

Minutes



LEGISLATION COMMITTEE

Monday October 16, 2006 3:00 PM to 4:30 PM

Governor's Commission on Disabilities

John O. Pastore Center (Formerly the Howard Center)

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Secretary: Bob Cooper

Attendees: Tim Flynn (Chairperson); Jeanne Behie; Sharon Brinkworth; Linda Deschenes; Bill Inlow; Kate McCarthy-Barnett, EdD; Arthur M. Plitt; Rev. Gerard O. Sabourin; Janet Spinelli; & Michael Spoerri

Excused: Raymond Bandusky; Rosemary C. Carmody; Paul Choquette; Elaina Goldstein; Liberty Goodwin; Kenneth Pariseau; 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 3:12 PM.

Members and guests introduce themselves

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

3:05 PM Election of Vice Chairperson Tim Flynn

MOTION: To nominate Kate McCarthy-Barnett as vice chairperson of the Legislation Committee, to close nominations and direct the secretary to cast one vote for Kate McCarthy-Barnett. BI/JP passed, KMcC-B abstained

3:10 PM Retaining Items from the GCD 2006 Legislative Package for the 2007 Package Tim Flynn

Discussion: Members reviewed the 2006 Legislative Package and the final status of each item.

a. Designation of a state agency for providing

(a.) Protective services for abused of non-elderly adults (18-64) with severe impaired.

Enacted 06 H-7226 Sub A & 06 S-2378 Sub A CRIMINAL OFFENSES -- ASSAULTS Public Laws 2006 Chapter -175 & Chapter -268 and

(b.) the designation of the Attorney General's Health Care Advocate's Office to advocate for persons with disabilities in areas such as health care insurance claims;

Enacted instead: 06 H-7120 Art. 34 Sub A as Amended INSURANCE - MANDATED

BENEFITS Public Law 2006 Chapter -246

- b. Establishment of minimum accessibility standards regarding fragrance-free, less-toxic cleaning product and pest control policies, for health care facilities, nursing homes, and schools to ensure persons who are chemically sensitive can access necessary services without being sickened by chemicals used at the facilities [by regulation or law];
Resolution Adopted 06 S-2627 Sub A SENATE RESOLUTION RESPECTFULLY URGING THE DEPARTMENT OF ADMINISTRATION TO USE ENVIRONMENTALLY-SAFE AND HEALTH-FRIENDLY CLEANING PRODUCTS IN STATE FACILITIES AND WORKPLACES Senate Resolution 2006 -276
- c. Fully fund RIDE & RIPTA as recommended by RIPEC in its Rhode Island at the Crossroads – A RIPEC Public Policy Issues Brief;
Not Accomplished
- d. To change the Open Meeting Law's ban on the use of telephones allow the use of telephones as a reasonable accommodations for members of boards who are unable to be physically present at the meeting because of a disability;
Not Accomplished
- e. Fully Fund modifications to homes/apartments owned or rented by families with disabled members (expand to include Medicare only recipients) and create flexible funding plan such as cash and counseling for families to modify home or yard;
Not Accomplished, instead Neighborhood Opportunities Bond Issue # 9.
- f. To advocate during the Medicaid Budget Hearing the following:
(a.) Expansion of Home Care Services so people can remain living in their community;
Not Accomplished
(b.) Adjustment of state's income eligibility level for Medicaid for persons with disabilities (100% of the federal poverty level) to match the Family Independence Program (180% of the federal poverty level)
Not Accomplished
(c.) Provide state funded health insurance coverage (including prescription drug coverage) during the 2-year wait for SSDI recipients to be covered by Medicare [by resolution or law];
Not Accomplished
(d.) Amendment of the State Medicaid Plan so "medically needy" persons with disabilities, receive the same benefits that are provided to "categorically needy" persons (outpatient hospital clinic and emergency room services; hearing aids and molded shoes; Podiatry Services; one pair of eyeglasses [frames, lenses, dispensing fees] every other year). The habilitation waiver should be expanded to include all eligible recipients who would benefit from physical therapy, occupational therapy, speech/language therapy, psychological therapy, rehabilitation services;
Not Accomplished
(e.) Develop a Dental Benefit Management program for Medicaid beneficiaries (reimbursement rate)
Not Accomplished
- g. Funding comprehensive in-state services for individuals with traumatic brain injury
Enacted: 06 S-2604 Sub A as Amended HUMAN SERVICES -- TRAUMATIC BRAIN INJURIES Public Law 2006 Chapter -363 and 06 H-7546 Sub A MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES Public Law 2006 Chapter -
- h. Prohibit parking upon any crosshatched access aisle adjacent to disability parking spaces and allow disability parking signs at both ends of a row or series of adjacent disability parking spaces, or at the entrance to a parking lot restricted to only disability parking.
Enacted: 06 H-7081 Sub A MOTOR AND OTHER VEHICLES -- STOPPING, STANDING

AND PARKING RESTRICTIONS

- i. 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).

Not Accomplished: 06 S-2334 TOWNS AND CITIES -- ZONING ORDINANCES

- j. Allowing 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.

Not Accomplished: 06 S-2269 CIVIL RIGHTS OF PEOPLE WITH DISABILITIES

MOTION: To retain in the 2007 Recommended Legislative Package the following items from the 2006 Legislative Package:

- (1) To change the Open Meeting Law's ban on the use of telephones allow the use of telephones as a reasonable accommodations for members of boards who are unable to be physically present at the meeting because of a disability;
- (2) Amend the comprehensive instate services for individuals with traumatic brain injury legislation to authorize up to 10% of funding for DHS administrative expenses
- (3) Monitor implementation of legislation enacted in 2006 to:
 - (a.) Ensure families of children with severe impairments who have coverage from both Medicaid & commercial health care insurance, get quick resolution of their claims, rather than be bounced back and forth between Medicaid and the insurer (Public Law 2006 Chapter 246 Article 34);
 - (b.) Establish minimum accessibility standards regarding fragrance-free, less-toxic cleaning product and pest control policies, for health care facilities, nursing homes, and schools to ensure persons who are chemically sensitive can access necessary services without being sickened by chemicals used at the facilities (Senate Resolution 2006 Chapter 276);
- (4) Advocate during the budget hearing for funding of:
 - (a.) Protective services for abused of non-elderly adults (18-64) with severe impaired
 - (b.) RIDE & RIPTA funding as recommended by RIPEC in its Rhode Island at the Crossroads – A RIPEC Public Policy Issues Brief;
 - (c.) Modifications to homes/apartments owned or rented by families with disabled members (expand to include Medicare only recipients) and create flexible funding plan such as cash and counseling for families to modify home or yard;
 - (d.) Medicaid funding for:
 - i. Expansion of Home Care Services so people can remain living in their community;
 - ii. Adjustment of state's income eligibility level for Medicaid for persons with disabilities (100% of the federal poverty level) to match the Family Independence Program (180% of the federal poverty level)
 - iii. Provide state funded health insurance coverage (including prescription drug coverage) during the 2-year wait for SSDI recipients to be covered

- by Medicare [by resolution or law];
 - iv. Amendment of the State Medicaid Plan so “medically needy” persons with disabilities, receive the same benefits that are provided to “categorically needy” persons (outpatient hospital clinic and emergency room services; hearing aids and molded shoes; Podiatry Services; one pair of eyeglasses [frames, lenses, dispensing fees] every other year).
 - v. The habilitation waiver should be expanded to include all eligible recipients who would benefit from physical therapy, occupational therapy, speech/language therapy, psychological therapy, rehabilitation services;
 - vi. Dental Benefit Management program for Medicaid beneficiaries (reimbursement rate); and
- (5) Monitor/support legislation to 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).

AP/JB passed unanimously

3:30 PM Review of Concerns and Recommendations from the Public Forum Working Groups:

- **Accessibility** **Paul Choquette**

Themes/Findings	Recommendation	Testimony on Pages
Public and non-public Housing inaccessible to people with Multiple Chemical Sensitivity	Investigate several options including: Training for Property managers specific to Multiple Chemical Sensitivity Attempt to utilize portion of the bond funds (if passed) to construct housing more accessible for people with Multiple Chemical Sensitivity	4, 31, 58, 67
Lack of accessible housing	Bond Referendum # 9	10
Lack of Accessible bathrooms at Zambarano	Assist Patients for Progress in their advocacy efforts?	15
Handicapped Parking placard difficulty (tests??)	Determine if there has been any change in policy at the Registry in terms of applications and/or renewals of parking placards	41
Lack of sensitivity to deaf & hard of hearing from police	Commission on the Deaf & Hard of Hearing training to Police Departments???	54
Public Buildings/Institutions inaccessible for people with Multiple Chemical Sensitivity	Re-introduce last years legislation on minimal Multiple Chemical Sensitivity accessibility guidelines	59, 68
Lack of Automated doors at medical facilities	GCD outreach regarding accessibility complaint process.	62, 67

- **Community Support** **Ken Pariseau**

Themes/Findings	Recommendation	Testimony on Pages
The need for additional “job coaches”	Opportunities:	Letter

Themes/Findings	Recommendation	Testimony on Pages
for persons with disabilities	<ul style="list-style-type: none"> • MT Team per diem includes voc rehab • Grants 	
Lack of respite for parents with a child with severe disabilities	State funded respite services	Letter
Inadequate in-home behavioral intervention services	Develop additional home based training and behavioral management resources	Letter
Inadequate community-based psychiatric services	<ol style="list-style-type: none"> 1) Loan repayment plans to keep newly trained providers in the state 2) Review reimbursement rate structure 3) Alternative models for behavioral health interventions for Persons with Disabilities 	Letter
Additional community based support services such as speech and language specialists	Increase settings where services can be provided and reimbursed by health plans	Letter
Teachers are often poorly prepared and supported to understand and manage the needs of children with special health care needs in their classrooms		Letter
Poorly developed and inadequately enforced IEPs	<ol style="list-style-type: none"> 1) Contact RIDE 2) Contact RIPIN for support 3) Opportunity present as RI needs to develop regs to comply with new IDEA regs. A more frequent review of school district compliance (current policy: every 5 years) 	Letter
Lack of appropriate school-based accommodations. Poorly enforced accommodation requirements.	Same as above	Letter
Lack of sufficient number of teachers at Zambarano in the summer	Summer internship opportunities for teachers and other rehab interns	15
Poor client treatment at Slater	<ol style="list-style-type: none"> 1) Does new abuse and neglect legislation apply to facilities like Slater? If not, does it need to be amended? 2) What are mandated standards for reporting of intern concerns by supervisor? 3) Is there a need for follow-up by GCD to RI Disability Law Center and/or MHRH? 	16
Lack of family supports (i.e. recreational activities) for families with young adults with special health care needs.		9
Lack of awareness of available resources for Persons with disabilities	<p>Better education re:</p> <ul style="list-style-type: none"> • The Point • Ask Rhody 	
The need for additional resources to help transition young adults with special health care needs from school		17

Themes/Findings	Recommendation	Testimony on Pages
into community network supports; employment opportunities; transportation		
Confusion re: guardianship issues	1) Family education re: guardian process 2) Ensuring protection for Persons with Disabilities in the guardian process	35,36,37,40

• Health Care	Gwen Reeves
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Themes/Findings	Recommendation	Testimony on Pages
Chemical sensitivities not recognized or accommodated.	Education and legislation targeted toward hospitals. Reintroduction of last year's bill with limited goals (application for healthcare facilities)	4-5, 43, 58 and submitted testimony
S 2604 and H7546 for programs that support persons with brain injury need administrative money.	<ul style="list-style-type: none"> Amend legislation for Governor's Commission on Brain injury to include administrative funding. Modify General Assembly appropriation to include 10% administrative cost for DHS. 	24, 57
Need for more Habilitation waivers. Need is greater than availability.	<ul style="list-style-type: none"> Roll all home and community-based waiver services into managed care health plan options for adults with disabilities. Increase funding for Personal Care Assistance program for non-Medicaid population. Mandate coverage in commercial insurance benefit package. 	24-25,54,57
Waiting list for Home Based Treatment Services (HBTS)	<ul style="list-style-type: none"> Make Home Based Treatment Services an in-plan covered service under the Rite Care health plans. Mandate coverage of HBTS by commercial health plans. Certify workers. 	47-48
Inappropriate placement of younger people with disabilities who need to be in long-term care facilities.	Assessment of how many younger people in Long Term Care facilities who might benefit from placement in more age appropriate setting. Feasibility study.	35, 57
Limited care coordination services available in commercial health insurance for families with children with special needs.	Same as **	25
Group home receiving Social Security funds instead of consumer.	Medicaid fraud (?) Under investigation	36-38
Guardianship issues and problems		41-43
Disappointment and dissatisfaction with CEDARR	<ul style="list-style-type: none"> Commission to obtain report on the status of CEDARR review. Make recommendations based on 	47-48

Themes/Findings	Recommendation	Testimony on Pages
Program	<p>report.</p> <ul style="list-style-type: none"> Department of Human Services needs to implement House Bill 5829A that requires Rite Care Health plans to develop additional home and community based services. 	
Lack of adult specialty providers for persons with disabilities.	Managed care health plans will be responsible for developing provider network needed by its members.	49
Costs of co-pays for dual eligibles are too high.	Put monthly cap on co-pay. Whose authority (?)	55,56
Inadequate or no payment by Medicare for wheel chairs (power assist).	Education and advocacy with Centers for Medicare & Medicaid Services. Medicare issue	56
Modify the Department of Human Services deductions according to a person's income.		60

• Housing

Michael Spoerri

Themes/Findings	Recommendation	Testimony on Pages
Lack of funds for home modifications	<ul style="list-style-type: none"> Recommend re-introduce H7629 sub A (Home modification revolving loan program). Increase funding for home modifications 	52
Limited housing that is accessible and affordable	<ul style="list-style-type: none"> Support bond issue (Question #9) that will increase the availability of affordable housing. Pending passage, closely follow implementation and seek to integrate accessibility. Determine level of compliance with mandate (Neighborhood Opportunity Program?) requiring each city/town to have 10% affordable (low-income) housing. 	
Need for Section 8 housing that is chemically safe	<ul style="list-style-type: none"> Include chemical accessibility as a criteria in the statewide accessible housing registry Include Multiple Chemical Sensitivity in accessibility training for realtors (OSCIL) 	33, 72

• Transportation

Arthur Plitt

Themes/Findings	Recommendation	Testimony on Pages
Handicapped Parking lacking in Newport, especially following construction projects	Discuss with RI Department of Transportation and the City of Newport to ensure Handicapped Parking is preserved during and after construction projects	3
Process for getting hand controls restriction placed on license overly stringent	Examine policy to determine if changes at the registry could be made to streamline the process. i.e.: Have RI Hospital et al submit endorsement or certification to the	52-53

Themes/Findings	Recommendation	Testimony on Pages
	registry	
RIde does not cross state lines	Could review alternatives or modification of policy esp. if employment/medical issues related	55
Enforcement of Handicapped Parking is lax, not enough van accessible spaces	RI GCD Disability Parking Committee review of enforcement activities to find/share best practices and advocate with local police depts. Since they now receive all fines. Van Access no parking fines for xxx lines & Better control over the existing blue placards with photos etc might be legislative	62
Differing scheduling requirements for RIde if disabled vs. elderly and also too early or late or 5 AM vs. 5 PM pickup	RIde needs to do some revision & education of dispatchers as to scheduling for disabled vs. elderly. Regulations / Policy changes possible as well as better dispatch confirmations of time before. Flex routes perhaps for some like employment	60 & 62
Accessible transportation from the airport is not easy to access	Require the Airport Corporation ensure that more accessible transportation is available thorough it's contracted providers and provide easier info on their website and at curb pickups/monitors/J&W info as well as revoking taxi licenses for non working equipment Some regulations review or legislate?	62, 63 email
RI Public Transit Authority Transportation for students	Transition to community and employment difficult w/o access for full class members but larger busses with more wheelchair access to schools with new equipment or private carriers paid	17
RI Public Transit Authority	Rides for visits long and bumpy and w/o communications to driver in front of the bus	10
Curb Cuts access to housing and gardens	Newport area housing and facilities?	4
Handicapped Parking tags/licensing	Strength testing for driving if apply for handicapped tags so you may lose drivers license	41

4:00 PM Adoption of Recommendations for the Commission's 2007 Legislative Package Tim Flynn

Discussion: Members discussed the concerns and recommendations of the working groups

MOTION: To add the following new items to the Committee's recommendation for the Commission's 2007 Legislative Package:

- (1) Advocate at budget hearing for:
 - (a.) state funded respite services for parents with a child with severe disabilities
 - (b.) Personal Care Assistance program for non-Medicaid population
- (2) Loan repayment plans to keep newly trained community-based psychiatric and other therapeutic services providers in the state
- (3) Require a % of each taxi fleet be accessible (modeled after the Louisville City Ordinance

AP/LD passed unanimously

The 2006 Legislation Committee's Scope of Review:	Categories that were outside the Committee's Scope of Review in 2006:
(1) Disability Prevention	(1) Appropriations/Budget
(2) Civil Rights	(2) Education
(3) Employment	(3) Financial assistance
(4) Health Care Services	(4) Government operations
(5) Housing	(5) Health care/rules
(6) Special Education	(6) Motor vehicle insurance/registration
(7) Transportation	(7) Taxes

MOTION: To recommend the Commission retain the Legislation Committee's 2006 Scope of Review for 2007 SB/BI passed unanimously

4:25 PM Announcements and Scheduling of Meetings

The next scheduled meeting is December 4th, to begin drafting bills for introduction in January.

Adjourned at:	5:06 PM
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