

Minutes



LEGISLATION COMMITTEE

Monday February 12, 2007 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: Tim Flynn (Chair); Kate McCarthy-Barnett, EdD (Vice Chair); Raymond Bandusky; Jeanne Behie; Sharon Brinkworth; Rosemary C. Carmody; Linda Deschenes; Liberty Goodwin; Bill Inlow; Paula Parker; Arthur M. Plitt; Gwen Reeve; & Rev. Gerard O. Sabourin

Excused: Paul Choquette; Elaina Goldstein; Kenneth Pariseau; Janet Spinelli; & Michael Spoerri

Minutes

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

Discussion: Chair calls the meeting to order at 3:00 PM.

Members and guests introduce themselves

MOTION: To accept the minutes as presented JB/KMcC passed unanimously

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

- (1) 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 [**sponsors Rep. Kilmartin & Sen. Ciccone S142**];
- (2) Amend the comprehensive instate services for individuals with traumatic brain injury legislation to authorize up to 10% of funding for DHS administrative expenses [**sponsors Sen. Blais S0086 & Rep. McNamara H5191**];
- (3) Create a loan repayment plan to keep newly trained community-based psychiatric and other therapeutic services providers in the state [**sponsors Rep. Ginaitt H5313 & Sen. Sosnowski**];
- (4) Require a percentage of each taxi fleet be accessible (modeled after the Louisville City Ordinance) [**sponsors Rep. Coderre H5371 & Sen. Walaska**];
 - (a.) **Hearing on H 5371 set for Tuesday Feb. 13th at the Rise in Rm 203 (House Corporations Committee) State House**
- (5) Extend governmental tort liability to members of state boards and commissions when acting in their official capacity and legal representation [**sponsors Rep. Mumford H5290 & Sen. Lenihan**]

- (6) 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 (185% of the federal poverty level) [sponsor Sen. Ciccone S0127]
- (7) 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) [sponsor Sen. Levesque S0266].
- (8) School and Municipal Playground Safety grants [sponsor Sen Blais S0128]

3:20 PM Review of New Bills

Bob Cooper

Discussion: Members discussed the following bills:

Civil Rights

S-0193 & H-5203 Courts and Civil Procedure -- Procedure Generally Sovereign Immunity

This act would clarify that a cause of action exists against the state of Rhode Island by state employees and other parties seeking to enforce rights with respect to certain federal statutes where the United States Congress has indicated its intent that said federal statutes be applicable to the states. This act would take effect on July 1, 2007 and would apply to causes of action arising on

1-1	SECTION 1. Title 9 of the General Laws entitled "Courts and Civil Procedure-Procedure
1-2	Generally" is hereby amended by adding thereto the following chapter:
1-3	<u>CHAPTER 31.1</u>
1-4	<u>SOVEREIGN IMMUNITY</u>
1-5	<u>9-31.1-1. Consent to be sued by state employees and other parties under certain</u>
1-6	<u>federal laws. --</u> In addition to any waivers of immunity or consents to be sued previously
1-7	<u>established by statute or judicial interpretation, the state consents to be sued in state or federal</u>
1-8	<u>court by its employees and any other proper parties seeking to enforce rights or obtain remedies</u>
1-9	<u>afforded by the following federal statutes and their regulations when the United States Congress</u>
1-10	<u>has indicated its intent that such statutes be applicable to the states:</u>
1-11	<u>(1) Fair labor standards. The Fair Labor Standards Act of 1938, 29 U.S.C. section 201 et</u>
1-12	<u>seq., including, but not limited to, the Equal Pay Act of 1963, 29 U.S.C. section 206 et seq.;</u>
1-13	<u>(2) Discrimination generally. Title VII of the Civil Rights Act of 1964, 42 U.S.C. section</u>
1-14	<u>2000e et seq.; the Fair Housing Act of 1968, 42 U.S.C. section 3601 et seq.; and the Civil Rights</u>
1-15	<u>Acts codified at 42 U.S.C. sections 1981-1988;</u>
1-16	<u>(3) Race discrimination. Title VI of the Civil Rights Act of 1964, 42 U.S.C. section</u>
1-17	<u>2000d et seq.;</u>
1-18	<u>(4) Age discrimination. The Age Discrimination in Employment Act, 29 U.S.C. section</u>
1-19	<u>621 et seq.;</u>
2-1	<u>(5) Sex discrimination. Title IX of the Education Amendments of 1972, 20 U.S.C.</u>
2-2	<u>section 1681 et seq.;</u>
2-3	<u>(6) Disability discrimination. The Americans with Disabilities Act of 1990, 42 U.S.C.</u>
2-4	<u>section 12101 et seq.; and the Rehabilitation Act of 1973, 29 U.S.C. section 794 et seq.;</u>
2-5	<u>(7) Religious discrimination. The Religious Land Use and Institutionalized Persons Act</u>
2-6	<u>of 2000;</u>
2-7	<u>(8) Family and medical leave. The Family and Medical Leave Act of 1993, 29 U.S.C.</u>
2-8	<u>section 2612 et seq.;</u>
2-9	<u>(9) Whistleblower protection. Protections to state employees from retaliation or</u>
2-10	<u>discrimination for "whistleblowing" or related activity as provided by: the Clean Air Act, 42</u>
2-11	<u>U.S.C. section 7622; the Federal Water Pollution Control Act of 1972, 33 U.S.C. section 1367;</u>
2-12	<u>the Safe Drinking Water Act, 42 U.S.C. section 300j-9; the Solid Waste Disposal Act, 42 U.S.C.</u>
2-13	<u>section 6971; and the Toxic Substances Control Act, 15 U.S.C. section 2622;</u>
2-14	<u>(10) Armed services personnel. The Uniformed Services Employment and</u>

2-15	Reemployment Act of 1994, 38 U.S.C. section 4301 et seq.;
2-16	(11) Copyright protection. The Copyright Act of 1976, as amended, 17 U.S.C. section
2-17	101 et seq.; and
2-18	(12) Patent protection. The Patent and Plant Variety Protection Remedy Clarification Act,
2-19	35 U.S.C. section 271 et seq.
2-20	<u>9-31.1-2. Consent to be sued in federal court by state employees and other parties</u>
2-21	<u>under certain state laws. --</u> In addition to any waivers of immunity or consents to be sued
2-22	previously established by statute or judicial interpretation, the state consents to be sued in federal
2-23	court by its employees and any other proper parties seeking to enforce rights or obtain remedies
2-24	afforded by the following state laws when the general assembly has indicated its intent that such
2-25	laws be applicable to the state:
2-26	(1) Discrimination generally. The State Fair Employment Practices Act, R.I.G.L. section
2-27	28-5-1 et seq.; the Civil Rights Act of 1990, R.I.G.L. section 42-112-1 et seq.; and R.I.G.L.
2-28	sections 16-38-1 and 16-38-1.1 relating to age, race and sex discrimination in education;
2-29	(2) Sex discrimination. The Wage Discrimination Based on Sex Act, R.I.G.L. section 28-
2-30	6-17 et seq.;
2-31	(3) Disability discrimination. The Civil Rights of People With Disabilities Act, R.I.G.L.
2-32	section 42-87-1 et seq.;
2-33	(4) Religious discrimination. The Religious Freedom Restoration Act, R.I.G.L. section
2-34	42-80.1-1 et seq.;
3-1	(5) Family and medical leave. The Rhode Island Parental and Family Medical Leave
3-2	Act, R.I.G.L. section 28-48-1 et seq.;
3-3	(6) Whistleblower protection. The Rhode Island Whistleblowers' Protection Act,
3-4	R.I.G.L. section 28-50-1 et seq.; and
3-5	(7) Armed services personnel. R.I.G.L. section 30-11-3, relating to protections for
3-6	national guard members on state active duty.
3-7	<u>9-31.1-3. Limitation of damages. --</u> (a) In any action brought against the state of Rhode
3-8	Island under the statutes and regulations authorized by section 9-31.1-1, the state shall be subject
3-9	to all forms of relief available under those statutes and regulations; however, except as provided
3-10	below, the limitation on damages contained in section 9-31.1-2 shall apply.
3-11	(b) The limitation of damages contained in subsection (a) of this section shall not be
3-12	deemed to apply to amounts awarded for back pay, fringe benefits, interest on back pay or fringe
3-13	benefits, or front pay in lieu of reinstatement, or to attorneys' fees and costs.
3-14	(c) This section shall not apply to any claims under federal law for which the United
3-15	States Congress has validly waived the sovereign immunity of the state.
3-16	(d) Nothing contained herein shall be construed to waive the sovereign immunity of the
3-17	state from any award of punitive damages.
3-18	<u>9-31.1-4. Trial by jury. --</u> Nothing in this chapter shall be construed to abridge any
3-19	party's right to a trial by jury.
3-20	SECTION 2. This act shall take effect on July 1, 2007 and shall apply to causes of action
3-21	arising on or after that date.

MOTION: To find beneficial S-0193 & H5203 Courts and Civil Procedure -- Procedure Generally Sovereign Immunity RB/BI passed unanimously

H-5294 Labor and Labor Relations -- Equal Opportunity and Affirmative Action

This act would delete references in the Rhode Island general laws which exempt the legislative branch of state government from compliance with provisions of equal opportunity and affirmative action. This act would take effect upon passage.

SECTION 1. Sections 28-5.1-1, 28-5.1-3 and 28-5.1-3.2 of the General Laws in Chapter 1-2 28-5.1 entitled "Equal Opportunity and Affirmative Action" are hereby amended to read as 1-3 follows:

1-4	<u>28-5.1-1. Declaration of policy -- Annual reports -- Applicability to collective</u>
1-5	<u>bargaining agreements.</u> -- (a) (1) Equal opportunity and affirmative action toward its
1-6	achievement is the policy of all units of Rhode Island state government, including all public and
1-7	quasi-public agencies, commissions, boards and authorities; and in the classified, unclassified,
1-8	and nonclassified services of state employment. This policy applies in all areas where the state
1-9	dollar is spent, in employment, public service, grants and financial assistance, and in state
1-10	licensing and regulation. All policies, programs, and activities of state government are
1-11	periodically reviewed and revised to assure their fidelity to this policy.
1-12	(2) Each department head makes a report to the governor and the general assembly not
1-13	later than September 30 of each year on the statistical results of the implementation of this
1-14	chapter and to the state equal opportunity office; provided, that the mandatory provisions of this
1-15	section do not apply to the legislative branch of state government.
1-16	(b) This chapter in no way impair any contract or collective bargaining agreement
1-17	currently in effect. Any contract or collective bargaining agreements entered into or renewed after
1-18	July 6, 1994 are subject to the provisions of this chapter.
2-1	<u>28-5.1-3. Affirmative action.</u> -- (a) The state equal opportunity office shall assign an
2-2	equal opportunity officer as a liaison to agencies of state government.
2-3	(b) Each state department or agency, excluding the legislative branch of state
2-4	government, annually prepares an affirmative action plan. These plans shall be prepared in
2-5	accordance with the criteria and deadlines set forth by the state equal opportunity office. These
2-6	deadlines provide, without limitation, that affirmative action plans for each fiscal year be
2-7	submitted to the state equal opportunity office and the house fiscal advisor no later than March
2-8	31. These plans are submitted to and are subject to review and approval by the state equal
2-9	opportunity office.
2-10	(c) Any affirmative action plan required under this section deemed unsatisfactory by the
2-11	state equal opportunity office shall be withdrawn and amended according to equal opportunity
2-12	office criteria, in order to attain positive measures for compliance. The state equal opportunity
2-13	office shall make every effort by informal conference, conciliation and persuasion to achieve
2-14	compliance with affirmative action requirements.
2-15	(d) The state equal opportunity office shall effect and promote the efficient transaction of
2-16	its business and the timely handling of complaints and other matters before it, and shall make
2-17	recommendations to appropriate state officials for affirmative action steps towards the
2-18	achievement of equal opportunity.
2-19	(e) The state equal opportunity administrator serves as the chief executive officer of the
2-20	state equal opportunity office, and is responsible for monitoring and enforcing all equal
2-21	opportunity laws, programs, and policies within state government.
2-22	(f) No later than July 1 each state department or agency, excluding the legislative branch
2-23	of state government, shall submit to the state equal opportunity office and the house fiscal advisor
2-24	sufficient data to enable the state equal opportunity office and the house fiscal advisor to
2-25	determine whether the agency achieved the hiring goals contained in its affirmative action plan
2-26	for the previous year. If the hiring goals contained in the previous year's plan were not met, the
2-27	agency also submits with the data a detailed explanation as to why the goals were not achieved.
2-28	(g) Standards for review of affirmative action plans are established by the state equal
2-29	opportunity office, except where superseded by federal law.
2-30	(h) For purposes of this section, "agency" includes, without limitation, all departments,
2-31	public and quasi-public agencies, authorities, boards, and commissions of the state, excluding the
2-32	legislative branch of state government.
2-33	(i) The state equal opportunity office shall continually review all policies, procedures,
2-34	and practices for tendencies to discriminate and for institutional or systemic barriers for equal
3-1	opportunity, and it shall make recommendations with reference to any tendencies or barriers in its
3-2	annual reports to the governor and the general assembly.

3-3	(j) Relevant provisions of this section also apply to expanding the pool of applicants for
3-4	all positions for which no list exists. The equal opportunity administrator is authorized to develop
3-5	and implement recruitment plans to assure that adequate consideration is given to qualified
3-6	minority applicants in those job categories where a manifest imbalance exists, excluding those job
3-7	categories in the legislative branch of state government.
3-8	<u>28-5.1-3.2. Enforcement.</u> -- (a) The state equal opportunity administrator is authorized to
3-9	initiate complaints against any agencies, administrators, or employees of any department or
3-10	division within state government, excluding the legislative branch, that willfully fail to comply
3-11	with the requirements of any applicable affirmative action plan or of this chapter or that fail to
3-12	meet the standards of good faith effort, reasonable basis, or reasonable action, as defined in
3-13	guidelines promulgated by the federal Equal Employment Opportunity Commission as set forth in
3-14	29 CFR 1607.
3-15	(b) Whenever the equal employment opportunity administrator initiates a complaint, he
3-16	or she shall issue and serve in the name of the equal employment opportunity office a written
3-17	notice, together with a copy of the complaint, requiring that the agency, administrator, agent, or
3-18	employee respond to the notice and appear at a hearing at a time and place specified in the notice.
3-19	The equal employment opportunity office shall follow its lawfully adopted rules and regulations
3-20	concerning hearings of discrimination complaints.
3-21	(c) The equal employment opportunity office has the power, after hearing, to issue an
3-22	order requiring a respondent to a complaint to cease and desist from any unlawful discriminatory
3-23	practice and/or to take any affirmative action, including, but not limited to, hiring, reinstatement,
3-24	transfer, or upgrading employees, with or without back pay, or dismissal, that may be necessary
3-25	to secure compliance with any applicable affirmative action plan or with state or federal law.
3-26	(d) A final order of the equal employment opportunity office constitutes an "order"
3-27	within the meaning of section 42-35-1(j); is enforceable as such an order; is rendered in
3-28	accordance with section 42-35-12; and is subject to judicial review in accordance with section 42-
3-29	35-15.
3-30	SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial H-5294 Labor and Labor Relations -- Equal Opportunity and Affirmative Action BI/LD passed unanimously

H5361 Mental Health, Retardation, and Hospitals - Incompetency to Stand Trial and Persons Adjudged Not Guilty By Reasons of Insanity

This act would amend provisions of the general laws relative to the filing of a petition setting forth that an incarcerated person is mentally ill and requires special care or treatment. Advocate shall be supported by written consent of the inmate or his/her legally designated representative and a sworn affidavit: Such a provision shall include provable facts and circumstances in support of the petition; and provide what evidence will be introduced at the hearing, as well as mental health or other relevant treatment records of the petitioner. This act would take effect upon passage.

1-1	SECTION 1. Sections 40.1-5.3-6 and 40.1-5.3-7 of the General Laws in Chapter 40.1-5.3
1-2	entitled "Incompetency to Stand Trial and Persons Adjudged Not Guilty by Reason of Insanity"
1-3	are hereby amended to read as follows:
1-4	<u>40.1-5.3-6. Examination of persons awaiting trial or convicted and imprisoned for</u>
1-5	<u>crime.</u> -- (a) On a petition of the director of the department of mental health, retardation, and
1-6	hospitals, or on the petition of the director of the department of corrections, setting forth that any
1-7	person awaiting trial or convicted of a crime and imprisoned for the crime in the adult
1-8	correctional institutions is mentally ill and requires specialized mental health care and psychiatric
1-9	in-patient services which cannot be provided in a correctional facility, a justice of the superior
1-10	court may order the examination of the person as in his or her discretion he or she shall deem
1-11	appropriate.
1-12	(b) <u>For the purposes of this section a petition may be filed by:</u>

1-13	<u>(1) the director of the department of mental health, retardation, and hospitals; or</u>
1-14	<u>(2) the director of the department of corrections; or</u>
1-15	<u>(3) the mental health advocate.</u>
1-16	<u>(c) Any petition filed by the mental health advocate shall be supported by written consent</u>
1-17	<u>of the inmate or his/her legally designated representative and a sworn affidavit:</u>
1-18	<u>(1) alleging provable facts and circumstances in support of the petition; and</u>
2-1	<u>(2) providing what evidence will be introduced at the hearing on the petition to transfer</u>
2-2	<u>including, but not limited to, mental health or other relevant treatment records of the petitioner.</u>
2-3	40.1-5.3-7. Hearing on petition. -- (a) Upon receipt of the petition and appropriate
2-4	notice to the director, <u>the mental health advocate</u> , the attorney general and the person or his or her
2-5	counsel, the court shall hold a hearing at which the parties may introduce evidence bearing on the
2-6	mental condition of the person. The person who is the subject of the petition may testify, confront
2-7	witnesses, and present evidence.
2-8	(b) If the court finds by clear and convincing evidence that the person is mentally ill and
2-9	requires specialized mental health care and psychiatric inpatient services which cannot be
2-10	provided in a correctional facility, the court may order the transfer of the prisoner from the adult
2-11	correctional institutions, to be detained in the facility provided for in section 40.1-5.3-1.
2-12	SECTION 2. This act shall take effect upon passage.

Tabled until the next meeting & invite the Mental Health Advocate to attend

H5259 Health and Safety – Public Safety – School Air Quality

This act would require the state department of health to conduct yearly air quality inspections in each public school building. This act would take effect upon passage.

1-1	SECTION 1. Chapter 23-23 of the General Laws entitled "Air Pollution" is hereby
1-2	amended by adding thereto the following section:
1-3	23-23-30. Public school air quality. -- At least annually, the director of the department
1-4	of health shall cause an air quality inspection to be conducted at every public school building
1-5	within the state. The results of these inspections shall be made available to the public.
1-6	SECTION 2. This act shall take effect upon passage.

Tabled until next meeting to review the remainder of the RIGL ‘s Chapter on Air Pollution

Education

H-5171 House Resolution Supporting a Cap of \$20,000 on the Cost of Educating Each Individual Special Education Student at the Local Level

This resolution would require the House of Representatives of the State of Rhode Island and Providence Plantations to urge the Governor of Rhode Island to support a cap of \$20,000 on the cost of educating each individual special education student at the local level and to provide for reimbursement of costs by the State of Rhode Island incurred by each school district in such circumstances where the costs of educating an individual exceeds \$20,000; and be it further.

1-1	WHEREAS, Local school districts in Rhode Island are mandated to meet the spiraling
1-2	costs of special education services. These ever increasing costs often result in budget deficits that
1-3	are passed on to the already burdened property owners of this state; now, therefore be it
1-4	RESOLVED, That this House of Representatives of the State of Rhode Island and
1-5	Providence Plantations hereby urges the Governor of Rhode Island to support a cap of \$20,000 on
1-6	the cost of educating each individual special education student at the local level and to provide for
1-7	reimbursement of costs by the State of Rhode Island incurred by each school district in such
1-8	circumstances where the costs of educating an individual exceeds \$20,000; and be it further
1-9	RESOLVED, That the Secretary of State be and he hereby is authorized and directed to
1-10	transmit a duly certified copy of this resolution to Donald Carcieri, Governor of the State of
1-11	Rhode Island.

No position taken

H-5242 Education - School Committees and Superintendents

This act would allow school committees to seek relief from state directives that are unfunded and which exceed federal limits and guidelines by bringing an action in the Rhode Island Superior Court. 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	<u>16-2-21.4. School budgets -- Compliance with certain requirements. --</u> (a)
1-4	Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
1-5	town, or regional school committee determines that its budget is insufficient to comply with the
1-6	provisions of section 16-2-21, 16-7-23, or 16-7-24, <u>or that the school district is being required to</u>
1-7	<u>comply with an unfunded state mandate in education which mandate exceeds guidelines or limits</u>
1-8	<u>established pursuant to federal law, the city, town, or regional school committee shall adhere to</u>
1-9	<u>the appropriated budget or the provisions of section 16-2-23 in the absence of an appropriated</u>
1-10	<u>budget. The chairperson of the city, town, or regional school committee, in accordance with the</u>
1-11	<u>provisions of section 16-2-9, shall be required to petition the commissioner, in writing, to seek</u>
1-12	<u>alternatives for the district to comply with state regulations and/or provide waivers to state</u>
1-13	<u>regulations and, in particular, those which are more restrictive than federal regulations that allow</u>
1-14	<u>the school committee to operate with a balanced budget. Waivers which affect the health and</u>
1-15	<u>safety of students and staff or which violate the provisions of chapter 24 of this title shall not be</u>
1-16	<u>granted. The commissioner must consider alternatives for districts to comply with regulations</u>
1-17	<u>and/or provide waivers to regulations in order that the school committee may operate with a</u>
1-18	<u>balanced budget within the previously authorized appropriation. In the petition to the</u>
1-19	<u>commissioner, the school committee shall be required to identify the alternatives to meet</u>
2-1	<u>regulations and/or identify the waivers it seeks in order to provide the commissioner with the</u>
2-2	<u>revised budget which allows it to have a balanced budget within the previously authorized</u>
2-3	<u>appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of</u>
2-4	<u>the written petition from the school committee. If the commissioner does not approve of the</u>
2-5	<u>alternatives to meet regulations or the waivers from regulations which are sought by the school</u>
2-6	<u>committee, or if the commissioner does not approve of the modified expenditure plan submitted</u>
2-7	<u>by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,</u>
2-8	<u>the school committee may submit a written request to the city or town council for the council of</u>
2-9	<u>the municipality to decide whether to increase the appropriation for schools to meet expenditures.</u>
2-10	<u>The decision to increase any appropriations shall be conducted pursuant to the local charter or the</u>
2-11	<u>public law controlling the approval of appropriations within the municipality; or (2) in a regional</u>
2-12	<u>school district, the chairperson of the school committee may, within ten (10) days of receiving the</u>
2-13	<u>commissioner's response, submit a written request to the chief elected official of each of the</u>
2-14	<u>municipalities to request that the city or town council in each of their respective towns meet to</u>
2-15	<u>decide whether or not to increase the appropriation for schools to meet expenditures. The decision</u>
2-16	<u>to increase any appropriations shall be conducted pursuant to the local charter or the public law</u>
2-17	<u>controlling the approval of appropriations within the municipality.</u>
2-18	(b) In the event of a negative vote by the appropriating authority, the school committee
2-19	shall have the right to seek additional appropriations by bringing an action in the superior court
2-20	for the county of Providence and shall be required to demonstrate that the school committee lacks
2-21	the ability to adequately run the schools for that school year with a balanced budget within the
2-22	previously authorized appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23,
2-23	and 16-7-24. <u>In the event the action is seeking to relieve the district from being required to</u>
2-24	<u>comply with an unfunded state mandate in education which mandate exceeds guidelines or limits</u>
2-25	<u>established pursuant to federal law, the school district shall have the burden of demonstrating that</u>
2-26	<u>the provision for which relief is being sought is both: (i) an unfunded state mandate; and (ii) that</u>
2-27	<u>the provision specifically exceeds guidelines or limits established pursuant to federal law. In no</u>
2-28	<u>event shall any court order obtained by the school committee have force and effect for any period</u>

2-29 longer than the fiscal year for which the litigation is brought. Any action filed pursuant to this
2-30 section shall be set down for a hearing at the earliest possible time and shall be given precedence
2-31 over all matters except older matters of the same character. The court shall render its decision
2-32 within thirty (30) days of the close of the hearings. Upon the bringing of an action in the superior
2-33 court by the school committee to increase appropriations, the chief executive officer of the
2-34 municipality, or in the case of a regional school district the chief elected officials from each of the
3-1 member municipalities, shall cause to have a financial and program audit of the school
3-2 department conducted by the auditor general, the bureau of audits, or a certified public accounting
3-3 firm qualified in program audits. The results of the audit shall be made public upon completion
3-4 and paid for by the school committee to the state or private certified public accounting firm.
3-5 (c) As used in this section:
3-6 (1) The term "unfunded state mandate" means a directive from the state of Rhode Island
3-7 and/or any department, agency, or instrumentality thereof, which required an affirmative action
3-8 from the school district which would reasonably require the expenditure of funds by the district
3-9 and for which no appropriation to fund such affirmative action has been made; and
3-10 (2) The term "federal law" refers to any statute, code, regulation, guideline, decision, or
3-11 similar directive promulgated by any branch of the federal branch of government and/or any
3-12 department, agency, or instrumentality thereof.
3-13 SECTION 2. This act shall take effect upon passage.

**MOTION: To find harmful H-5242 Education - School Committees and Superintendents
JB/BI passed Abstain SB & RC**

H-5256 Taxation

This act would provide that the cities and towns would be reimbursed by the state for transportation costs associated with pupils attending (b) A pupil attending a school, including a public school, vocational school, special education program provided in accord with regulations of the board of regents for elementary and secondary education, a regional school, or a nonpublic nonprofit school for grades kindergarten through twelve (12), consolidated, regionalized, or otherwise established to serve residents of a specific area within the state for any of the grades of schools, kindergarten through twelve (12), that are outside of the school district. This act would take effect upon passage.

1-1 SECTION 1. Section 16-21.1-2 of the General Laws in Chapter 16-21.1 entitled
1-2 "Transportation of School Pupils Beyond City and Town Limits" is hereby amended to read as
1-3 follows:
1-4 **16-21.1-2. School bus districts established.** -- (a) There are hereby established school
1-5 bus districts within the state to provide bus transportation in the interest of public safety, health,
1-6 and welfare for pupils in grades kindergarten through twelve (12), or in special education
1-7 programs, who attend public schools, including vocational schools and special education
1-8 programs provided in accord with regulations of the board of regents for elementary and
1-9 secondary education, consolidated schools, regional schools established under the provisions of
1-10 section 16-3-1 et seq., or who participate in cooperative programs as provided by section 16-3.1-1
1-11 et seq., and nonpublic nonprofit schools which are consolidated, regionalized, or otherwise
1-12 established to serve residents of a specific area within the state which schools satisfy the
1-13 requirements of law for any of the grades of school, kindergarten through twelve (12), as follows:
1-14 (1) Region I: The towns of Burrillville, North Smithfield, and Cumberland, and the city
1-15 of Woonsocket;
1-16 (2) Region II: The county of Kent, except the town of West Greenwich and the towns of
1-17 Foster, Gloucester, and Scituate;
1-18 (3) Region III: The towns of Lincoln, Smithfield, Johnston, North Providence,
1-19 Barrington, Warren, and Bristol, and the cities of Cranston, Central Falls, East Providence,
2-1 Pawtucket, and Providence;
2-2 (4) Region IV: The county of Washington and the towns of Jamestown and West

2-3	Greenwich;
2-4	(5) Region V: The towns of Little Compton, Middletown, Portsmouth, and Tiverton, and
2-5	the city of Newport.
2-6	(b) A pupil attending a school, including a public school, vocational school, special
2-7	education program provided in accord with regulations of the board of regents for elementary and
2-8	secondary education, a regional school established under the provisions of section 16-3-1 et seq.,
2-9	as authorized by section 16-3.1-1 et seq., or a nonpublic nonprofit school for grades kindergarten
2-10	through twelve (12), consolidated, regionalized, or otherwise established to serve residents of a
2-11	specific area within the state for any of the grades of schools, kindergarten through twelve (12), in
2-12	the interest of public safety, health, and welfare, shall be provided with bus transportation to the
2-13	school or facility which the pupil attends, within the region in which the pupil resides, by the
2-14	school committee of the city or town within which the pupil resides.
2-15	<u>The state shall reimburse each city and/or town for any transportation costs incurred</u>
2-16	<u>under this subparagraph (b) with respect to any pupil who receives bus transportation to any</u>
2-17	<u>school located outside the city and/or town limits of such city or town. Such reimbursement shall</u>
2-18	<u>be in addition to all other school aid received by the city or town.</u>
2-19	SECTION 2. This act shall take effect upon passage.

No position taken

S-0013 & H-5278 Education -- Children With Disabilities

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.

1-1	SECTION 1. Section 16-24-6 of the General Laws in Chapter 16-24 entitled "Children
1-2	with Disabilities" is hereby amended to read as follows:
1-3	<u>16-24-6. Special education fund -- Allocations to communities.</u> -- (a) The state shall
1-4	make available to the communities a special education fund to be appropriated annually for
1-5	allocation to the communities for noncapital expenses for special education of children with
1-6	disabilities in accordance with the regulations of the board of regents for elementary and
1-7	secondary education. The cost of special education, including evaluation, support services, and
1-8	training, including the cost of special education personnel, materials and equipment, tuition,
1-9	transportation, rent, and contractual services, of the children in the program continuum
1-10	placements provided under section 16-24-2 shall be paid by the state to the city or town at the
1-11	same times provided in section 16-7-17 based on the financial and census data for the second
1-12	school year preceding; provided, however, that the amount of the payment for special education
1-13	pupils in each of the particular program placements shall not exceed one hundred and ten percent
1-14	(110%) of the state median for special education pupils in that same placement. In determining
1-15	the applicable state median expenditure for special education pupils for the purpose of this
1-16	section, the board of regents shall under section 16-24-2 differentiate between types of program
1-17	continuum placements on the basis of the amount of time a child requires special programs
1-18	outside of the regular classroom to meet his or her particular needs, the ratio of personnel to
1-19	pupils required for the programs, and the efficiency and economy of operating the programs. The
2-1	board of regents may distribute the payments through the cooperative service arrangements
2-2	provided for under chapter 3.1 of this title. The payments shall be made only after approval and
2-3	certification by the board of regents that the payments are made pursuant to this section, that cost
2-4	of special education has been determined and reported in accordance with the standard
2-5	accounting and reporting procedures provided for in subdivision (3) of section 16-24-2, and that
2-6	the program placements have met the regulations and requirements prescribed by the board of
2-7	regents. The auditor general shall audit these payments and report, in writing, any exceptions to
2-8	the board of regents and to the joint committee on legislative services.
2-9	(b) The commissioner of elementary and secondary education shall make a continuous

2-10 evaluation of the operation of this section and at least once every three (3) years the board of
2-11 regents for elementary and secondary education shall review the findings of the commissioner
2-12 and shall make its recommendations in writing to the governor and to the general assembly.
2-13 (c) The general assembly shall appropriate to the board of regents for elementary and
2-14 secondary education out of any money in the treasury not otherwise appropriated for each fiscal
2-15 year that sum needed to carry out the purpose of this section; provided, that for each fiscal year
2-16 following 1987-1988, the total appropriation for this purpose shall not be less than eight percent
2-17 (8%) over the appropriation for the preceding fiscal year. For each fiscal year commencing 1992-
2-18 1993, the total appropriation for this purpose shall not be less than one hundred percent (100%) of
2-19 the approved special education excess expenditures. All entitlements except those in section 16-
2-20 24-6.2 shall be ratably reduced if less than one hundred percent (100%) of the expenditures
2-21 appropriated. Provided, however, when a child entitled to special education pursuant to section
2-22 16-24-1 moves into a city or town after a school committee, or other appropriate local authority,
2-23 adopts its school budget, the state, upon request and certification of the school committee or other
2-24 appropriate local authority, shall make an additional appropriation to the city or town to fund the
2-25 special education needs of the child for that school year only. The state controller is authorized
2-26 and directed to draw his or her orders upon the general treasurer for the payment of the sum or so
2-27 much of it as may be required from time to time upon receipt by the controller of properly
2-28 authenticated vouchers.

2-29 (d) This chapter contemplates that expenses for special education for children with
2-30 disabilities will be determined in accordance with standard accounting and reporting procedures
2-31 required pursuant to section 16-24-2(3), and will be separable from expenses with respect to
2-32 which state financial support is provided in section 16-7-20; the same expenses may not be
2-33 counted twice, that is, once for the purpose of section 16-7-20 and again for the purpose of this
2-34 chapter. The allocations herein are subject to review and adjustment by the auditor general on the
3-1 basis of more accurate census or other data that may be obtained by him or her.

3-2 (e) The department of elementary and secondary education shall deduct and retain the
3-3 sum of two hundred thousand dollars (\$200,000) from the amount appropriated under subsection
3-4 (c) of this section. This sum, which will serve as the state match to federal funds, shall be used by
3-5 the department of elementary and secondary education to enter into an agreement with the
3-6 division of vocational rehabilitation to procure the services of vocational rehabilitation counselors
3-7 for special education students in the public schools, and the agreement shall be subject to the
3-8 approval of the commissioner of elementary and secondary education.

3-9 SECTION 2. This act shall take effect upon passage.

No position taken

H 5178 Health and Safety of Pupils

This act would require that all elementary and secondary schools, whether public, private, parochial, or charter, must use environmentally-sensitive cleaning and maintenance products which minimize the adverse impacts on children's health, safety and the environment. The commissioner of education shall disseminate to all elementary and secondary schools guidelines and specifications for the purchase and use of environmentally-sensitive cleaning and maintenance products in elementary and secondary schools. The commissioner of education, in consultation with the director of the department of environmental management, shall also prepare and disseminate to all elementary and secondary schools a sample list of environmentally-sensitive cleaning and maintenance products that meet these guidelines or specifications. All elementary and secondary schools shall follow these guidelines, specifications and sample list when purchasing cleaning and maintenance products for use in their facilities. The commissioner of education shall provide assistance and guidance to elementary and secondary schools in carrying out the requirements of this section. Elementary and secondary schools shall notify their personnel of the availability of the guidelines, specifications and sample list; provided, nothing in this section shall preclude an elementary or secondary school from depleting existing cleaning and maintenance supplies

purchased prior to the effective date of this section. This act shall take effect upon passage.

1-1	SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils is
1-2	hereby amended by adding thereto the following section:
1-3	<u>16-21-3.2. Procurement and use of environmentally-sensitive cleaning and</u>
1-4	<u>maintenance products in schools.</u> – (a) All elementary and secondary schools, whether public,
1-5	private, parochial, or charter, must use environmentally-sensitive cleaning and maintenance
1-6	products which minimize the adverse impacts on children's health, safety and the environment.
1-7	(b) The commissioner of education shall disseminate to all elementary and secondary
1-8	schools guidelines and specifications for the purchase and use of environmentally-sensitive
1-9	cleaning and maintenance products in elementary and secondary schools. The commissioner of
1-10	education, in consultation with the director of the department of environmental management,
1-11	shall also prepare and disseminate to all elementary and secondary schools a sample list of
1-12	environmentally-sensitive cleaning and maintenance products that meet these guidelines or
1-13	specifications. All elementary and secondary schools shall follow these guidelines, specifications
1-14	and sample list when purchasing cleaning and maintenance products for use in their facilities. The
1-15	commissioner of education shall provide assistance and guidance to elementary and secondary
1-16	schools in carrying out the requirements of this section.
1-17	(c) Elementary and secondary schools shall notify their personnel of the availability of
1-18	the guidelines, specifications and sample list; provided, nothing in this section shall preclude an
1-19	elementary or secondary school from depleting existing cleaning and maintenance supplies
2-1	purchased prior to the effective date of this section.
2-2	SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial H 5178 Health and Safety of Pupils RC/LG passed unanimously

H5225 Education

This act would allot the amount of extraordinary services reimbursement provided to each school district shall be equal to ninety percent of its extraordinary special education expenditures. "Extraordinary special education expenditures" means a school district's expenditures which for any one child exceed fifty thousand dollars for a fiscal year. In this section, child means a pupil with disabilities who is three years of age or older in the current school year. The amount payable by the state pursuant to this section shall not exceed three million dollars for any fiscal year. This act shall take effect upon passage.

1-1	SECTION 1. Chapter 16-7 of the General Laws entitled "Foundation Level School
1-2	Support" is hereby amended by adding thereto the following section:
1-3	<u>16-7-20.8. Extraordinary services reimbursement.</u> – (a) Extraordinary services
1-4	reimbursement shall be payable in each fiscal year to each school district.
1-5	(b) The amount of extraordinary services reimbursement provided to each district shall
1-6	be equal to ninety percent (90%) of its extraordinary special education expenditures.
1-7	(c) As used in this section, "extraordinary special education expenditures" means a school
1-8	district's expenditures which for any one child exceed fifty thousand dollars (\$50,000) for a fiscal
1-9	year. In this section, child means a pupil with disabilities who is three (3) years of age or older in
1-10	the current school year. Such expenditures shall include any expenditures required under federal
1-11	law, and any cost of mediation conducted by a mediator in accordance with applicable law, who
1-12	is approved by the commissioner.
1-13	(d) The amount payable by the state pursuant to this section shall not exceed three million
1-14	dollars (\$3,000,000) for any fiscal year, and if such amount is not sufficient to fully reimburse all
1-15	school districts eligible therefor, such amount shall be distributed to such districts on a pro rata
1-16	basis.
2-1	SECTION 2. This act shall take effect upon passage.

No position taken

Health Care

S-0062 & H-5200 Insurance -- Orthotic and Prosthetic Services

This act would require that health maintenance organization policies to provide orthotic and prosthetic devices at a reimbursement rate equal to those provided for under federal laws for aged and disabled persons. This act would take effect upon passage.

1-1	SECTION 1. Chapter 27-41 of the General Laws entitled "Health Maintenance
1-2	Organizations" is hereby amended by adding thereto the following section:
1-3	<u>27-41-72. Reimbursement for orthotic and prosthetic services.</u> – (a) As used in this
1-4	section:
1-5	(1) "Federal reimbursement rates" means the current listed fee schedule from the Centers
1-6	for Medicare and Medicaid Services, listing the current Healthcare Common Procedure Coding
1-7	system (HCPCS) and the corresponding reimbursement rates.
1-8	(2) "Orthosis" means a custom fabricated brace or support that is designed based on
1-9	medical necessity. Orthosis does not include prefabricated or direct-formed orthotic devices, as
1-10	defined in this section, or any of the following assistive technology devices: commercially
1-11	available knee orthoses used following injury or surgery; spastic muscle-tone inhibiting orthoses;
1-12	upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used
1-13	following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the
1-14	patient independent of the wheelchair; fabric or elastic supports; corsets; low-temperature formed
1-15	plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other
1-16	similar devices as determined by the director of the department of health, such as those
1-17	commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply
1-18	facility.
1-19	(3) "Orthotics" means the science and practice of evaluating measuring, designing,
2-1	fabricating, assembling, fitting, adjusting or servicing, as well as providing the initial training
2-2	necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of
2-3	neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of
2-4	orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and
2-5	postural analysis, orthotists assess and design orthoses to maximize function and provide not only
2-6	the support but the alignment necessary to either prevent or correct a deformity or to improve the
2-7	safety and efficiency of mobility or locomotion or both. Orthotic practice includes providing
2-8	continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit
2-9	and function of the orthotic device by periodic evaluation.
2-10	(4) "Prosthesis" means an artificial limb that is alignable or, in lower-extremity
2-11	applications capable of weight bearing. Prosthesis means an artificial medical device that is not
2-12	surgically implanted and that is used to replace a missing limb, appendage, or other external
2-13	human body part including an artificial limb, hand, or foot. The term does not include artificial
2-14	eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs.
2-15	(5) "Prosthetics" means the science and practice of evaluation, measuring, designing,
2-16	fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial
2-17	training necessary to accomplish the fitting of, a prosthesis through the replacement of external
2-18	parts of a human body lost due to amputation or congenital deformities or absences. The practice
2-19	of prosthetics also includes the generation of an image, form, or mold that replicates the patient's
2-20	body or body segment and that requires rectification of dimensions, contours and volumes for use
2-21	in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an
2-22	artificial appendage that is designed either to support body weight or to improve or restore
2-23	function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis
2-24	and clinical assessment of the requirements necessary to refine and mechanically fix the relative
2-25	position of various parts of the prosthesis to maximize function, stability, and safety of the
2-26	patient. The practice of prosthetics includes providing and continuing patient care in order to

2-27	<u>assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of</u>
2-28	<u>the prosthetic device by periodic evaluation.</u>
2-29	<u>(6) "Private insurance company" means any insurance company, or management</u>
2-30	<u>company hired by an insurance company, who is any of the following:</u>
2-31	<u>(i) based in the state of Rhode Island; or</u>
2-32	<u>(ii) provides coverage for citizens for the state of Rhode Island; or</u>
2-33	<u>(iii) allows subscribing patients to seek prosthetic or orthotic services in the state of</u>
2-34	<u>Rhode Island.</u>
3-1	<u>(b) Every individual or group health insurance contract, plan or policy delivered, issued</u>
3-2	<u>for delivery or renewed in this state on or after January 1, 2006, which provides medical coverage</u>
3-3	<u>that includes coverage for physician services in a physician's office and every policy, which</u>
3-4	<u>provides major medical or similar comprehensive type coverage shall provide coverage for</u>
3-5	<u>benefits for orthotic and prosthetic devices that equal those benefits provided for under federal</u>
3-6	<u>laws for health insurance for the aged and disabled pursuant to 42 U.S.C. sections 1395K, 1395I</u>
3-7	<u>and 1395M and 42 CFR 414.202, 414.210, 414.228, and 410.100 as applicable to this section.</u>
3-8	<u>(c) A health insurance contract, plan or policy may require prior authorization for orthotic</u>
3-9	<u>and prosthetic devices in the same manner that prior authorization is required for any other</u>
3-10	<u>covered benefit.</u>
3-11	<u>(d) Covered benefits for orthotic or prosthetic devices shall be limited to the most</u>
3-12	<u>appropriate model that adequately meets the medical needs of the patient as determined by the</u>
3-13	<u>insured's treating physician.</u>
3-14	<u>(e) The repair and replacement of orthotic or prosthetic devices also shall be covered</u>
3-15	<u>subject to co-payments and deductibles, unless necessitated by misuse or loss.</u>
3-16	<u>(f) An insurer may require, if coverage is provided through a managed care plan, that</u>
3-17	<u>benefits mandated pursuant to this section be covered benefits only if the orthotic or prosthetic</u>
3-18	<u>devices are provided by a vendor and orthotic or prosthetic services are rendered by a provider</u>
3-19	<u>who is licensed by the state of Rhode Island to provide orthotics and prosthetics.</u>
3-20	<u>SECTION 2. This act shall take effect upon passage.</u>

MOTION: To find beneficial S-0062 & H-5200 Insurance -- Orthotic and Prosthetic Services GR/LD passed unanimously

S0132 & H5021 Business and Professions -- Licensing Of Rehabilitation Counselors
This act would provide for licensing of rehabilitation counselors. The professional application of rehabilitation counseling through a systemic process that assists persons who have physical, mental, developmental, cognitive and emotional disabilities to achieve their personal, career, and independent living goals in the most integrated settings possible. The rehabilitation counseling process involves communication, goal-setting and beneficial growth or change through self advocacy, psychological, vocational, social and behavioral interventions. This act would take effect on March 31, 2008.

1-1	SECTION 1. The General Assembly hereby finds and declares that:
1-2	(1) Persons who have disabilities experience extremely high unemployment rates and low
1-3	incomes.
1-4	(2) Without accessible and appropriate rehabilitation services such persons will continue
1-5	to require public support when these persons could be productively employed.
1-6	(3) Persons who have disabilities cannot achieve maximum self-sufficiency at home, at
1-7	work, and in the community without comprehensive rehabilitation services provided by
1-8	competent rehabilitation counselors.
1-9	(4) Persons who have physical, cognitive and emotional disabilities should be protected
1-10	from harm due to unlicensed activities.
1-11	(5) The State of Rhode Island and its General Assembly has a strong commitment to
1-12	persons who have disabilities.
1-13	(6) The General Assembly must protect the State's most vulnerable populations through

1-14	the establishment of licensing requirements for persons providing rehabilitation counseling to
1-15	persons with disabilities in Rhode Island.
1-16	SECTION 2. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
1-17	is hereby amended by adding thereto the following chapter:
1-18	<u>CHAPTER 81</u>
2-1	<u>REHABILITATION COUNSELORS</u>
2-2	<u>5-81-1. Short title.</u> – This chapter shall be known and may be cited as the "Rhode Island
2-3	Rehabilitation Counselor License Act."
2-4	<u>5-81-2. Definitions.</u> – As used in this chapter:
2-5	(a) "Practice of rehabilitation counseling" means the professional application of
2-6	rehabilitation counseling through a systemic process that assists persons who have physical,
2-7	mental, developmental, cognitive and emotional disabilities to achieve their personal, career, and
2-8	independent living goals in the most integrated settings possible. The rehabilitation counseling
2-9	process involves communication, goal-setting and beneficial growth or change through self-
2-10	advocacy, psychological, vocational, social and behavioral interventions. The specific techniques
2-11	and modalities utilized within this rehabilitation counseling process may include, but are not
2-12	limited to:
2-13	(1) assessment and appraisal;
2-14	(2) diagnosis and treatment planning;
2-15	(3) career (vocational) counseling;
2-16	(4) person and group counseling treatment interventions focused on facilitating
2-17	adjustments to the medical and psychological impact of disability;
2-18	(5) case management, referral, and service coordination;
2-19	(6) program evaluation and research;
2-20	(7) interventions to remove environmental, employment, and attitudinal barriers;
2-21	(8) consultation services among multiple parties and regulatory systems;
2-22	(9) job analysis, job development, job retention and job placement services, including
2-23	assistance with employment and job accommodations; and
2-24	(10) the provision of consultation about access to rehabilitation technology and its
2-25	application.
2-26	(b) "Continuing education hours" means actual hours earned in continuing education
2-27	courses, seminars or workshops approved by entities acceptable to the department.
2-28	(c) "Department" means the Rhode Island department of health.
2-29	(d) "Director" means the director of the Rhode Island department of health.
2-30	<u>5-81-3. Title and practice regulation.</u> – (a) A person licensed under this chapter shall be
2-31	permitted to use the title "licensed rehabilitation counselor" and the abbreviation "L.R.C."
2-32	(b) No person shall represent himself or herself as a "licensed rehabilitation counselor" or
2-33	"L.R.C." unless he or she is licensed as a "licensed rehabilitation counselor" pursuant to this
2-34	chapter.
3-1	(c) No person shall use "rehabilitation counselor", "licensed rehabilitation counselor", or
3-2	any other designation implying qualification to practice clinical rehabilitation counseling unless
3-3	he or she is licensed as a "licensed rehabilitation counselor" pursuant to this chapter.
3-4	(d) Any person licensed as a "licensed rehabilitation counselor" pursuant to this chapter
3-5	shall be permitted to practice rehabilitation counseling, independently in a private practice or in
3-6	association with a public or private agency or institution.
3-7	(e) No person shall engage in the practice of rehabilitation counseling unless he or she
3-8	holds an active license as a "licensed rehabilitation counselor" issued pursuant to this chapter.
3-9	<u>5-81-4. Exemptions.</u> – The provisions of this chapter do not apply to the following
3-10	persons:
3-11	(a) Qualified members of other professions or occupations engaging in practices similar
3-12	in nature to rehabilitation counseling; provided, that they are authorized by the laws of this state

3-13	to engage in similar practices, do not represent themselves as a "licensed rehabilitation counselor"
3-14	and do not characterize their practices as rehabilitation counseling.
3-15	(b) Students engaged in doctorate or master's level study in rehabilitation counseling
3-16	accredited by the commission on rehabilitation education (CORE); provided, that the students are
3-17	practicing as part of a supervised course of study and designated by such titles as "rehabilitation
3-18	counseling intern", "rehabilitation counselor trainee", "rehabilitation counseling student" or
3-19	similar title that clearly indicates training status; or
3-20	(c) State employees in the discharge of their duties.
3-21	5-81-5. Agency powers. – The department shall promulgate rules and regulations for the
3-22	administration of this chapter and to further its purposes. The department shall issue licenses to
3-23	those qualified under this chapter and to otherwise provide for the implementation of this statute.
3-24	5-81-6. Qualifications for initial and renewed licensure. – (a) Initial licensure – To
3-25	qualify for initial license the applicant for licensure shall submit written evidence on forms
3-26	furnished by the department verified under oath that the applicant is currently a certified
3-27	rehabilitation counselor in good standing as determined by the commission on rehabilitation
3-28	counselor certification or its successor agency and is of good moral character.
3-29	(b) Initial licensure of qualified rehabilitation counselors.
3-30	(1) To qualify for licensure prior to April 1, 2009 an applicant for initial licensure shall
3-31	submit written evidence on forms furnished by the department verified under oath that the
3-32	applicant: (i) is currently a qualified rehabilitation counselor in good standing pursuant to the
3-33	provisions of section 41(f) of chapter 33, title 28 of the Rhode Island general laws; and (ii) is of
3-34	good moral character.
4-1	(2) The provisions of subsection 5-81-8(b) shall expire on April 1, 2009.
4-2	(c) Renewal of license – To qualify for renewal of a license the applicant shall submit
4-3	written evidence on forms furnished by the department verified under oath that the applicant has
4-4	completed the required continuing education hours as established in regulation.
4-5	(d) In addition to the aforementioned requirements, an applicant for initial licensure or
4-6	renewal of licensure shall demonstrate to the department's satisfaction:
4-7	(1) That the applicant is: (i) currently a certified rehabilitation counselor in good standing
4-8	as determined by the commission on rehabilitation counselor certification or its successor agency
4-9	and is of; (ii) good moral character; and
4-10	(2) United States citizenship or status as a legal resident alien; and
4-11	(3) Absence of a sanction from the commission on rehabilitation counselor certification,
4-12	and/or absence a sanction from the department for violation of the code of ethics of the
4-13	commission on rehabilitation counselors or its successor agency, or other related state board
4-14	which may be waived by the department upon presentation of satisfactory evidence that the
4-15	sanction does not impair the ability of the person to conduct with safety to the public the practice
4-16	authorized by this license. The applicant shall bear the burden of proving that his or her sanction
4-17	does not impair his or her ability to conduct with safety to the public the practice authorized by
4-18	this license;
4-19	(4) If a felony conviction exists, said conviction may be waived by the department upon
4-20	presentation of satisfactory evidence that the conviction does not impair the ability of the person
4-21	to conduct with safety to the public the practice authorized by this license. The applicant shall
4-22	bear the burden of proving that his or her conviction does not impair his or her ability to conduct
4-23	with safety to the public the practice authorized by this license;
4-24	(5) That the applicant has not been declared mentally incompetent by any court, and if the
4-25	decree has ever been rendered, that there has been a subsequent court determination that the
4-26	applicant is competent; and
4-27	(6) Freedom from use of any controlled substance or any alcoholic beverages to the
4-28	extent that the use impairs the ability of the person to conduct with safety to the public the
4-29	practice authorized by this license. The applicant shall bear the burden of proving that he or she is

4-30	<u>free from use of any controlled substance or any alcoholic beverages that impair his or her ability</u>
4-31	<u>to conduct with safety to the public the practice authorized by this license.</u>
4-32	<u>5-81-7. Fees and renewal.</u> -- (a) Any fees collected under the provisions of this chapter
4-33	<u>shall be deposited in the general fund.</u>
4-34	(b) The initial fee for application for licensure is one hundred twenty-five dollars (\$125).
5-1	(c) Licenses shall be renewed every two (2) years on October first of odd numbered years
5-2	<u>upon payment of a fee of one hundred twenty-five dollars (\$125) and in compliance with any</u>
5-3	<u>additional requirements that the department promulgates.</u>
5-4	<u>5-81-8. Discipline.</u> – Licensees subject to this chapter shall conduct their activities,
5-5	<u>services, and practice in accordance with this chapter and with any rules promulgated pursuant to</u>
5-6	<u>this chapter. The department may refuse to grant a license to, or otherwise discipline the license</u>
5-7	<u>of any person whom the department, after a hearing, determines a finding of "unprofessional</u>
5-8	<u>conduct" that includes, but is not limited to, the following items or any combination of these</u>
5-9	<u>items and may be further defined by regulations established by the department.</u>
5-10	(a) Is incompetent to practice under the provisions of this chapter, or is found to engage
5-11	<u>in the practice of rehabilitation counseling in a manner harmful or dangerous to a client or to the</u>
5-12	<u>public;</u>
5-13	(b) Has obtained or attempted to obtain a license, or renewal, by bribery or fraudulent
5-14	<u>representation;</u>
5-15	(c) Has knowingly made a false statement on a form required by the department;
5-16	(d) Has failed to obtain the continuing education credits necessary for re-licensing;
5-17	(e) Has failed to remain free from the use of any controlled substance or any alcoholic
5-18	<u>beverages to the extent that the use impairs the ability of the person to conduct with safety to the</u>
5-19	<u>public the practice authorized by this license. The applicant shall bear the burden of proving that</u>
5-20	<u>he or she is free from use of any controlled substance or any alcoholic beverages that impair his</u>
5-21	<u>or her ability to conduct with safety to the public the practice authorized by this license;</u>
5-22	(f) Is incompetent or negligent misconduct in the practice of rehabilitation counseling;
5-23	(g) Has a conviction, including, a plea of nolo contendere, of one or more of the offenses
5-24	<u>listed in section 23-17-37 of the Rhode Island general laws, as amended;</u>
5-25	(h) Has been convicted of a felony, which may be waived by the department upon
5-26	<u>presentation of satisfactory evidence that the conviction does not impair the ability of the person</u>
5-27	<u>to conduct with safety to the public the practice authorized by this license. The applicant shall</u>
5-28	<u>bear the burden of proving that his or her conviction does not impair his or her ability to conduct</u>
5-29	<u>with safety to the public the practice authorized by this license;</u>
5-30	(i) Has disciplinary action pending or has revocation, suspension, surrender, or probation
5-31	<u>taken against the licensee in Rhode Island to practice as a rehabilitation counselor in another state</u>
5-32	<u>or territory of the United States;</u>
5-33	(j) Has failed to maintain confidentiality;
5-34	(k) Has engaged in false or misleading advertising;
6-1	(l) Has been declared mentally incompetent by any court, until there is a subsequent court
6-2	<u>determination that the person is competent;</u>
6-3	(m) Has violated any of the provisions of this chapter or any of the rules and regulations
6-4	<u>or departure from or failure to conform to the current standards of acceptable and prevailing</u>
6-5	<u>practice and code of ethics of rehabilitation counseling; or</u>
6-6	(n) Has failed to maintain the community standard of practice.
6-7	<u>5-81-9. Disciplinary process.</u> –Disciplinary procedures under this chapter shall be
6-8	<u>conducted in accordance with the Administrative Procedures Act, chapter 35 of title 42.</u>
6-9	<u>5-81-10. Severability.</u> -- The provisions of this chapter are severable and if any of its
6-10	<u>provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of</u>
6-11	<u>that court shall not affect or impair any of the remaining provisions.</u>
6-12	SECTION 3. This act shall take effect on March 31, 2008

Tabled until next meeting invite Salve Regina University to attend

S0166 Health and Safety -- Breast Cancer Act

This act would provide \$250,000 for mammographies for women aged 40-49 who are eligible to use the Rhode Island women's cancer screening program. This act would take effect on July 1, 2007.

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| 1-1 | SECTION 1. Chapter 23-12.7 of the General Laws entitled "The Breast Cancer Act" is |
| 1-2 | hereby amended by adding thereto the following section: |
| 1-3 | <u>23-12.7-4. Funding for program.</u> -- (a) For the fiscal year 2008 the department of health |
| 1-4 | women's cancer screening program shall be funded at two hundred fifty thousand dollars |
| 1-5 | (\$250,000) and increased annually to adequately match federal funds to cover the cost of |
| 1-6 | mammographies for women aged 40-49 who are eligible to use the Rhode Island women's cancer |
| 1-7 | screening program. |
| 1-8 | (b) The funding for the women's career screening program as stated in subsection (a) |
| 1-9 | shall come directly from the general fund. |
| 1-10 | SECTION 2. This act shall take effect on July 1, 2007. |

MOTION: To find beneficial if amended to strike the wording "women aged 40 – 49" change persons aged 40 and over" S-0166 Health and Safety -- Breast Cancer Act RC/JB passed Abstain LG

H5140 Health and Safety- Maternal and Child Health Services

This act would ensure that all eligible developmentally disabled infants shall be enrolled in the early intervention program from birth to age six. An evaluation plan describing outcome measures that document the program's successes and shortcomings from the previous fiscal year shall be submitted to the speaker of the house of representatives, the president of the senate, the house oversight committee, the governor and the interagency coordinating council. This plan shall include recommendations regarding modifications to the comprehensive array of educational, developmental, health and social services provided on a calendar year basis to eligible infants, children and their families as specified in an early intervention system. This act would take effect upon passage.

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| 1-1 | SECTION 1. Section 23-13-22 of the General Laws in Chapter 23-13 entitled "Maternal |
| 1-2 | and Child Health Services for Children with Special Health Care Needs" is hereby amended to |
| 1-3 | read as follows: |
| 1-4 | <u>23-13-22. Early intervention program for developmentally disabled infants.</u> -- (a) |
| 1-5 | The director of the department of human services shall ensure that all developmentally disabled |
| 1-6 | infants from birth to three (3) <u>six (6)</u> years of age shall be enrolled in the early intervention |
| 1-7 | program. Regulations governing the delivery of services under this program, including eligibility |
| 1-8 | criteria, shall be promulgated by the department of human services, with the advice of the |
| 1-9 | interagency coordinating council; provided, however, that all regulations promulgated by the |
| 1-10 | department of health shall remain in full force and effect until the time they are replaced by |
| 1-11 | regulations promulgated by the department of human services. The regulations shall stipulate, at a |
| 1-12 | minimum, the following provisions that are consistent with the intent of this chapter: |
| 1-13 | (1) The director shall develop and maintain a procedure for the earliest possible |
| 1-14 | identification and efficient referral of all developmentally disabled infants; |
| 1-15 | (2) The director shall ensure that every infant identified and referred to this program is |
| 1-16 | enrolled as soon as possible after birth; and further, that for infants placed on a waiting list for |
| 1-17 | facility based group programming, an early intervention program shall be made available within a |
| 1-18 | thirty (30) day period from the time a need is identified in the individual program plan; |
| 1-19 | (3) Unless parents refuse the service, the home visiting component of the program shall |
| 2-1 | commence as soon as the infant has been identified as having a possible developmental disability; |
| 2-2 | (4) Any parent(s) who is/are dissatisfied with decisions or termination of service or with |
| 2-3 | practices and procedures of a particular agency or the department of human services shall notify |
| 2-4 | the director of the department of human services in writing within thirty (30) calendar days and |

2-5	the complaint shall be reviewed in accordance with department of health policy and procedures,
2-6	as amended, and the Administrative Procedures Act, chapter 35 of title 42.
2-7	(5) An early intervention program for purposes of this section shall mean a
2-8	comprehensive array of educational, developmental, health, and social services provided on a
2-9	calendar year basis to eligible infants, children, and their families as specified in program
2-10	regulations.
2-11	(b) Within ninety (90) days after the effective date of this act [October 1, 2004] an
2-12	evaluation plan describing outcome measures that document the program's successes and
2-13	shortcomings from the previous fiscal year shall be submitted to the speaker of the house of
2-14	representatives, the president of the senate and the house oversight committee and the governor
2-15	and the interagency coordinating council. Development of the plan shall be made in consultation
2-16	with the entities with expertise in this area and the interagency coordinating council. The plan
2-17	shall include a memorandum of understanding between the department of health, department of
2-18	human services and the department of elementary and secondary education that demonstrates
2-19	coordination and continuity of early intervention services among these departments.
2-20	(c) Within six (6) months after the effective date of this act [January 1, 2005] where
2-21	prescribed outcomes documented in the evaluation plan have not been accomplished the
2-22	responsible agencies shall submit written explanations for the shortfalls, together with their
2-23	proposed remedies. The report shall also include evaluation of the progress of the coordination
2-24	efforts between the department of health and the department of human services and the
2-25	department of elementary and secondary education and the interagency coordinating council and
2-26	shall include any recommendations regarding modifications of the reimbursement mechanisms of
2-27	this chapter.
2-28	(d) Within twelve (12) months after the effective date of this article [August 1, 2005] a
2-29	final report shall include the progress of the coordination efforts between the department of health
2-30	and the department of human services and department of elementary and secondary education,
2-31	interagency coordinating council and shall include any recommendations regarding modifications
2-32	to the comprehensive array of educational, developmental, health and social services provided on
2-33	a calendar year basis to eligible infants, children and their families as specified in an early
2-34	intervention system.
3-1	(e) All reports or documents required to be produced pursuant to 20 U.S.C. section 1471
3-2	et seq., shall be submitted to the speaker of the house, president of the senate and the chairpersons
3-3	of the appropriate house of representatives and senate oversight committees and the governor and
3-4	the interagency coordinating council. Adherence to such plans and reporting requirements, and
3-5	budgets and the timely achievement of goals contained therein shall be considered by the
3-6	oversight committees of the house of representatives and senate, among other relevant factors, in
3-7	determining appropriations or other systemic changes.
3-8	(f) <u>The interagency coordinating council, which is composed in accordance with 20</u>
3-9	<u>U.S.C. section 1441, and any amendments thereto, shall monitor the multiagency operation of the</u>
3-10	<u>early intervention program birth to six (6) years of age and provide a forum where problems and</u>
3-11	<u>gaps may be addressed relating to the timely and appropriate delivery of services in the early</u>
3-12	<u>intervention program.</u>
3-13	(g) <u>An evaluation plan describing outcome measures that document the program's</u>
3-14	<u>successes and shortcomings from the previous fiscal year shall be submitted to the speaker of the</u>
3-15	<u>house of representatives, the president of the senate, the house oversight committee, the governor</u>
3-16	<u>and the interagency coordinating council. Development of the plan shall be made in consultation</u>
3-17	<u>with the entities with expertise in this area and the interagency coordinating council. The plan</u>
3-18	<u>shall include a memorandum of understanding between the department of health, department of</u>
3-19	<u>human services and the department of elementary and secondary education that demonstrates</u>
3-20	<u>coordination and continuity of early intervention services among these departments. This plan</u>
3-21	<u>shall include recommendations regarding modifications to the comprehensive array of</u>

3-22	<u>educational, developmental, health and social services provided on a calendar year basis to</u>
3-23	<u>eligible infants, children and their families as specified in an early intervention system.</u>
3-24	SECTION 2. This act shall take effect upon passage.

Tabled until next meeting invite RIPIN/Family Voices & sponsor to attend

S-0088 Insurance

The act would verify that the purpose of this chapter is to provide for independent review of mandated health benefits. This chapter requires that all proposals or an amendment to a proposal for mandated benefits, mandated health insurance coverage, and mandated offerings of health benefits be accompanied by independently certified documentation with regard to the proposals' social impact, medical efficacy and financial impact. This act shall take effect on January 1, 2008.

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	<u>CHAPTER 70</u>
1-4	<u>MANDATED HEALTH BENEFITS REVIEW ACT</u>
1-5	<u>27-70-1. Title.</u> – This chapter may be cited as the "Mandated Health Benefits Review
1-6	Act."
1-7	<u>27-70-2. Statement of purpose.</u> – The purpose of this chapter is to provide for
1-8	<u>independent review of mandated health benefits. This chapter requires that all proposals or an</u>
1-9	<u>amendment to a proposal for mandated benefits, mandated health insurance coverage, and</u>
1-10	<u>mandated offerings of health benefits be accompanied by independently certified documentation</u>
1-11	<u>with regard to the proposals' social impact, medical efficacy and financial impact.</u>
1-12	<u>27-70-3. Definitions.</u> – For purposes of this chapter:
1-13	<u>(1) "Appropriate committee" or "committee" shall mean the committee of the Rhode</u>
1-14	<u>Island senate or house of representatives to which mandated benefit legislation has been referred;</u>
1-15	<u>(2) "Health care provider" or "provider" shall have the same meaning as the meaning</u>
1-16	<u>contained in section 23-17.13-2(9);</u>
1-17	<u>(3) "Health care service" or "service" shall have the same meaning as the meaning</u>
1-18	<u>contained in section 23-17.13-2(7);</u>
1-19	<u>(4) "Health plan" or "plan" shall have the same meaning as the meaning contained in</u>
2-1	<u>section 23-17.13-2(8);</u>
2-2	<u>(5) "Mandated health benefit" or "mandated benefit" means coverage required by law to</u>
2-3	<u>be provided or offered by a health plan to: (i) cover a specific health care service or services; (ii)</u>
2-4	<u>cover treatment of a specific condition or conditions; or (iii) contract, pay or reimburse specific</u>
2-5	<u>categories of health care providers for specific services.</u>
2-6	<u>27-70-4. Mandated health benefits review panel.</u> – (a) <u>Documentation. Proposals or an</u>
2-7	<u>amendment to a proposal for mandated health benefits or mandated health insurance coverage</u>
2-8	<u>shall be accompanied by adequate independently certified documentation defining the proposals'</u>
2-9	<u>social impact, medical efficacy, and financial impact.</u>
2-10	<u>Mandated benefits shall include:</u>
2-11	<u>(1) any mandated coverage for specific services, treatments or practices;</u>
2-12	<u>(2) any mandated direct reimbursement to specific health care practitioners;</u>
2-13	<u>(3) any mandated offering for specific services, treatments or practices; and</u>
2-14	<u>(4) any mandated reimbursement amount to specific health care practitioners.</u>
2-15	<u>(b) Report. Every person or organization that promotes or seeks sponsorship of a</u>
2-16	<u>legislative proposal or an amendment to a proposal that does or would mandate a health coverage</u>
2-17	<u>or offering of a health coverage by a health plan as a component of individual or group policies</u>
2-18	<u>shall submit a report to the appropriate committee having jurisdiction. The committee shall refer</u>
2-19	<u>the proposal or any amendment to a proposal for review to the mandated benefits review panel</u>
2-20	<u>created by this chapter.</u>
2-21	<u>(c) Panel. The panel shall consist of three (3) senior researchers, two (2) being experts in</u>

2-22	<u>health research or biostatistics chosen from universities within the state and the third a senior</u>
2-23	<u>research associate, each appointed by the director of health.</u>
2-24	<u>(d) Panel's report. The panel shall review the documentation submitted with the proposed</u>
2-25	<u>legislation and shall issue a report within thirty (30) days to inform:</u>
2-26	<u>(1) whether the information is complete;</u>
2-27	<u>(2) whether the research cited meets professional standards;</u>
2-28	<u>(3) whether all relevant research has been brought to light;</u>
2-29	<u>(4) whether the conclusions and interpretations drawn from the evidence are consistent</u>
2-30	<u>with the data presented. If the panel reaches a favorable conclusion on all points, the</u>
2-31	<u>documentation will be certified accordingly. If the panel finds the documentation deficient, the</u>
2-32	<u>panel will identify the deficiencies. The panel shall judge the completeness of the information</u>
2-33	<u>provided and the validity of the conclusions drawn, based on the facts presented, but shall not</u>
2-34	<u>comment upon the merits or desirability of the proposal.</u>
3-1	<u>(e) Guidelines. The panel will apply the following guidelines in determining the</u>
3-2	<u>adequacy of the information presented:</u>
3-3	<u>(1) the panel should consider evidence of social impact, i.e. to what extent is the</u>
3-4	<u>treatment or service:</u>
3-5	<u>(i) needed by the people of this state;</u>
3-6	<u>(ii) available to the people of this state; and</u>
3-7	<u>(iii) utilized by the population of this state.</u>
3-8	<u>(2) if insurance coverage is not generally in place, the panel should determine to what</u>
3-9	<u>extent the lack of coverage results in adequate health care and/or major financial hardship.</u>
3-10	<u>(3) the panel should determine the demand for the proposed health care coverage from</u>
3-11	<u>the public at large and in collective bargaining negotiations.</u>
3-12	<u>(4) the panel should determine if all relevant findings bearing on social impact have been</u>
3-13	<u>presented.</u>
3-14	<u>(5) the panel should consider evidence of medical efficacy:</u>
3-15	<u>(i) if the legislation seeks to mandate coverage of a particular therapy:</u>
3-16	<u>(A) the results of at least one professionally acceptable, controlled trial demonstrating the</u>
3-17	<u>medical consequences of that therapy compared to no therapy and to alternative therapies;</u>
3-18	<u>(B) the results of any other relevant research.</u>
3-19	<u>(ii) if the legislation seeks to mandate coverage of an additional class of practitioners:</u>
3-20	<u>(A) the results of at least one professionally acceptable, controlled trial demonstrating the</u>
3-21	<u>medical results achieved by the additional class of practitioners relative to those already covered;</u>
3-22	<u>(B) the results of any relevant research.</u>
3-23	<u>(6) the panel should review evidence of financial impact:</u>
3-24	<u>(i) the extent to which the coverage will increase or decrease the cost of treatment or</u>
3-25	<u>service;</u>
3-26	<u>(ii) the extent to which similar mandates have affected charges, costs and payments</u>
3-27	<u>experienced in other state with such mandates;</u>
3-28	<u>(iii) the extent to which the coverage will increase the appropriate use of treatment or</u>
3-29	<u>service;</u>
3-30	<u>(iv) the extent to which the mandate treatment or service will be a substitute for more</u>
3-31	<u>expensive or less expensive treatment or service;</u>
3-32	<u>(v) the extent to which the coverage will increase or decrease the administrative expenses</u>
3-33	<u>of health plans in the premium and administrative expenses of policyholders;</u>
3-34	<u>(vi) the extent to which existing mandates meet the requirements of this chapter;</u>
4-1	<u>(vii) the financial impact of this coverage on small employers, medium-sized employers</u>
4-2	<u>and large employers;</u>
4-3	<u>(viii) the impact of the coverage on the total cost of health care.</u>
4-4	<u>SECTION 2. This act shall take effect on January 1, 2008.</u>

MOTION: To find harmful S 0088 Insurance RB/AP passed Abstain LG

Transportation

S0186 Public Utilities and Carriers -- Rhode Island Public Transit Authority

This act would require all RIdE buses to be installed with passenger security cameras and would require that all new drivers of RIdE 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 RIdE funding agency or agencies for any hearing
1-17 regarding their client/passengers on RIdE vehicles. A representative of the RIdE funding agency
1-18 or agencies may attend the hearing. The general manager or hearing officer will consider the
2-1 recommendation of the RIdE 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 when federal funds
2-14 become available for this purpose.
2-15 (g) Any person seeking employment as a RIdE bus driver shall undergo a criminal
2-16 background check to be initiated prior to or within one week of employment. All employees
2-17 hired prior to the enactment of this subsection shall be exempted from its requirements.
2-18 (1) The applicant shall apply to the bureau of criminal identification (BCI), department of
2-19 attorney general, state police or local police department where he or she resides, for a statewide
2-20 criminal records check. Fingerprinting shall not be required. Upon the discovery of any
2-21 disqualifying information as defined in section 23-17-37, the bureau of criminal identification of
2-22 the state police or the local police department will inform the applicant, in writing, of the nature
2-23 of the disqualifying information; and, without disclosing the nature of the disqualifying
2-24 information, will notify the employer, in writing, that disqualifying information has been
2-25 discovered.
2-26 (2) An individual against whom disqualifying information has been found may request

2-27	<u>that a copy of the criminal background report be sent to the employer who shall make a judgment</u>
2-28	<u>regarding the ability of the individual to drive a RIde bus. In those situations in which no</u>
2-29	<u>disqualifying information has been found, the bureau of criminal identification, state police or</u>
2-30	<u>local police department shall inform the applicant and the employer in writing of this fact.</u>
2-31	<u>(3) The criminal record check requirements of this section shall apply only to persons</u>
2-32	<u>seeking to drive RIde buses. The applicant shall pay the costs of the background check.</u>
3-1	SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial S0186 Public Utilities and Carriers -- Rhode Island Public Transit Authority RC/AP passed abstain BI

H5267 Handicapped Parking for Disabled Veteran Plates

This act would extend to veterans who have a "Disabled Veteran" license plate with all the rights and privileges of handicapped persons without display the disability parking privilege placard. This act would take effect upon passage.

1-1	SECTION 1. Section 31-6-8 of the General Laws in Chapter 31-6 entitled "Registration
1-2	Fees" is hereby amended to read as follows:
1-3	<u>31-6-8. Disabled veterans.</u> -- (a) Any veteran who has been honorably discharged from
1-4	the service of the armed forces or the merchant marine of the United States in any of the wars or
1-5	campaigns in which the United States has been engaged and who, while engaged in these wars or
1-6	campaigns or as a result of engagement in these wars or campaigns, by reason of amputation, has
1-7	lost one or both of his or her arms, hands, feet, or legs, or who, by reason of other permanent
1-8	injury, has lost the use of one or both of his or her arms, hands, feet, or legs, or to whom has been
1-9	granted a motor vehicle under chapter 870-2D, United States Public Laws 663, enacted 1946,
1-10	79th Congress, or has been determined by the Veterans' Administration to have a service
1-11	connected disability of one hundred percent (100%) shall be forever exempt from the payment of
1-12	any fee for the annual registration of and a license to operate that motor vehicle.
1-13	(b) The administrator for the division of motor vehicles shall issue to an eligible veteran
1-14	for use on an automobile, or on a commercial vehicle having a gross weight of six thousand three
1-15	hundred pounds (6,300 lbs.) or less, registration plates designated "Disabled Veteran". Upon the
1-16	death of the holder of "Disabled Veteran" plates, the plates may be transferred to his or her
1-17	surviving spouse for his or her lifetime or until he or she remarries. Only one set of "Disabled
1-18	Veteran" plates shall be issued to an eligible veteran and only after certification of eligibility from
1-19	the Veterans' Administration or other satisfactory documentation of eligibility is presented.
2-1	<u>(c) Any veteran who has been issued a "Disabled Veteran" plate shall be exempt from</u>
2-2	<u>fees under sections 31-28-4 and 31-28-6 and shall be entitled to all parking privileges of</u>
2-3	<u>handicapped persons without displaying the motor vehicle disability parking privilege placard</u>
2-4	<u>required by section 31-28-7.</u>
2-5	SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful H5267 Handicapped Parking for Disabled Veteran Plates BI/GW passed Nay-RC

Members discussed expanding the definition of "wheelchair accessible taxicabs" to require accessible taxicabs use environmentally-sensitive cleaning and maintenance products. It was recommended that a separate bill should be introduced to address the issue including school buses and other vehicles for hire.

4:25 PM Announcements and Scheduling of Meetings

Adjourned at: 4:20 PM