their families.

This article shall take effect upon passage.

**Total of GCD Bills Commission Supports these bills – Hearing Continued: 12**

**In Committee (no hearings)**

**06 S-2289 DEPARTMENT OF HEALTH** Sponsor: Sen. Ciccone

Senate Environment and Agriculture Committee Last Action 2/2/2006 Next Action

Identical to H 7095, S 2627 & H 7256

*{Senator Ciccone holding his so Senator Perry's version can be acted upon}*

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

This act would take effect upon passage.

**06 S-2334 TOWNS AND CITIES -- ZONING ORDINANCES** Sponsor: Sen. Levesque

Senate Commerce, Housing and Municipal Government Committee Last Action 2/7/2006 Next Action

Similar to S 2352

Description: This act would permit an accessory family dwelling within a single-family residence for the sole use of one or more members of the family of the occupant who is a person with a disability or is over the age of sixty-five (65).

This act would take effect upon passage.

**Total of GCD Bills Commission Supports these bills - In Committee: 3**

**Total of GCD Bills Commission Supports this bill - 18**

**The Commission Position: Commission Opposes these bills**

**Hearing Continued**

**06 S-2268 PUBLIC RECORDS -- ACCESS** Sponsor: Sen. Lenihan

Senate Judiciary Committee Last Action 3/9/2006 Next Action Identical to H 6951 & H 6952

Description: Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, and all pertaining to personal, health information or medical information relating to an individual in any files. The replacement language would exempts from disclosure all records which are identifiable to an individual "pertaining to" personal, "confidential and protected health information" or medical information, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body "and which would constitute a clearly unwarranted invasion of personal privacy."

This act would take effect upon passage.

**06 S-2270 PUBLIC RECORDS** Sponsor: Sen. Lenihan

Senate Judiciary Committee Last Action 3/9/2006 Next Action Identical to H 6952, H 6951, S 2268

Description: Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship. The replacement language would exempts from disclosure all records "reflecting" personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body.

This act would take effect upon passage.

**06 H-6951 PUBLIC RECORDS -- ACCESS** Sponsor: Rep. Dennigan

House Judiciary Committee Last Action 3/21/2006 Next Action

Identical to S 2270 & Similar to H 6952 & S 2270

Description: Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, and all pertaining to personal, health information or medical information relating to an individual in any files. The replacement language would exempts from disclosure all records which are identifiable to an individual "pertaining to" personal, "confidential and protected health information" or medical information, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body "and which would constitute a clearly unwarranted invasion of personal privacy."

This act would take effect upon passage.

**06 H-6952 PUBLIC RECORDS** Sponsor: Rep. Dennigan

House Judiciary Committee Action 3/21/2006 Next Action

Identical to S 2268 & Similar to H 6951 & S 2270

Description: Would delete the provision of the Access to Public Records Act which exempts from disclosure all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security,

pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship. The replacement language would exempt from disclosure all records "reflecting" personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body. This act would take effect upon passage.

**06 H-6790 PARKING PRIVILEGES** Sponsor: Rep. Lewiss

House Health, Education, & Welfare Committee Last Action 3/22/2006 Next Action

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

This act would take effect upon passage.

**Total of GCD Bills Commission Opposes these bills – Hearing Continued: 5**

**Total of GCD Bills Commission Opposes these bills - 5**

**The Legislation Committee finds these bills Beneficial**

**Vetoed by the Governor**

**06 H-6754 Sub A SEPARATION OF POWERS** Sponsor: Rep. Coderre

House Desk Last Action 4/3/2006 Identical to S 2138

Description: This act would remove legislators and legislative appointees from the: State Crime Laboratory Commission; State Medical Examiners Commission; Health Professional Loan Repayment Board; 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 and who shall serve as an ex officio member.

The governor shall achieve a diverse membership in the RIPTA and shall give due consideration to recommendations for nominations 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. Floor Amendment has no impact on disability related issues. Substitute: Has no impact on disability related issues.

**Total of GCD Bills Committee finds this bill Beneficial – Vetoed by the Governor: 1**

**Senate Recommend passage in concurrence**

**06 S-2138 Sub B as Amended SEPARATION OF POWERS** Sponsor: Sen. Connor

Senate Last Action 4/3/2006 Next Action Identical to H 6754

Description: 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 A: deletes the section on the State Crime Laboratory Commission, revises the membership of the state properties committee.

Substitute B: doesn't effect the provisions relating to people with disabilities.

Floor Amendment: Replaces the text of the entire bill but the changes are not related to disability issues.

**Total of GCD Bills Committee finds this bill Beneficial – Recommend passage in concurrence: 1**

**Hearing Continued**

**06 S-2615 LONG-TERM HEALTH CARE** Sponsor: Sen. Paiva-Weed

Senate Health and Human Services Committee Last Action 3/15/2006 Next Action Identical to H 7233  
Description: This act would make changes in the reporting requirements under the long-term health care ombudsperson act. Reports of abuse would be reported to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care institutions.

This act would take effect upon passage.

**06 H-7233 HEALTH AND SAFETY - LONG TERM CARE** Sponsor: Rep. Naughton

House Health, Education, & Welfare Committee Last Action 3/22/2006 Next Action Identical to S 2615  
Description: This act would make changes in the reporting requirements under the long-term health care ombudsperson act. Reports of abuse would be reported to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care institutions.

This act would take effect upon passage.

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

Senate Finance Committee Last Action 3/23/2006 Next Action Identical to H 7822  
Description: This act would add to the list of drugs defined as "eligible drugs" to include injectable drugs for that are used in the treatment of multiple sclerosis.

This act would take effect upon passage.

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

Senate Finance Committee Last Action 3/28/2006 Next Action  
Description: This act would make eligibility changes to the Prescription Drug Discount Program for the Uninsured. Change the ages of coverage from between age nineteen (19) and sixty-five (65) years of age to age nineteen or older and change the income limit from an annual family income at or below two hundred percent (200%) to annual income at or below three hundred fifty percent (350%) of the federal poverty level.

This act would take effect on January 1, 2007.

**06 S-2568 STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT** Sponsor: Sen. Roberts

Senate Finance Committee Last Action 3/28/2006 Next Action  
Description: This act would promote coordination of benefits between the elderly pharmaceutical assistance program and Medicare Part D prescription drug plan. The Department of Elderly Affairs would be authorized to subsidize the cost of any premiums or deductibles required for participation in the Medicare Part D prescription drug benefit by persons eligible to receive a state co-payment. The general assembly would be required to fund the program at levels at least equal to the amount appropriated to the department in fiscal year 2006 and to.

This act would take effect upon passage.

**06 S-2707 MENTAL HEALTH, RETARDATION, AND HOSPITALS - DIVISION OF MENTAL HEALTH** Sponsor: Sen. Pichardo

Senate Finance Committee Last Action 3/28/2006 Next Action  
Description: 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.

**06 H-7429 HEALTH AND SAFETY- STEM CELL RESEARCH** Sponsor: Rep. Ajello

Identical to S 2240 House Health, Education, & Welfare Last Action 4/5/2006

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

This act would take effect upon passage.

**Total of GCD Bills Committee finds this bill Beneficial - Continued: 9**

**In Committee {no hearing}**

**06 S-2026 CHILDREN WITH DISABILITIES** Sponsor: Sen. Tassoni

Senate Finance Committee Last Action 1/10/2006 Next Action

Description: This act would require the state to provide funding for the special education needs of a child who moves into a city or town after the school committee adopts its budget for the school year. Any additional funding would apply to that school year only.

This act would take effect upon passage.

**06 S-2217 INSURANCE -- COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE**

Sponsor: Sen. Perry Senate Health and Human Services Committee Last Action 1/31/2006 Next Action

Description: This act would provide that reimbursement for professional providers for mental illness coverage be comparable to that paid for similar medical services.

This act would take effect upon passage.

**06 S-2240 HEALTH AND SAFETY- STEM CELL RESEARCH** Sponsor: Sen. Perry

Senate Health and Human Services Committee Last Action 1/31/2006 Next Action Identical to H 7429

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

This act would take effect upon passage.

**06 H-7546 MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES**

Sponsor: Rep. McNamara House Finance Committee Last Action 2/16/2006 Next Action

Description: This act would fund comprehensive in-state 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.

**06 H-7822 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Sponsor: Rep. Crowley

House Health, Education, & Welfare Committee Last Action 2/28/2006 Next Action Identical to S 2563

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

This act would take effect upon passage.

**Total of GCD Bills Committee finds these bills Beneficial - In Committee: 5**

**Total of GCD Bills Committee finds this bill Beneficial – 14**

**The Legislation Committee finds these bills Harmful unless amended**

**Hearing Continued**

**06 H-7067 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Sponsor: Rep. Naughton

House Finance Committee Last Action 2/15/2006 Next Action Identical to S 2368

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

for cosmetic purposes." The new definition does not cover any injectable drugs including insulin. This act would take effect upon passage.

**06 H-6826 MOTOR AND OTHER VEHICLES** Sponsor: Rep. McCauley

House Environmental and Natural Resources Last Action 3/2/2006 Next Action Identical to S 2042

Description: 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.

**06 H-7507 BRIDLE AND HIKING TRAILS** Sponsor: Rep. Ginaitt

House Environmental and Natural Resources Last Action 3/16/2006 Next Action

Description: 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.

**06 S-2368 PHARMACEUTICAL ASSISTANCE TO THE ELDERLY** Sponsor: Sen. Felag Senate Health and Human Services Committee Last Action 3/22/2006 Next Action Identical to H 7067

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

This act would take effect upon passage.

**Total of GCD Bills Committee finds these bills Harmful unless amended – Hearing Continued: 4 In Committee (no hearing)**

**06 S-2754 OPERATORS' AND CHAUFFEURS' LICENSES** Sponsor: Sen. Roberts

Senate Health and Human Services Committee Last Action 2/14/2006 Next Action

Description: 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

**Total of GCD Bills Committee finds this bill Harmful unless amended - In Committee: 1**

***Bill Amended as Committee Requested***

**06 S-2042 MOTOR AND OTHER VEHICLES** Sponsor: Sen. Cote

Senate Commerce, Housing and Municipal Government Last Action 2/28/2006 Next Action 4/4/2006 Identical to H 6826

Description: 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.

***Substitute makes it clear that motorized wheelchairs may also use bike paths.***

**Total of GCD Bills Committee finds this bill Harmful unless amended– amended as requested: 1**  
**Total of GCD Bills Committee finds this bill Harmful unless amended - 6**

**The Legislation Committee finds this bill Harmful**

**Hearing Continued**

**06 H-7337 EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS**

Sponsor: Rep. Loughlin

House Health, Education, & Welfare Committee Last Action 4/5/06

Description: 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.

**Total of GCD Bills Committee finds these bills Harmful – Scheduled for hearing and/or consideration: 1**

**Total of GCD Bills Committee finds this bill Harmful: 1**

**Grand Total of Legislative Impact Statements issues for bills and budget articles: 44**

Discussion: Members reviewed S 2042 Sub A and noted the requested amendment was incorporated into the Sub A version.

MOTION: To find beneficial **06 S-2042 Sub A MOTOR AND OTHER VEHICLES** EG/KP passed unanimously

**3:40 PM Review of Tabled Bills**

**Bob Cooper**

Discussion: Members discussed the following bills

**Tabled for more information (substitute version) from Rhodes to Independence**

**In Committee**

Last Action 2/16/2006 Next Action

**06 H-7629 HUMAN SERVICES** Sponsor: Rep. Naughton House Finance Committee

Description: 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.

A draft substitute version is being drawn up to incorporate recommendations from the Committee, RIHMFC, seniors, and others.

MOTION: To find beneficial if amended to: designate RIHMFC (instead of DHS); be a revolving loan fund; include people with disabilities, elders & caretakers (instead of blindness and severe disabilities); and include eligibility criteria. **06 H-7629 HUMAN SERVICES** EG/KP passed unanimously

**Tabled for more information from DHS**

**In Committee**

Last Action 2/16/2006 Next Action

**06 H-7548 HUMAN SERVICES -- THE SUPPORTIVE RESIDENTIAL CARE SERVICE ACCESS, QUALITY AND SAFETY ASSURANCE ACT**

Sponsor: Rep. Story House Finance Committee

**06 S-2516 HUMAN SERVICES -- THE SUPPORTIVE RESIDENTIAL CARE SERVICE ACCESS, QUALITY AND SAFETY ASSURANCE ACT**

Sponsor: Sen. Gibbs Senate Finance Committee

Description: 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.

Discussion: The following questions were emailed to DHS/MHRH in advance of the meeting:

1. What is the difference between a state licensed residential care facility and a supportive residential care setting?

2. What is the difference between assisted living facilities and assistive living residences?

The DHS Response is: Not sure whether there is a difference between MHRH licensed residential care facilities and supportive residential care settings, but know that assisted living facilities and assisted living residences refer to the same thing.

"Residences" is the preferred terminology in the assisted living industry, but facility is often used. This bill could expand the enhanced SSI benefit (up to \$1,157) to those living in group homes not primarily funded by the state just as people in assisted living have.

The Committee took no position

**3:40 PM Review of New Bills**

**Bob Cooper**

Discussion: Members discussed the following bills:

**Health Care Services**

Review requested by Paul Choquette

**06 H-7880 MANDATED BENEFITS REVIEW ACT**

Sponsors: Rep. Menard & Reps. Brien, Ucci, Petracca, & Laroche Scheduled for hearing and/or consideration House Corporations Committee 4/5/2006

Description: This act would create an independent committee to review the cost effectiveness, medical efficacy and social need for mandated health insurance benefits.

This act would take effect on July 1, 2006.

1-1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended  
1-2 by adding thereto the following chapter:

1-3

**CHAPTER 70**

1-4

**MANDATED BENEFITS REVIEW**

1-5

**27-70-1. Title.** – This chapter may be cited as the Mandated Benefits Review Act.

1-6

**27-70-2. Statement of purpose.** – The purpose of this chapter is to provide for

1-7

independent review of mandated benefits. This chapter requires that all existing mandated health

1-8

benefits, proposals or an amendment to a proposal for mandated benefits, mandated health

1-9

insurance coverage, and mandated offerings of health benefits be accompanied by independently

1-10

certified documentation with regard to the proposals' social impact, medical efficacy, and

1-11

financial impact.

1-12

**27-70-3. Mandated health benefits review panel.** – (A) Documentation. Proposals or

1-13

an amendment to a proposal for mandated health benefits or mandated health insurance coverage

1-14

shall be accompanied by adequate independently certified documentation defining the proposals'

1-15

social impact, medical efficacy, and financial impact.

1-16

Mandated benefits shall include:

1-17

(1) any mandated coverage for specific services, treatments or practices;

1-18

(2) any mandated direct reimbursement to specific health care practitioners;

1-19

(3) any mandated offering for specific services, treatments or practices; and

2-1

(4) any mandated reimbursement amount to specific health care practitioners.

2-2

(B) Report. Every person or organization that promoted or seeks sponsorship of a

2-3 legislative proposal or an amendment to a proposal that does or would mandate a health coverage  
2-4 or offering of a health coverage by an insurance carrier, health care service contractor, or health  
2-5 maintenance organization as a component of individual or group policies shall submit a report to  
2-6 the legislative committee having jurisdiction. The committee shall refer the proposal or any  
2-7 amendment to a proposal for review to the mandated benefits review panel created by this act.

2-8 (c) Panel. The panel shall consist of five (5) members, three (3) being experts in health  
2-9 research or biostatistics chosen as follows: one (1) appointed by the speaker and employed by a  
2-10 health insurance plan, or as a consultant to a health insurance plan, one (1) appointed by the  
2-11 president of the senate; one (1) senior research associate appointed by the governor; and two (2)  
2-12 public members – consumers of health insurance, one (1) appointed by the speaker and one (1)  
2-13 appointed by the president of the senate.

2-14 (D) Panel's report. The panel will review the documentation submitted with the proposed  
2-15 legislation and will issue a report within thirty (30) days to:

2-16 (1) whether the information is complete;

2-17 (2) whether the research cited meets professional standards;

2-18 (3) whether all relevant research has been brought to light;

2-19 (4) whether the conclusions and interpretations drawn from the evidence are consistent  
2-20 with the data presented. If the panel reaches a favorable conclusion on all points, the  
2-21 documentation will be certified accordingly. If the panel finds the documentation deficient, the  
2-22 panel will identify the deficiencies. The panel shall judge the completeness of the information  
2-23 provided and the validity of the conclusions drawn, based on the facts presented, but shall not  
2-24 comment upon the merits or desirability of the proposal.

2-25 (E) Guidelines. The panel will apply the following guidelines in determining the  
2-26 adequacy of the information presented:

2-27 (1) the panel should consider evidence of social impact, i.e., to what extent is the  
2-28 treatment or service;

2-29 (a) needed by the people of this state;

2-30 (b) available to the people of this state; and

2-31 © utilized by the population of this state.

2-32 (2) if insurance coverage is not generally in place, the panel should determine to what  
2-33 extent the lack of coverage results in adequate health care and/or major financial hardship;

2-34 (3) the panel should determine the demand for the proposed health care coverage from  
3-1 the public at large and in collective bargaining negotiations;

3-2 (4) the panel should determine if all relevant findings bearing on social impact have been  
3-3 presented.

3-4 (5) the panel should consider evidence of medical efficacy;

3-5 (a) if the legislation seeks to mandate coverage of a particular therapy;

3-6 (i) the results of at least one professionally acceptable, controlled trial demonstrating the  
3-7 medical consequences of that therapy compared to no therapy and to alternative therapies;

3-8 (ii) the results of any other relevant research;

3-9 (b) if the legislation seeks to mandate coverage of an additional class of practitioners;

3-10 (i) the results of at least one professionally acceptable, controlled trial demonstrating the  
3-11 medical results achieved by the additional class of practitioners relative to those already covered;

3-12 (ii) the results of any relevant research.

3-13 (6) the panel should review evidence of financial impact:

3-14 (a) the extent to which the coverage will increase or decrease the cost of treatment or  
3-15 service.

3-16 (b) the extent to which similar mandates have affected charges, costs, and payments  
3-17 experienced in other states with such mandates;

- 3-18 (c) the extent to which the coverage will increase the appropriate use of treatment or  
 3-19 service;  
 3-20 (d) the extent to which the mandate treatment or service will be a substitute for more  
 3-21 expensive or less expensive treatment or service;  
 3-22 (e) the extent to which the coverage will increase or decrease the administrative expenses  
 3-23 of insurance companies in the premium and administrative expenses of policyholders;  
 3-24 (f) the extent to which existing mandates meet the requirements of this act;  
 3-25 (g) the financial impact of this coverage on small employers, medium-sized employers  
 3-26 and large employers;  
 3-27 (h) the impact of the coverage on the total cost health care.  
 3-28 SECTION 2. The general assembly preserves its right to avoid a review by the mandated  
 3-29 health benefits panel in the event it makes a finding of an immediate need for any mandated  
 3-30 benefit.  
 3-31 SECTION 3. This act shall take effect on July 1, 2006.

**MOTION: To find harmful 06 H-7880 MANDATED BENEFITS REVIEW ACT  
 PC/JB passed unanimously**

Review requested by Bill Inlow

**06 H-7121 Art. 11 MEDICAL ASSISTANCE-REIMBURSEMENT FOR PRESCRIPTION  
 DRUGS IN THE FEE-FOR-SERVICE PROGRAM**

Sponsors: Rep. Watson, Reps. Mumford, Gorham, Savage, and Ehrhardt Requested by the Governor  
 Continued House Finance Committee

Description: The article directs the Department of Human Services to establish, by regulation, ceilings on  
 reimbursements for prescription drugs in its Medicaid fee-for-service programs at Wholesale Average  
 Cost and a dispensing fee of \$3.40 for outpatient prescriptions and \$2.85 for long term care prescriptions.  
 This article shall take effect on May 1, 2006 and shall apply to prescriptions provided on or after May 1,  
 2006.

58-6 SECTION 1. The Department of Human Services is hereby authorized and directed to  
 58-7 amend, effective May 1, 2006 its regulations and the Rhode Island State Plan for Medical  
 58-8 Assistance (Medicaid) pursuant to title XIX of the federal Social Security Act to modify the fee-  
 58-9 for-service program prescription drug reimbursement formula to establish a ceiling equivalent to  
 58-10 the combination of the manufacturer's wholesale acquisition cost and a dispensing fee of \$3.40  
 58-11 for outpatient prescriptions and \$2.85 for long term care prescriptions.

58-12 SECTION 2. This article shall take effect on May 1, 2006 and shall apply to  
 58-13 prescriptions provided on or after May 1, 2006. Any rules or regulations necessary or advisable  
 58-14 to implement the provisions of this article shall be effective immediately as an emergency rule  
 58-15 upon the department's filing thereof with the secretary of state as it is hereby found that the  
 58-16 current fiscal crisis in this state has caused an imminent peril to public health, safety and welfare,  
 58-17 and the department is hereby exempted from the requirements of sections 42-35-3 (b) and 42-35-  
 58-18 4 (b) (2) relating to agency findings of imminent peril to public health, safety and welfare and the  
 58-19 filing of statements of the agency's reasons thereof.

The Committee took no position

**06 S-2562 & H 6992 STATE AFFAIRS AND GOVERNMENT**

Sponsors: Sen. Alves & Sens. McBurney, Polisena, Lanzi, and McCaffrey Continued Senate Finance  
 Committee Identical to H 6992

Description: This act would provide certain private community-based organizations with an annual  
 contractual adjustment based upon the average annual percentage prescribed by the CMS Home Health  
 Market Basket Index for the preceding year and would require those agencies to provide audit results

showing how the index funds were spent. Service providers include:

- (1) Home health services, which are supplied by licensed home care providers and home nursing care providers, to include direct nursing services in the home by an RN or LPN, homemaker services, nursing assistant services, respiratory therapy or other therapeutic services;
- (2) Children's residential programs contracted with the state to provide residential services for youth, for whom the rates are set by the department of children, youth and families;
- (3) Mental health treatment and substance abuse treatment and prevention services provided by community-based organizations, under license with, or overseen by, DCYF or DMHRH for children and adults, but not to include youth diversion, CASSP or Project HOPE services;
- (4) Organizations providing, vocational, residential, rehabilitation and evaluation services to persons with developmental disabilities, but not to include early intervention services;
- (5) Services of adult day health centers, as licensed by the department of elderly affairs, which provide a safe, medically supervised environment and therapeutic day services to disabled adults, frail elders and victims of Alzheimer's disease or a related disorder. Services include, but are not limited to: multidisciplinary care planning and case management; nursing assessments and services; personal care services; nutritional services and therapeutic activities and socialization.

This act would take effect July 1, 2006.

1-1 SECTION 1. Effective fiscal year 2007 and for each year thereafter, private community-  
1-2 based health and human service organizations, who are represented by the Provider Index  
1-3 Coalition, and partner with the state pursuant to contracts for the services specified below, and  
1-4 where the rates for such organizations are established by the state, shall receive an annual  
1-5 statutory funding adjustment in such contracts and agreements equivalent to the average annual  
1-6 percentage prescribed by the funding index known as the "CMS Home Health Market Basket  
1-7 Index" (the "Index"). The funding received is to cover increased operating costs, including, but  
1-8 not limited to, overhead and direct labor compensation.

1-9 SECTION 2. Services provided by the above named organizations to which the Index  
1-10 will be applied, include:

1-11 (1) Home health services, which are supplied by licensed home care providers and home  
1-12 nursing care providers, to include direct nursing services in the home by an RN or LPN,  
1-13 homemaker services, nursing assistant services, respiratory therapy or other therapeutic services.

1-14 (2) Children's residential programs contracted with the state to provide residential  
1-15 services for youth, for whom the rates are set by the department of children, youth and families.

1-16 (3) Mental health treatment and substance abuse treatment and prevention services  
1-17 provided by community-based organizations, under license with, or overseen by the department  
1-18 of children, youth and families or the department of mental health, retardation and hospitals for  
1-19 children and adults, but not to include youth diversion, CASSP or Project HOPE services.

2-1 (4) Organizations providing vocational, residential, rehabilitation and evaluation services  
2-2 to persons with developmental disabilities, but not including early intervention services.

2-3 (5) Services of Adult Day Health Centers, as licensed by the department of elderly  
2-4 affairs, which provide a safe, medically supervised environment and therapeutic day services to  
2-5 disabled adults, frail elders and victims of Alzheimer's Disease or related disorders. Services  
2-6 include, but are not limited to, multidisciplinary care planning and case management, nursing  
2-7 assessments and services, personal care services, nutritional services and therapeutic activities  
2-8 and socialization.

2-9 SECTION 3. Implementation of the CMS Home Health Market Basket Index will be  
2-10 phased in over a three (3) year period. In year one, the adjustment to rates shall be fifty percent  
2-11 (50%) of the Index. In year two (2), the adjustment to rates shall be seventy-five percent (75%)  
2-12 of the Index. In year three (3) and beyond, the adjustment to rates shall equal the full amount of

- 2-13 the CMS Home Health Market Basket Index.
- 2-14 SECTION 4. Each provider will provide an annual audit to the contracting state agency
- 2-15 detailing how the index funds were allocated. If CMS shall discontinue use of the Home Health
- 2-16 Market Basket Index, a suitable Index shall be used to calculate the funding adjustment.
- 2-17 SECTION 5. This act shall take effect on July 1, 2006.

**MOTION: To find beneficial if amended to include all community based& home care services for children & adults with disabilities 06 S-2562 & H 6992 STATE AFFAIRS AND GOVERNMENT BI/KP passed JB & PC abstained**

**Transportation**

Review requested by Bill Inlow

**06 S-2379 PUBLIC UTILITIES AND CARRIERS – RHODE ISLAND PUBLIC TRANSIT AUTHORITY**

Sponsors: Sen. Raptakis & Sens. Polisen, Damiani, Sheehan, & Caprio Continued Senate Judiciary Committee

Description: This act would require all RId buses to be installed with passenger security cameras and would require that all drivers of RId buses have a BCI criminal records check.

This act would take effect upon passage.

- 1-1 SECTION 1. Section 39-18-4.1 of the General Laws in Chapter 39-18 entitled “Rhode
- 1-2 Island Public Transit Authority” is hereby amended to read as follows:
- 1-3 **39-18-4.1. Health and safety of passengers.** – (a) The authority shall have the power to
- 1-4 establish reasonable rules of conduct for passengers for the protection of the health and safety of
- 1-5 passengers and employees of the authority. The rules shall incorporate the provisions of the
- 1-6 Americans with Disabilities Act of 1990, 42 USC section 12101 et seq., and section 28-5.1-7,
- 1-7 chapter 28 of title 11 and chapter 87 of title 42 and be promulgated in accordance with the
- 1-8 provisions of chapter 35 of title 42.
- 1-9 (b) All controversies arising out of application of any provision of this section shall be
- 1-10 determined by the general manager or his or her designated hearing officer, who shall afford a
- 1-11 hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a
- 1-12 written decision. The decision of the general manager or hearing officer shall be final except that
- 1-13 the passenger aggrieved by the decision shall have a right of appeal to the superior court, which
- 1-14 shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be
- 1-15 conducted in accordance with the provisions of chapter 35 of title 42.
- 1-16 (c) Notice shall be provided to the RId funding agency or agencies for any hearing
- 1-17 regarding their client/passengers on RId vehicles. A representative of the RId funding agency
- 1-18 or agencies may attend the hearing. The general manager or hearing officer will consider the
- 2-1 recommendation of the RId funding agency’s representative in rendering his/her decision.
- 2-2 (d) The decision of the general manager or hearing officer may include:
- 2-3 (1) Refusing to transport a person whose violation of the rules of the authority threatens
- 2-4 the health and safety of passengers or employees of the authority, for a period not to exceed six
- 2-5 (6) months; and/or
- 2-6 (2) Revoking a passenger’s ticket, pass, or other fare medium, regardless of the number
- 2-7 of trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger’s
- 2-8 continued presence on an authority vehicle or at an authority facility threatens the health or safety
- 2-9 of the authority’s other passengers or employees. The authority shall within a reasonable time
- 2-10 after such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare
- 2-11 medium.
- 2-12 (e) Nothing under this section precludes any other action permitted by law.

2-13 (f) All RIde buses shall be installed with passenger security cameras. All drivers of RIde  
2-14 buses shall apply to the bureau of criminal identification (BCI), department of attorney general,  
2-15 state police or local police department where they reside, for a national and state criminal records  
2-16 check.

2-17 SECTION 2. This act shall take effect upon passage.

**MOTION: To find beneficial 06 S-2379 PUBLIC UTILITIES AND CARRIERS – RHODE ISLAND PUBLIC TRANSIT AUTHORITY PC/MS passed abstain, BI, RB, EG**

### Housing

Review requested by Bob Cooper

Is this bill similar enough in concept to S 2840 & H 7262? They 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.

The Commission voted last week to support those bills.

### **06 S-2263 STATE AFFAIRS AND GOVERNMENT – RHODE ISLAND HOUSING RESOURCES ACT OF 1998**

Sponsors: Sen. Felag & Sens. Pichardo, Perry, Tassoni, & Goodwin Continued Senate Finance Committee Identical to H 7055

Description: This act would give the Rhode Island Housing Resources Commission the power to administer the supportive services program which aids in the prevention of homelessness, and would appropriate \$350,000 in fiscal year 2006-2007 to carry out this provision of this act.

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:

1-7 (1) Policy, planning and coordination of state housing functions. - The commission shall  
1-8 have the power and duty:

1-9 (i) To prepare and adopt the state's plans for housing, provided however that this  
1-10 provision shall not be interpreted to contravene the prerogative of the state planning council to  
1-11 adopt a state guide plan for housing.

1-12 (ii) To prepare, adopt, and issue the state's housing policy.

1-13 (iii) To conduct research on and make reports regarding housing issues in the state.

1-14 (iv) To advise the governor and general assembly on housing issues and to coordinate  
1-15 housing activities among government agencies and agencies created by state law or providing  
1-16 housing services under government programs.

1-17 (2) Establish, implement, and monitor state performance measures and guidelines for  
1-18 housing programs. - The commission shall have the power and the duty:

2-1 (i) To promulgate performance measures and guidelines for housing programs conducted  
2-2 under state law.

- 2-3 (ii) To monitor and evaluate housing responsibilities established by state law, and to  
 2-4 establish a process for annual reporting on the outcomes of the programs and investments of the  
 2-5 state in housing for low and moderate income people.
- 2-6 (iii) To hear and resolve disputes pertaining to housing issues.
- 2-7 (3) Administer the programs pertaining to housing resources that may be assigned by  
 2-8 state law. - The commission shall have the power and duty to administer programs for housing,  
 2-9 housing services, and community development, including, but not limited to, programs pertaining  
 2-10 to:
- 2-11 (i) Abandoned properties and the remediation of blighting conditions.
- 2-12 (ii) Lead abatement and to manage a lead hazard abatement program in cooperation with  
 2-13 the Rhode Island Housing and Mortgage Finance Corporation.
- 2-14 (iii) Services for the homeless.
- 2-15 (iv) Rental assistance.
- 2-16 (v) Community development.
- 2-17 (vi) Outreach, education and technical assistance services.
- 2-18 (vii) Assistance, including financial support, to non-profit organizations and community  
 2-19 development corporations.
- 2-20 (viii) Tax credits that assist in the provision of housing or foster community development  
 2-21 or that result in support to non-profit organizations performing functions to accomplish the  
 2-22 purposes of this chapter.
- 2-23 (ix) The Supportive Services Program, the purpose of which is to help prevent and end  
 2-24 homelessness among those who have experienced long-term homelessness and for whom certain  
 2-25 services in addition to housing are essential. State funding for this program may leverage other  
 2-26 resources for the purpose of providing supportive services. Services provided pursuant to this  
 2-27 subsection shall include, but not be limited to: assistance with budgeting and paying rent; access  
 2-28 to employment; encouraging tenant involvement in facility management and policies; medication  
 2-29 monitoring and management; daily living skills related to food, housekeeping and socialization;  
 2-30 counseling to support self-identified goals; referrals to mainstream health, mental health and  
 2-31 treatment programs; and conflict resolution.
- 2-32 Section 2. There is hereby appropriated, out of any money in the treasury not otherwise  
 2-33 appropriated for the fiscal year 2006-2007, the sum of three hundred fifty thousand dollars  
 2-34 (\$350,000) for the purpose of carrying out the provisions of this act, and the state controller is  
 3-1 hereby authorized and directed to draw his/her orders upon the general treasurer for the payment  
 3-2 of said sum, or so much thereof as may be from time to time required, upon receipt by him/her of  
 3-3 properly authenticated vouchers.
- 3-4 SECTION 3. This act shall take effect upon passage.

The Committee took no position

**4:25 PM Other Business**

MOTION: To request the Executive Committee support the home modification bill, H 7629. EG/RB passed unanimously

**Adjourned at:** 4:29 PM