Governor's Commission on Disabilities
Legislation Committee

Monday 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair); Kate McCarthy-Barnett (Vice Chair); Raymond Bandusky; Jeanne Behie; Sharon Brinkworth; Linda Deschenes; Liberty Goodwin; William R. Inlow; Gwendolyn Reeve; & Janet Spinelli
Excused:	Rosemary C. Carmody; Paul Choquette; Deborah Garneau; Elaina Goldstein; Dianne Kayala; Ken Pariseau; Paula Parker; Arthur M. Plitt; Rev. Gerard O. Sabourin; & Michael Spoerri

---------- Minutes ----------

Call to Order and Acceptance of the Minutes	**Tim Flynn Chairperson**	**5 min.**

Introductions: The Vice Chair called the meeting to order at 3 PM

MOTION: To accept the minutes of the previous meeting as: presented BI/LD passed unanimously

Action Items:	Discussion Leader:	Time:
1. Working Groups Recommendations	Working Group Members	30 min.

Accessibility Working Group Themes and Recommendations

Themes/Findings	**Recommendation**	**Testimony on Pages**
Restaurant Accessibility (Newport)	Committee Action: Review with Accessibility Committee for possible next steps (e.g., enforcement) Alert Accessible RI (possible review for booklet)	34
Curb Cut Access	Committee Action: Review with Accessibility Committee (Harvey shared with participant at the forum the steps for filing a complaint)	48
Playground Access	Policy/Education Action: Review requirements for accessible playground access & develop policy and/or educate town recreation departments to legal requirements	75-79
Safe accessible pathways	Committee Action: Review with Accessibility Committee: Review next steps to ensure access (e.g., possible legislation or education needed) Advocacy & Education Issue: Raise awareness to the need for safe accessible crosswalks (e.g., similar to raising awareness to fishing docks)	80

Work Group on Health Care Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
Lack of information by Consumers and their families regarding services that are available through different state agencies (i.e. Medicaid Buy In; Sherlock Plan; C-Map)	Information was provided on these possible resources Executive Office Health & Human Services should better advertise the existence of The Point. Also different agencies and programs need to be better informed regarding the services and programs of other agencies and organizations. Information about services, programs and benefits needs to be more comprehensive and better integrated and coordinated. Who takes the lead in facilitating a Consumer's navigation of the adult with disabilities health care system? The Care Managers in both Rhody Health Partners and Connect CARRE Choice will be able to facilitate this system navigation when DHS begins to enroll Persons with Disabilities on Medicaid into Managed Care. Are there other ways the Commission can support the dissemination of information about resources?	14, 15,17, 69, 73
Applying for Social Security, lack of information on work incentives/benefits.	Brochures were provided at the forum on the Medicaid Buy in, information on the Work Incentives Planning and Assistance Program and Disability Law Center was provided. See Recommendation #1	12, 39, 69, 85
The cost of certain services such as renewing parking placards	Department of Human Services should consider a Consumers' income when charging fees; whether for parking placards or medication co pays.	32
Individuals who are eligible due to a disability for Social Security should be automatically eligible for the same health benefits as the elderly with out a waiting period. These individuals often end up uninsured or underinsured.	Is this a Federal or State issue? <u>Legislative Committee</u> should continue to advocate and support legislation in this area at both a local level and national level. Can States (or a group of States) impact Federal policy such as Social Security? Is there a State solution such as the State providing some funding assistance in the gap period between determinations and benefit eligibility to ensure some type of health insurance coverage?	32
Informational supports for persons on	See recommendation #1	39

Work Group on Health Care Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
Social Security or Medicaid and may be working a few hours a week. To prevent loss of benefits.		
Availability of mental health services.	See recommendation #1	41
Transportation not being on time for her appointments.	Consumer should complain to Medicaid. Transportation is an on-going concern for all Medicaid funded programs.	43
The impact of the budget cuts on DCYF services to children 18-21; and the impact of adolescents 17 and older being tried as adults.	Impacts of these budget decisions upon 17-21 year olds need to be monitored by Child and Family Advocates and organizations, and feedback provided to the Assembly and the Family Court. Current situation may require a legislative intervention.	62
Concern that the state's new commitment to Shared Living Initiative will decrease other options such as groups and other residential living arrangements for Persons with Developmental Disabilities.	Mental Health, Retardation & Hospitals should ensure a range of living choices are available to Consumers.	82
Decrease in mental health services for persons on Medicare (Medicaid??)	Consumers should be aware of National Alliance for the Mental Ill and the Mental Health Advocate's Office as resources if they feel they are not able to access the services they need. See recommendation #1. The State offering Persons with Disabilities on Medicaid the option of enrolling in a comprehensive health plan will also increase the number of behavioral health providers and services available to Persons with Disabilities.	
The need to provide for criminal background checks for staff providing in-home services	Was this covered in last year's legislation?	

Work Group on Housing Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
Lack of public transportation near affordable/accessible housing locations	State Planning, Developers, Legislature should consider linking transportation decisions with housing decisions in integrated fashion	48
Lack of affordable/accessible	Legislature should, in housing-related rules and regulations, make highest standard of accessibility ("b-unit") required,	25, 28, 48

Work Group on Housing Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
housing, especially for people with COPD	not merely recommended and consider issues of ventilation and non-toxic building materials in defining "accessible."	
Abuse in supported housing for people with Developmental Disabilities.	Mental Health, Retardation & Hospital should help create investigation unit to look into claims of abuse, similar to unit in Medical Assistance and one that exists for elder-abuse, for people with disabilities. Two time access rule should be amended; entry should be allowed more frequently in private establishments to investigate claims of abuse.	83-84

Work Group on Support Agencies & Programs Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
Inaccessible kiosks at airport and netWORKri centers	Should legislation be introduced to require places to make these machines voice-activated? OR Should a complaint be filed with the GCD Accessibility Committee?	59

Work Group on Transportation Concerns and Recommendations:		
Concerns	**Recommendations**	**Testimony on Pages**
Limited parking available in heavy traffic areas and some handicapped parking laws are not evenly enforced in RI despite fines going to local treasuries.	Modeling successful departments with creative and successful procedures like East Providence volunteer doing photo violations or to increase the fines to be more effective	
Some disability parking applicants find the applications difficult to complete and some medical offices charge $10 per page to complete.	If the application were simplified and there were rules of presumptive disability like for the RIde ADA program on renewals this might alleviate some problems. Perhaps a call in number for doctor's offices to record the data might assist both Division of Motor Vehicle and the offices with the applications.	
Access signs are not properly placed for those needing assistance to parking, elevators or entrances.	Perhaps a one pagers for building managers may assist along with advisory committees consisting of people with disabilities and fire/disability/building officials	
Despite a RI law enabling RIPTA to place cameras in RIde buses, no appropriations have been made to prevent recurring incidents for those drivers and riders.	$$$ sought!	

2. Review of Status of the 2007 Legislative Package	Bob Cooper, Executive Secretary	15 min.

(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 [sponsor Sen. Ciccone S 0142 **Enacted into law**];

(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 S 0086 & Rep. McNamara H 5191];

(3) Create a loan repayment plan to keep newly trained community-based psychiatric and other therapeutic services providers in the state [sponsors Rep. Ginaitt H 5313 & Sen. Sosnowski S 597];

(4) Require a percentage of each taxi fleet be accessible (modeled after the Louisville City Ordinance) [sponsors Rep. Coderre H 5371 & Sen. Walaska S 553 **Enacted into law**];

(5) Extend governmental tort liability to members of state boards and commissions when acting in their official capacity and legal representation [sponsors Rep. Mumford H 5290 & Sen. Lenihan S 330]

(6) Monitor implementation of legislation enacted in 2006 to:

(a.) Ensure families of children with severe impairments who have coverage from both Medicaid & commercial health care insurance, get quick resolution of their claims, rather than be bounced back and forth between Medicaid and the insurer (Public Law 2006 Chapter 246 Article 34 Insurance -- Mandated Benefits);

(b.) Senate Resolution 2006 Chapter 276 Urging The Department of Administration To Use Environmentally-Safe and Health-Friendly Cleaning Products In State Facilities and Workplaces, using the State House as a pilot project. Based on the results of the "pilot project": in the future consider training for property managers, realtors, and health care practitioners specific to Multiple Chemical Sensitivity.

(7) Advocate during the budget hearing for funding of:

(a.) Protective services for abused non-elderly adults (18-64*)* with severe impaired (Public Law 2006 Chapter 275) Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation

(b.) RIde & RIPTA funding as recommended by RIPEC in its Rhode Island at the Crossroads – A RIPEC Public Policy Issues Brief;

(c.) Modifications to homes/apartments owned or rented by families with disabled members (expand to include Medicare only recipients) and create flexible funding plan such as cash and counseling for families to modify home or yard;

(d.) Long term duration and on-going job coaches, in the MHRH Budget;

(e.) Medicaid funding for:

i. Expansion of Home Care Services so people can remain living in their community;

ii. Adjustment of state's income eligibility level for Medicaid for persons with disabilities (100% of the federal poverty level) to match the Family Independence Program (185% of the federal poverty level) [sponsor Sen. Ciccone S 0127]

iii. Provide state funded health insurance coverage (including prescription drug coverage) during the 2-year wait for SSDI recipients to be covered by Medicare [by resolution or law];

iv. Amendment of the State Medicaid Plan so "medically needy" persons with disabilities, receive the same benefits that are provided to "categorically needy" persons (outpatient hospital clinic and emergency room services; hearing aids and molded shoes; Podiatry Services; one pair of

eyeglasses [frames, lenses, dispensing fees] every other year).

v.The habilitation waiver should be expanded to include all eligible recipients who would benefit from physical therapy, occupational therapy, speech/language therapy, psychological therapy, rehabilitation services;

vi.Develop a Dental Benefit Management program for Medicaid beneficiaries (reimbursement rate) [Rep. Corvese H 5112];

vii.Respite services for parents with a child with severe disabilities;

viii.Personal Care Assistance services for non-Medicaid population; and

(8) 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 S 0266].

(9) School and Municipal Playground Safety grants [sponsor Sen Blais S 0128]

3. Recommendations for the 2008 Legislative Package	Bob Cooper	30 min.

MOTION: To retain from 2007 Legislative Package the following:

1. Extend governmental tort liability to members of state boards and commissions when acting in their official capacity and legal representation;
2. Ensure families of children with severe impairments who have coverage from both Medicaid & commercial health care insurance, get quick resolution of their claims, rather than be bounced back and forth between Medicaid and the insurer (Public Law 2006 Chapter 246 Article 34 Insurance -- Mandated Benefits);
3. Crisis Intervention services for abused non-elderly adults (18-64*)* with severe impaired (Public Law 2006 Chapter 275) Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation;
4. Refocusing Medicaid from institutional care to home & community based services so people can remain living in their community; and
5. 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);

SB/GR passed BI abstain

MOTION: Recommend to the Commission consider for discussion, and support the general principals accessible housing to require as part of the building code in residential ventilation and non-toxic building materials in defining “accessible, but not part of the Commission’s Legislative Package. BI/JB passed, LG abstain.

MOTION: To add from the 2007 Public Forums the following:

6. Restoration of DCYF services to children 18-21 and housing adolescents 17-21 at the youth correctional facility not in ACI LD/LG passed, abstain JS

MOTION: Send a letter requesting a Follow-up Report on the Pilot Program on Toxic Free cleaning from 2006 Resolution, did it reduce costs. BI/JB passed unanimously

MOTION: To include in the Legislation Committee's 2008 Scope of Review, retain the 2007 list (# of bills from 2007) SB/LD passed unanimously	
2007 Scope of Review	**Other categories not included in 2007**
☐ Civil Rights ☐ Employment ☐ Health Care Services ☐ Housing ☐ Disability Prevention ☐ Special Education ☐ Transportation	☐ Appropriations / Budget ☐ Education ☐ Financial Assistance ☐ Health care/rules ☐ Human Services ☐ Taxes

4. Election of Vice Chairperson	Tim Flynn	5 min.
MOTION: To nominate Kate McCarthy-Barnett as Vice Chairperson of the Legislation Committee. SB/JB passed abstain KMcB		
Announcements and Scheduling of Meetings	Tim Flynn	5 min.
At the next meeting the Committee will start drafting legislation.		
Next meeting will be on:	Monday Dec. 10th	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 5:12 PM	
Observers:	Keally DeWitt, Rhode to Independence	
Resource persons:	Bob Cooper, Committee Staff	