Meeting Notice for the Governor's Commission on Disabilities

Legislation Committee

Monday February 11, 2008 3 – 4:30 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049
(voice) 401-462-0100 (tty) 462-0101 (fax) 462-0106
(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

----- Revised Agenda Topics -----		
Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
Action Items:		70 min.
1. Consideration of Tabled Bills: • H 7096 An Act Relating to Health and Safety -- Toxic Chemicals in Children's Products	Liberty Goodwin	
2. Consideration of New Bills		
•08 H-7176 AN ACT RELATING TO CRIMINAL PROCEDURE -- ELDERLY VIOLENCE PREVENTION ACT •08 S-2156 AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY •08 S-2089 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2008 •08 S-2134 AN ACT RELATING TO HEALTH AND SAFETY -- BREAST CANCER ACT •08 H-7117 AN ACT RELATING TO HUMAN SERVICES -- LONG-TERM HOME HEALTH CARE	Bill Inlow	
•08 H-7206 AN ACT RELATING TO EDUCATION - - MANDATES •08 S-2133 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES & SUPERINTENDENTS	Jeanne Behie	
•08 S-2094 AN ACT RELATING TO INITIATIVE AND REFERENDUM •08 S-2194 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT •08 S-2223 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM •08 H-7384 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION •08 S-2219 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998	Bob Cooper	
3. Review of Budget Article Creating the Department of Elderly Affairs & Advocacy	Bob Cooper	
Questions: Report on Commission's Legislative Package Status	Bob Cooper	10 min.
Announcements and Scheduling of Meetings	Tim Flynn	5 min.
Adjournment	Tim Flynn	

Special notes:

We ask that you use unscented personal care products - that you not wear perfumes or scents to an environmental illness accessible event. Please realize that what may seem to you to be a mild fragrance can constitute a toxic exposure for a person with environmental illness.

The public is welcome to any meeting of the Commission or its committees. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please contact the Commission at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting it.

Notice Posted on 2/11/2008 at 5:51:13 PM

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

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

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

Introductions: Chair called the meeting to order at 3:06 PM

MOTION: To accept the minutes of the previous meeting as: presented S/AP passed unanimously

Action Items:	Discussion Leader:	Time:
1. Consideration of Tabled Bills	Liberty Goodwin	

H 7096 An Act Relating to Health and Safety -- Toxic Chemicals in Children's Products
Tabled until the March Meeting.

2. Consideration of New Bills		

Discussion Leader: Bill Inlow

08 H-7176 AN ACT RELATING TO CRIMINAL PROCEDURE -- ELDERLY VIOLENCE PREVENTION ACT

Sponsors: Rep. Naughton & Reps. Coderre E, Kennedy, Lima, Almeida Requested by the Attorney General In Committee House Judiciary Committee

Description: This act would create a right to speedy trial for victims sixty (60) years or older under the Elderly Violence Prevention Act. Additionally, the act would create the offense of "exploitation of an elder". Persons who committed such an offense would be guilty of a felony and subject to imprisonment and fines based on the amount exploited. This act would take effect upon passage.

1-1 SECTION 1. Chapter 12-29.1 of the General Laws entitled "Elderly Violence Prevention
1-2 Act" is hereby amended by adding thereto the following section:
1-3 **12-29.1-6. Speedy trial. –** In any action involving a victim sixty (60) years of age or
1-4 older, the court shall take appropriate action to ensure a speedy trial to minimize the length of
1-5 time the victim must endure the stress of involvement in the proceeding. In ruling on any motion
1-6 or request for a delay or continuance of proceedings, the court shall consider any adverse impact
1-7 the delay or continuance may have on the well-being of the victim or witness. This provision

establishes a right to speedy trial to the victim and shall not be construed as creating any additional rights to the defendant.

SECTION 2. Title 11 of the General Laws entitled "Criminal Offenses" is hereby amended by adding thereto the following chapter:

CHAPTER 68
EXPLOITATION OF ELDERS

11-68-1. Definitions. – As used in this chapter:

(a) "Business relationship" means a relationship between two (2) or more individuals or entities where there exists an oral or written contract or agreement for goods or services.

(b) "Caregiver" means a person who has been entrusted with or has assumed responsibility for the care or the property of an elder person. Caregiver includes, but is not limited to, relatives, court-appointed or voluntary guardians, adult household members, neighbors, health care providers, and employees and volunteers of elder care facilities.

(c) "Deception" means:

(1) Misrepresenting or concealing a material fact relating to:

(i) Services rendered, disposition of property, or use of property, when such services or property are intended to benefit an elder person; or

(ii) Terms of a contract or agreement entered into with an elder person; or

(iii) An existing or preexisting condition of any property involved in a contract or agreement entered into with an elder person; or

(iv) using any misrepresentation, false pretense, or false promise in order to induce, encourage or solicit an elder person to enter into a contract or agreement.

(d) "Elder person" means a person sixty (60) years of age or older.

(e) "Intimidation" means the communication by word or act to an elder person that the elder person will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.

(f) "Lacks capacity to consent" means an impairment by reason of mental illness.

(g) "Position of trust and confidence" with respect to an elder person means the position of a person who:

(1) Is a spouse, adult child, or other relative by blood or marriage of the elder person;

(2) Is a joint tenant or tenant in common with the elder person;

(3) Has a legal or fiduciary relationship with the elder person including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator;

(4) Is the caregiver of the elder person; or

(5) Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elder person's or disabled adult's funds, assets, or property.

11-68-2. Exploitation of an elder. – A person is guilty of exploitation of an elder if that person:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elder person's funds, assets or property with the intent to temporarily or permanently deprive the elder person of the use, benefit, or possession of the funds, assets or property, or to benefit someone other than the elder person by a person who:

(1) Stands in a position of trust and confidence with the elder person; or

(2) Has a business relationship with the elder person; or

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elder person's funds, assets, or property with the intent to temporarily or permanently deprive the elder person of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elder person, by a person who knows or reasonably should know that the elder person lacks the capacity to consent.

(c) Any person who shall exploit an elder person as defined in this chapter shall be guilty of a felony.

(1) If the funds, assets, or property of the elder is valued at one hundred thousand dollars ($100,000) or more, the person shall be subject to imprisonment for not less than five (5) years but not more than thirty (30) years or by a fine of not more than fifteen thousand dollars ($15,000) or both.

(2) If the funds, assets, or property of the elder is valued at five hundred dollars ($500) or more, but less than one hundred thousand dollars ($100,000), the person shall be subject to imprisonment for not less than three (3) years, but not less than fifteen (15) years or by a fine of not more than ten thousand dollars ($10,000) or both.

(3) If the funds, assets, or property involved in the exploitation of the elder is valued at less than five hundred dollars ($500), the person shall be subject to imprisonment for not less than one year, but not more than five (5) years or by a fine of not more than five thousand dollars ($5000) or both.

SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial if amended to include “persons with severe impairments” as defined in 11-5-12. (in-place of age) 08 H-7176 An Act Relating To Criminal Procedure -- Elderly Violence Prevention Act. GR/BI passed unanimously

08 S-2156 AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY

Sponsors: Sen. Blais Governor's Commission on Disabilities In Committee Senate Finance Committee

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

SECTION 1. Section 16-7-40 of the General Laws in Chapter 16-7 entitled "Foundation Level School Support" is hereby amended to read as follows:

16-7-40. Increased school housing ratio for regional schools -- Energy conservation -- Access for people with disabilities -- Asbestos removal projects. -- (a) (1) In the case of regional school districts, the school housing aid ratio shall be increased by two percent (2%) for each grade so consolidated.

(2) Regional school districts undertaking renovation project(s) shall receive an increased share ratio of four percent (4%) for those specific project(s) only, in addition to the combined share ratio calculated in section 16-7-39 and this subsection.

(b) In the case of projects undertaken by regionalized and/or non-regionalized school districts specifically for the purposes of energy conservation, access for people with disabilities, recreation facility environmental safety, and/or asbestos removal, the school housing aid share ratio shall be increased by ~~four percent (4%)~~ ten percent (10%) for these specific projects only, in the calculation of school housing aid. The increased share ratio shall continue to be applied for as log as the project(s) receive state housing aid. In order to qualify for the increased share ratio, seventy-five percent (75%) of the project costs must be specifically directed to either energy conservation, access for people with disabilities, and/or asbestos removal or any combination of these projects. The board of regents for elementary and secondary education shall promulgate rules and regulations for the administration and operation of this section.

(c) Upon the transfer of ownership from the state to the respective cities and towns of the regional career and technical center buildings located in Cranston, East Providence, Newport, Providence, Warwick, Woonsocket and the Chariho regional school district, the school housing aid share ratio shall be increased by four percent (4%) for the renovation and/or repair of these buildings. To qualify for the increased share ratio, as defined in section 16-7-39, renovation and repair projects must be submitted for approval through the necessity of school construction process prior to the end of the second full fiscal year following the transfer of ownership and

assumption of local care and control of the building. Only projects at regional career and technical centers that have full program approval from the department of elementary and secondary education shall be eligible for the increased share ratio. The increased share ratio shall continue to be applied for as long as the renovation and/or repair project receives school housing aid.

(d) Projects undertaken specifically to comply with the department of education and department of health's joint health and environment recreational facility safety regulations must be developed in consultation with parents of children with and without disabilities.

SECTION 2. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled "Department of Environmental Management" is hereby amended to read as follows:

42-17.1-2. Powers and duties. -- The director of environmental management shall have

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(34) To provide grants to cities and towns for projects undertaken specifically to comply with the department of education and department of health's joint health and environment recreational facility safety regulations and/or provide access for people with disabilities. Such projects must be developed in consultation with parents of children with and without disabilities.

SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial/harmful08 S-2156 An Act Relating To Education - School And Municipal Playground Safety BI/LD passed unanimously

08 S-2089 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2008

Sponsors: Sen. Sosnowski & Sens. Perry, Walaska, Moura, Gibbs In Committee Senate Judiciary Committee

Description: This act would create the "Rhode Island Protection From Secondhand Smoke For Children Act of 2008" which prohibits smoking in any vehicle in which a child is required to be restrained in a child passenger safety seat. This act would take effect upon passage.

SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES" is hereby amended by adding thereto the following chapter:

CHAPTER 51

THE RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2008

31-51-1. Short title. -- This chapter shall be known and may be cited as the Rhode Island "Protection From Secondhand Smoke For Children Act of 2008."

31-51-2. Definitions. -- For the purposes of this chapter "motor vehicle" means any motor vehicle, except a school bus, church bus, and other public conveyance, which is required by federal or state law or regulation to be equipped with a passenger restraint system.

31-51-3. Prohibition of smoking with child passenger. -- Smoking, as defined in section 23-20.10-2, shall be prohibited in all motor vehicles in which a child is restrained or required to be restrained pursuant to subsection 31-22-22(a).

31-51-4. Penalties. -- (a) Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed twenty five dollars ($25.00).

(b) If a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this chapter, no court costs or other costs or fees shall be assessed.

(c) Any person who proves to the court that he or she has entered into a smoking cessation program may have his or her fine eliminated for a first offense violation of this chapter.

SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended to include all children – include subsection 31-22-22(b) 08 S-2089 An Act Relating To Motor And Other Vehicles - Rhode Island

Protection From Secondhand Smoke For Children Act Of 2008 BI/AP, passed, GS nay, TF abstained

•08 S-2134 AN ACT RELATING TO HEALTH AND SAFETY -- BREAST CANCER ACT
Sponsors: Sen. Pichardo & Sen. Gallo, Lanzi, Miller, Alves In Committee Senate Finance Committee
Description: This act would provide an additional $250,000 funding for breast cancer screening. This act would take effect on July 1, 2008.

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 **23-12.7-4. Funding for program. –** (a) For the fiscal year 2009 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, 2008.

Tabled for more information - Kate McCarthy-Barnet

•08 H-7117 An Act Relating To Human Services -- Long-Term Home Health Care
Sponsors: Rep. Gallison & Reps. Sullivan, Pacheco, Fellela, San Bento Continued House Finance Committee
Description: This act would require that the department of human services include the number of additional persons approved by Medicare and Medicaid to receive assisted living support services in its caseload estimates; and would expand the medical assistance categories to include home care, adult day services, assisted living services, and waiver programs. This act would take effect upon passage.

Table for more information (get the entry case load estimating conference)

Discussion Leader: Jeanne Behie

•08 H-7206 AN ACT RELATING TO EDUCATION - - MANDATES
Sponsors: Rep. Corvese & Reps.Gablinske, Melo, Brien, Schadone In Committee House Health, Education, & Welfare Committee
Description: This act would require that educational mandates be fully funded or else unenforceable. This act would take effect upon passage.

1-1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
1-2 by adding thereto the following chapter:
1-3 **CHAPTER 16-87**
1-4 **STATE EDUCATIONAL MANDATES**
1-5 **16-87-1. Mandate defined. --** For the purpose of this chapter, "an educational mandate"
1-6 shall mean any requirement or dictate enacted by the general assembly or promulgated by a
1-7 regulator of a state agency addressed to any school district.
1-8 **16-87-2. Future mandates. --** (a) No educational mandate shall be enacted or
1-9 promulgated after the effective date of this chapter, unless the body enacting or promulgating the
1-10 same shall first, after public hearing, determine the cost of the proposed mandate to each of the
1-11 school districts of the state. No rule, regulation or policy adopted by state departments, agencies
1-12 or quasi-state departments or agencies which require any new expenditure of money or increased
1-13 expenditure of money by a city or town shall take effect unless full and adequate funding, as
1-14 determined by public hearing, is included as a portion of the language of the mandate document.
1-15 (b) The lack of full and adequate funding as a provision of an educational mandate shall

be an absolute defense against any legal action filed by any party for the purpose of enforcing the provisions of the mandate.

SECTION 2. This act shall take effect upon passage.

•08 S-2133 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES & SUPERINTENDENTS

Sponsors: Sen. Gibbs & Sens. Cote, Jabour, Bates, Breene In Committee Senate Finance Committee

Description: This act would allow city and town councils to seek waivers of any state law or regulation related to education, including, but not limited to, regulations governing the education of children with disabilities, in order to reduce school budget increases to specified levels. This act would take effect upon passage.

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

16-2-21.4. School budgets -- Compliance with certain requirements. -- (a) Notwithstanding any provision of the general or public laws to the contrary, whenever a city, town, or regional school committee determines that its budget is insufficient to comply with the provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an appropriated budget. The chairperson of the city, town, or regional school committee, in accordance with the provisions of section 16-2-9, shall be required to petition the commissioner, in writing, to seek alternatives for the district to comply with state regulations and/or provide waivers to state regulations and, in particular, those which are more restrictive than federal regulations that allow the school committee to operate with a balanced budget. Waivers which affect the health and safety of students and staff or which violate the provisions of chapter 24 of this title shall not be granted. The commissioner must consider alternatives for districts to comply with regulations and/or provide waivers to regulations in order that the school committee may operate with a balanced budget within the previously authorized appropriation. In the petition to the commissioner, the school committee shall be required to identify the alternatives to meet regulations and/or identify the waivers it seeks in order to provide the commissioner with the revised budget which allows it to have a balanced budget within the previously authorized appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of the written petition from the school committee. If the commissioner does not approve of the alternatives to meet regulations or the waivers from regulations which are sought by the school committee, or if the commissioner does not approve of the modified expenditure plan submitted by the school committee, then: (1) within ten (10) days of receiving the commissioner's response, the school committee may submit a written request to the city or town council for the council of the municipality to decide whether to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality; or (2) in a regional school district, the chairperson of the school committee may, within ten (10) days of receiving the commissioner's response, submit a written request to the chief elected official of each of the municipalities to request that the city or town council in each of their respective towns meet to decide whether or not to increase the appropriation for schools to meet expenditures. The decision to increase any appropriations shall be conducted pursuant to the local charter or the public law controlling the approval of appropriations within the municipality.

(b) In the event of a negative vote by the appropriating authority, the school committee shall have the right to seek additional appropriations by bringing an action in the superior court for the county of Providence and shall be required to demonstrate that the school committee lacks the ability to adequately run the schools for that school year with a balanced budget within the previously authorized appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23,

2-21 and 16-7-24. In no event shall any court order obtained by the school committee have force and
2-22 effect for any period longer than the fiscal year for which the litigation is brought. Any action
2-23 filed pursuant to this section shall be set down for a hearing at the earliest possible time and shall
2-24 be given precedence over all matters except older matters of the same character. The court shall
2-25 render its decision within thirty (30) days of the close of the hearings. Upon the bringing of an
2-26 action in the superior court by the school committee to increase appropriations, the chief
2-27 executive officer of the municipality, or in the case of a regional school district the chief elected
2-28 officials from each of the member municipalities, shall cause to have a financial and program
2-29 audit of the school department conducted by the auditor general, the bureau of audits, or a
2-30 certified public accounting firm qualified in program audits. The results of the audit shall be made
2-31 public upon completion and paid for by the school committee to the state or private certified
2-32 public accounting firm.
2-33 (c) Notwithstanding any other provisions to the contrary, in the event a school budget
2-34 increases by more than three percent (3%) over the prior fiscal year, a governing school
3-1 committee may seek a waiver, from the commissioner, of any state law or regulation related to
3-2 education, including, but not limited to, regulations governing the education of children with
3-3 disabilities, to the extent permitted by federal law so as to reduce the school budget increase to no
3-4 more than three percent (3%).
3-5 (d) Notwithstanding any other provisions to the contrary, in the event a school budget
3-6 increases by more than five and one-half percent (5.5%) over the prior fiscal year, a governing
3-7 school committee may seek a waiver, from the commissioner, of any state law or regulation
3-8 related to education, including, but not limited to, regulations governing the education of children
3-9 with disabilities, to the extent permitted by federal law and the commissioner shall grant the
3-10 waiver so as to reduce the school budget increase to no more than five and one-half percent
3-11 (5.5%).
3-12 SECTION 2. This act shall take effect upon passage.

MOTION: To find harmful 08 H-7206 An Act Relating To Education - - Mandates & 08 S-2133 An Act Relating To Education -- School Committees & Superintendent JB/GR passed unanimously

Discussion Leader: Bob Cooper

08 -- S 2069 JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

Sponsors: Senators Cote, and Lenihan

Referred To: Senate Constitutional & Regulatory Issues Date Introduced: January 15, 2008

Description: This resolution would propose an amendment to the state constitution by establishing a voter initiative process to allow voters to initiate proposed legislation which would, upon vote of the electorate, become law.

08 S-2094 AN ACT RELATING TO INITIATIVE AND REFERENDUM
Sponsors: Sen. Cote & Sen. Lenihan In Committee Senate Constitutional and Regulatory Issues Committee
Description: This act would provide a detailed process by which a proponent of a voter initiative and referendum proposal would present the proposal to the secretary of state, the general assembly and the governor. This act would take effect upon ratification of a constitutional amendment entitled "JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND

No position taken

08 S-2194 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Sponsors: Sen. Metts & Sen. Pichardo In Committee Senate Judiciary Committee

Description: This act would prohibit discrimination in housing against those persons who are recipients of government assistance. This act would take effect upon passage.

SECTION 1. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing Practices Act" is hereby amended by adding thereto the following sections:

34-37-2.5. Right to equal housing opportunities -- Government assistance recipient status. – Whenever in this chapter there shall appear the words "marital status" there shall be inserted immediately thereafter the words "government assistance recipient status."

34-37-2.6. Discrimination based on government assistance recipient status -- Exemption. – Nothing in this title shall prohibit an owner of a housing accommodation from refusing to rent to a person based on his or her government assistance recipient status if the housing accommodation is three (3) units or less, one (1) of which is occupied by the owner.

SECTION 2. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4, 34-37-4.3, 34-37-5.2, 34-37-5.3 and 34-37-5.4 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

34-37-1. Finding and declaration of policy. -- (a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, or disability, age, familial status, or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general

welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

(e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

34-37-2. Right to equal housing opportunities -- Civil rights. -- The right of all individuals in the state to equal housing opportunities and regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or regardless of the fact that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, is hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

34-37-3. Definitions. -- When used in this chapter:

(1) "Age" means anyone over the age of eighteen (18).

(2) "Commission" means the Rhode Island commission for human rights created by section 28-5-8.

(3) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age or familial status of any person with whom they are or may wish to be associated.

(4) (i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person provided that if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(5) (i) "Disability" means any person who:

(A) Has a physical or mental impairment which substantially limits one or more major life activities,

(B) Has a record of such an impairment, or

(C) Is regarded as having such an impairment, and

(D) Is otherwise qualified;

(ii) Provided, however, that whether a person has a disability shall be determined without regard to the availability or use of mitigating measures, such as reasonable accommodations, prosthetic devices, medications or auxiliary aids;

(iii) Provided further that the term "disability" does not include current, illegal use of or

addiction to a controlled substance, as defined in 21 U.S.C. section 802.

(6) "Has a record of an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(7) "Housing accommodation" includes any building or structure or portion of any building or structure, or any parcel of land, developed or undeveloped, which is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.

(8) [Deleted by P.L. 1997, ch. 150, section 8.]

(9) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(10) "Otherwise qualified" includes any person with a disability who with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

(11) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(12) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

(13) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(14) "Regarded as having an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of those toward the impairment; or has none of the impairments but is treated as having an impairment.

(15) "Senior citizen" means a person sixty-two (62) years of age or older.

(16) The term "sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to assure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

(17) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

(18) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(19) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in section 12-29-2.

(20) The term “government assistance recipient status” means being the recipient of federal, state or local public assistance, including medical assistance, or the recipient of federal, state or local housing subsidies, including section 8, and other rental assistance or rental

supplements, or who is subject to the requirements of any public assistance, rental assistance or housing subsidy program.

34-37-4. Unlawful housing practices. -- (a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any of these shall, directly or indirectly, make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; or shall, directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

(b) No person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the housing accommodation; nor shall any person to whom the application is made

in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant or of the existing or prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

(c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith which do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance which do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

(d) An owner may not refuse to allow a person with a disability to make, at his or her expense, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the owner may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in the account shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from section 34-18-19(a) but will be subject to section 34-18-19(b) -- (f).

(e) (1) An owner may not refuse to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford an occupant with a

disability equal opportunity to use and enjoy a dwelling.

(2) Every person with a disability who has a guide dog or other personal assistive animal, or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal access to all housing accommodations provided for in this section, and shall not be required to pay extra compensation for the guide dog or other personal assistive animal, but shall be liable for any damage done to the premises by a guide dog or other personal assistive animal. For the purposes of this subsection a "personal assistive animal" is an animal specifically trained by a certified animal training program to assist a person with a disability to perform independent living tasks.

(f) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991 shall be designed and constructed in such a manner that:

(1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

(2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

(3) All premises within the dwellings contain the following features of adaptive design:

(i) Accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. To the extent that any state or local building codes, statutes or ordinances are inconsistent with this section, they are hereby repealed. The state building code standards committee is hereby directed to adopt rules and regulations consistent with this section as soon as possible, but no later than September 30, 1990.

(g) Compliance with the appropriate requirements of the State Building Code 14 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the requirements of subsection (f).

(h) As used in subsection (f), the term "housing accommodation of four (4) units or more" means:

(1) Buildings consisting of four (4) or more units if those buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units;

(i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation which requires a greater degree of accessibility to persons with disabilities.

(j) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee, sublessee, or assignee from advertising or selecting a person of the same or opposite gender to rent, lease, or share the housing unit which the owner, lessee, sublessee, or assignee will occupy with the person selected.

(l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful housing practice, or obstruct or prevent any person from complying with the provisions of this chapter or any order issued thereunder, or attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(m) No owner, person defined in section 34-37-3(12), person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured, no financial organization governed by the provisions of title 19 or any other credit granting commercial institution, or respondent under this chapter or any agent of these shall

discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

(n) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7)(n).

34-37-4.3. Discrimination in granting credit or loans prohibited. -- No financial organization governed by the provisions of title 19 or any other credit granting commercial institution may discriminate in the granting or extension of any form of loan or credit, or the privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex, marital status, government assistance recipient status, race or color, religion or country of ancestral origin, disability or age or familial status, sexual orientation, or gender identity or expression, and the form of loan and credit shall not be limited to those concerned with housing accommodations, and the commission shall prevent any violation hereof in the same manner as it is to prevent unlawful housing practices under the provisions of this chapter.

34-37-5.2. Discrimination in brokerage services. -- It shall be unlawful to deny any person who meets licensing and other non-discriminatory requirements which are also applied to other applicants and members access to or membership or participation in any real estate listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling, leasing, or renting a housing accommodation, or to discriminate against him or her in the terms or conditions of the access, membership, or participation, on account of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, government assistance recipient status, country of ancestral origin, disability, age, or familial status.

34-37-5.3. Fostering of segregated housing prohibited. -- It shall be an unlawful discriminatory housing practice to for profit induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, marital status, government assistance recipient status, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

34-37-5.4. Discrimination in residential real estate related transactions. -- (a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available a transaction, or in the terms and conditions of the transaction, because of race, color, religion, marital status, government assistance recipient status, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

(b) As used in this section, the term "residential real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, marital status, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial 08 S-2194 An Act Relating To Property -- Rhode Island Fair Housing Practices Act GR/AP passed, TF nay

08 S-2223 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM

Sponsors: Sen. Perry & Sens. Miller, Levesque C, Paiva-Weed, Gibbs Referred to Committee Senate Health and Human Services Committee
Description: This act would require the department of human services to implement a model system for integrated long-term care that expands the capacity of the long-term care system as a whole to support consumer choice and independence. This act would take effect upon passage.

1-1 SECTION 1. Sections 40-8.9-1, 40-8.9-2, 40-8.9-3, 40-8.9-4, 40-8.9-5 and 40-8.9-6 of
1-2 the General Laws in Chapter 40-8.9 entitled "Medical Assistance - Long-Term Care Service and
1-3 Finance Reform" are hereby amended to read as follows:
1-4 **40-8.9-1. Findings. --** (a) The number of Rhode Islanders in need of long-term care
1-5 services continues to rise substantially, and the quality of life of these Rhode Islanders is
1-6 determined by the capacity of the long-term care system to provide access to the full array of
1-7 services and supports required to meet their health care needs and maintain their independence.
1-8 (b) It is in the interest of all Rhode Islanders to endorse and fund statewide efforts to
1-9 build a fiscally sound, dynamic long-term care system that supports: consumer independence and
1-10 choice; the delivery of high quality, coordinated services; the financial integrity of all
1-11 participants-purchasers, payers, providers and consumers; and the responsible and efficient
1-12 allocation of all available public and private resources.
1-13 (c) It is in the interest of all Rhode Islanders to assure that rates paid for community-
1-14 based long-term care services are adequate to assure high quality as well as supportive of
1-15 workforce recruitment and retention.
1-16 (d) It is in the interest of all Rhode Islanders to improve consumer's access information
1-17 regarding community-based alternatives to institutional settings of care.
1-18 (e) Although slight increases in Medicaid and state spending on home and community
2-1 based long-term care has occurred, these programs still serve only a portion of the people needing
2-2 services, often resulting in waiting lists.
2-3 (f) Most people prefer to receive long-term care services in their homes or at least in a
2-4 home like setting, such as residential housing, adult day care or an assisted living residence.
2-5 (g) Despite consumer preferences, the long-term care portion of the Medicaid program
2-6 has a bias toward nursing home care, which is a mandatory benefit, while home and community
2-7 based services are optional.
2-8 (h) New service settings, such as adult day care and assisted living, have developed since
2-9 the basic Medicaid services and coverage rules were developed.
2-10 (i) There is an increased legal emphasis, partly in response to the 1999 Supreme Court
2-11 Olmstead decision, on providing services in the least restrictive setting to persons with
2-12 disabilities.
2-13 (j) Currently Rhode Island spends ninety percent (90%) of its Medicaid long-term care
2-14 dollars on nursing homes and ten percent (10%) on alternatives to nursing homes. Nursing home
2-15 usage is on the decline and citizens prefer to remain at home.
2-16 (k) Informal caregivers are the backbone of the long-term care system in the United
2-17 States today, providing much of the assistance to individuals who want to remain in their homes
2-18 and need help with daily activities, including eating, bathing, and dressing, or shopping,
2-19 transportation, and taking medications.
2-20 **40-8.9-2. System reform goal. --** On or before July 1, 2007, the department of human
2-21 services shall begin to implement a model system for integrated long-term care, that expands the
2-22 capacity of the long-term care system as a whole to support consumer choice and independence;
2-23 enables consumers to access coordinated services; assures quality outcomes through certification
2-24 standards, performance measures and incentives and rewards that promote service excellence and
2-25 generates the information consumers need to make reasoned choices about their health care; and
2-26 improves the system's overall stability by reinvesting the benefits that accrue from the more
2-27 efficient utilization of services to enhance the capacity of each of its component parts. Attaining

system-wide reform of the magnitude set forth herein will require significant changes in the organization, financing and delivery of services that must be implemented incrementally.

On or before July 1, 2012, the executive office of health and human services shall reach the goal of allocating a minimum of fifty percent (50%) of Medicaid long-term care funding be utilized by nursing homes and fifty percent (50%) on home and community based care by the state of Rhode Island.

The executive office of health and human services shall prioritize increased investment in home and community based care. The office will also work to maintain the integrity and funding or current programs and investments that will help Rhode Island reach this goal.

40-8.9-3. Least restrictive setting requirement. -- Beginning on July 1, 2007, the department of human services is directed ~~to recommend the allocation~~ and authorized to allocate ~~of~~ existing Medicaid resources as needed to ensure that those in need of long-term care and support services receive them in the least restrictive setting appropriate to their needs and preferences. The department is hereby authorized to utilize screening criteria, to avoid unnecessary institutionalization of persons during the full eligibility determination process for Medicaid community based care.

40-8.9-4. Unified long-term care budget. -- Beginning on July 1, 2007, a unified long-term care budget shall combine in a single line-item ~~appropriation~~ within the department of human services budget, annual department of human services Medicaid appropriations for nursing facility and community-based long-term care services ~~for elderly sixty-five (65) years and older and younger persons at risk of nursing home admissions~~ (including adult day care, home health, and personal care in assisted living settings). Beginning on July 1, 2007, the total system savings attributable to the value of the reduction in nursing home days ~~including hospice nursing home days~~ paid for by Medicaid shall be allocated ~~in the budget enacted by the general assembly for the ensuing fiscal year~~ for the express purpose of promoting and strengthening community-based alternatives. ~~Beginning on January 1, 2008, the allocation shall include, but not be limited to, the establishment of presumptive eligibility criteria for the purposes of accessing home and community care. The home and community care service presumptive eligibility criteria shall be developed through rule or regulation on or before September 30, 2007.~~

~~The caseload estimating conference pursuant to section 35-17-1 shall determine the amount of general revenues to be added to the current service estimate of community based long-term care services for elderly sixty-five (65) and older and younger persons at risk of nursing home admissions for the ensuing budget year by multiplying the combined cost per day of nursing home and hospice nursing home days estimated at the caseload conference for that year by the reduction in nursing home and hospice nursing home days from those in the second fiscal year prior to the current fiscal year to those in the first fiscal year prior to the current fiscal year.~~

40-8.9-5. Administration and regulations. -- ~~The~~ As the single state agency designated to administer the Rhode Island Medicaid program, the department is hereby directed and authorized to develop and submit any requests for waivers, demonstration projects, grants and state plan amendments or regulations that may be considered necessary and appropriate to support the general purposes of this statute. Such requests shall be made in consultation with any affected departments and, to the extent feasible, any consumer group, advisory body, or other entity designated for such purposes.

40-8.9-6. Reporting. -- Annual reports shall be submitted by the department to the Joint Legislative Committee on Health Care Oversight as well as the finance committees of both the senate and the house of representatives and shall include estimates of the investments necessary to provide stability to the existing system and establish the infrastructure and programs required to achieve system-wide reform by 2012.

SECTION 2. Section 40-8.5-1 of the General Laws in Chapter 40-8.5 entitled "Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

40-8.5-1. Categorically needy medical assistance coverage. -- (a) The department of

human services is hereby authorized and directed to amend its Title XIX state plan to provide for categorically needy medical assistance coverage as permitted pursuant to Title XIX of the Social Security Act, 42 U.S.C. section 1396 et seq., as amended, to individuals who are sixty-five (65) years or older or are disabled, as determined under section 1614(a)(3) of the Social Security Act, 42 U.S.C. section 1382c(a)(3), as amended, whose income does not exceed one hundred percent (100%) of the federal poverty level (as revised annually) applicable to the individual's family size, and whose resources do not exceed four thousand dollars ($4,000) per individual, or six thousand dollars ($6,000) per couple. The department shall provide medical assistance coverage to such elderly or disabled persons in the same amount, duration and scope as provided to other categorically needy persons under the state's Title XIX state plan.

(b) In order to ensure that individuals with disabilities have access to quality and affordable health care, the department is authorized to plan and to implement a system of health care delivery through voluntary (opt-out) managed care health systems for such individuals. "Managed care" is defined as systems that: ~~integrate~~ integrates an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary care.

(c) The department is authorized to obtain any approval and/or waivers from the United States Department of Health and Human Services, necessary to implement a voluntary (opt-out) managed health care delivery system to the extent approved by the United States Department of Health and Human Services. ~~, including a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Nothing in this subsection shall be interpreted to reduce the scope or duration of services or benefits covered for any Medicaid recipient or to restrict or remove any services or benefits from a managed care benefit plan provided by the state Medicaid program.~~

(d) The department shall submit a report to the ~~permanent joint committee on health care oversight~~ permanent joint committee on health care oversight no later than April 1, 2006 that proposes an implementation plan for this voluntary program, based on beginning enrollment not sooner than July 1, 2006. The report will describe projected program costs and savings, the outreach strategy to be employed to educate the potentially eligible populations, the enrollment plan, and an implementation schedule.

(e) To ensure the delivery of timely and appropriate services to persons who become automatically eligible for Medicaid by virtue of their eligibility for a Social Security Administration program, data on their special needs may be reported to the department of human services by the ~~Social Security Administration~~ social security administration. The department of human services is authorized to seek any and all data sharing agreements or other agreements with the ~~Social Security Administration~~ social security administration as may be necessary to receive timely and accurate diagnostic data and clinical assessments to be used exclusively for the purpose of service planning, and to be held and exchanged in accordance with all applicable state and federal medical record confidentiality laws and regulations.

SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial 08 S-2223 An Act Relating to Human Services - Medical Assistance - Long-Term Care Service and Finance Reform SB/RC passed, BI nay

08 H-7384 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION

Sponsors: Rep. Naughton & Reps. Coderre E, Dennigan Referred to Committee House Finance Committee

Description: This act would establish a program of loan guarantees or interest subsidies within the Rhode

Island housing and mortgage finance corporation for the purpose of making home modifications to the primary residence of persons who have a disability, or age 65 or older, or are the caregiver of a family member with a disability or age 65 or older; for the purpose of improved accessibility to allow such persons to live more independently in the community. Sections 1, 2 and 3 of this act would take effect upon passage. As to sections 4 and 5, if a majority of the people voting on the proposition provided for in section 2 of this act shall vote to approve the proposition as to any project provided for in section 2 hereof, sections 4 and 5 would take effect upon passage.

SECTION 1. **Legislative findings** -- (a) The general assembly hereby finds and declares that:

(1) All Rhode Islanders, regardless of age or disability, want to live independently in the community or housing arrangement of their choice;

(2) The lack of available, affordable and accessible housing for people with disabilities and the elderly prevent many Rhode Islanders from obtaining this goal;

(3) The use of home modifications provides people with disabilities and elders the opportunity to live and remain in the living environment of their choice;

(4) Accessibility features can assist an individual in completing daily living tasks as well as enhance opportunities for work, community or social events, and supportive services;

(5) Without necessary home modifications, many people feel isolated from the community and some are left with no choice but to move into a nursing home or institutional setting;

(6) Currently, in Rhode Island, there is limited funding for home modifications and the funding that is available is difficult to identify and obtain;

(7) The implementation of a home modification revolving loan fund will provide loans for accessibility modifications to the residences, whether rentals or purchased homes, of people with disabilities and the elderly so they can remain active members of our society.

SECTION 2. **Proposition to be submitted to the people.** -- At the general election to be held on the Tuesday next after the first Monday in November 2008, there shall be submitted to the people for their approval or rejection the following proposition:

"Shall the action of the general assembly, by an act passed at the January 2008 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the state in the amount of five million dollars ($5,000,000) be approved, and the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the provisions of said act?"

SECTION 3. **Ballot labels and applicability of general election laws.** – The secretary of state shall prepare and deliver to the state board of elections ballot labels for the project provided for in section 2 hereof with the designations "approve" or "reject" provided next to the description of each such project to enable voters to approve or reject each such proposition. The general election laws, so far as consistent herewith, shall apply to this proposition.

SECTION 4. Chapter 42-55 of the General Laws entitled "Rhode Island Housing and Mortgage Finance Corporation" is hereby amended by adding thereto the following section:

42-55-31. Home modification revolving loan fund program for people with disabilities and the elderly. – (a) There is created, as a separate fund within the treasury, the home modifications revolving loan fund for people with disabilities and the elderly. The fund shall consist of general obligation bonds and temporary notes approved by the people, any sums that the state may from time to time appropriate, as well as money received from donations, gifts, bequests, or otherwise form any public or private source, which money is intended for the purpose of making home modifications to the primary residence of persons who:

(1) Have a disability; or (2) are age 65 or older; or (3) are the caregiver of a family member who has a disability who lives in the caregiver's primary residence, to allow such persons improved accessibility and/or an opportunity to live more independently in the community.

(b) The treasurer shall contract with the Rhode Island housing and mortgage finance

2-26 corporation for the administration and disbursement of funding. The Rhode Island housing and
2-27 mortgage finance corporation shall adopt rules and regulations in conjunction with the governor's
2-28 commission on disabilities consistent with the purposes of this section and the Administrative
2-29 Procedures Act, chapter 35 of this title, which provides for the orderly and equitable disbursement
2-30 and repayment of funds.
2-31 (c) All funds placed in the home modifications revolving loan fund for people with
2-32 disabilities and the elderly shall be made available to make loans to individuals, and landlords for
2-33 the purpose of making modifications to the primary residence of persons who: (1) have a
2-34 disability; or (2) are age 65 or older; or (3) are the caregiver of a family member who has a
3-1 disability and lives in the caregiver's primary residence, to allow such persons to live more
3-2 independently in the community and for necessary costs for the administration of the program.
3-3 (d) Loans made available under the provisions of this section may be made directly, or in
3-4 cooperation with independent living centers, other public and private lenders, or any agency,
3-5 department, or bureau of the federal government or the state.
3-6 (1) The loans pursuant to this section shall be available on the basis of a sliding scale
3-7 relative to the homeowner's income and assets to the cost of the home modifications.
3-8 (2) Interest rates shall be means tested and may be determined pursuant to income
3-9 standards developed by the director of the Rhode Island housing and mortgage finance
3-10 corporation.
3-11 (3) Repayment of any loan pursuant to this chapter may be delayed until the sale of the
3-12 principal residence by the homeowner.
3-13 (e) The proceeds from the repayment of any loans made for that purpose shall be
3-14 deposited in and returned to the home modifications revolving loan fund for people with
3-15 disabilities and the elderly to constitute a continuing revolving loan fund for the purposes
3-16 provided in this section.
3-17 (f) Nothing contained herein shall be construed as giving rise to enforceable legal rights
3-18 on entitlement to any services.
3-19 (g) The director of Rhode Island housing and mortgage finance corporation shall submit
3-20 annually reports to the general assembly detailing the status of the home modification revolving
3-21 loan fund program.
3-22 (h) As used in this section the term:
3-23 (1) "Home modification" shall mean an adaptation to the physical living environment for
3-24 ease of use, safety, security and/or to allow such persons to live more independently in the
3-25 community;
3-26 (2) "Major life activities" include walking, talking, hearing, seeing, breathing, learning,
3-27 performing manual tasks, and caring for oneself; and
3-28 (3) "Person who has a disability" shall mean a person who has a physical or mental
3-29 impairment which substantially limits one or more of such person's major life activities.
3-30 SECTION 5. **Independent evaluation of home modification revolving loan fund**
3-31 **program. –** An independent evaluation of the effectiveness and administration of this program
3-32 will take place no later than one year after the fund becomes operational. The evaluation and a
3-33 full report with findings will be presented to the house and senate finance committees for review
3-34 no later than eighteen months after the fund becomes operational. Funding for this evaluation is
4-1 authorized from the revolving loan fund.
4-2 SECTION 6. Sections 1, 2, and 3 of this act shall take effect upon passage. As to sections
4-3 4 and 5, if a majority of the people voting on the proposition provided for in section 2 of this act
4-4 shall vote to approve the proposition as to any project provided for in section 2 hereof, sections 4
4-5 and 5 shall take effect upon approval of voters.
4-6 SECTION 7. This act shall take effect upon passage.

MOTION: To find beneficial if amended to expand the definition of (3) to include

"elderly" 08 H-7384 An Act Relating to State Affairs And Government - Rhode Island Housing and Mortgage Finance Corporation GR/AP passed, BI Nay

08 S-2219 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Sponsors: Sen. Perry & Sens. Miller, Pichardo, Moura, Sosnowski Referred to Committee Senate Finance Committee

Description: This act would give the Rhode Island Housing Resources Commission the power to administer the supportive services program which aids in the prevention of homelessness, and would appropriate $500,000 in fiscal year 2009 to carry out this provision of this act. This act would take

No position taken

3. Review of Budget Article Creating the Department of Elderly Affairs & Advocacy	**Bob Cooper**	

Budget Article Language

SECTION 1. Sections 23-1.8-1, 23-1.8-2, and 23-1.8-3 of the General Laws in Chapter 23-1.8 entitled "Commission on the Deaf and Hard of Hearing" are hereby amended to read as follows:

23-1.8-1. Purpose - Creation of commission.

(a) In view of the barriers and disadvantages which deafness and hearing impairments impose on those individuals so affected, and in view of the testimony on deafness received by a legislative study commission, it is hereby proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be established within the department of elderly affairs and advocacy. This commission shall be composed as follows: a thirteen (13) member commission, eleven (11) of whom are appointed by the governor, one representative appointed by the speaker of the house and one senator appointed by the president of the senate. Four (4) of the governor's appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members shall be appointed for a term to expire July 1, 1994. Thereafter the commissioners shall serve staggered two (2) year terms, each member serving until his or her successor is appointed. ~~These commissioners~~ The director of department of elderly affairs and advocacy shall be responsible for the establishment of policies and the appointment of an executive director who shall be in the ~~un~~classified service and other staff as needed and for whom appropriations are available. ~~They~~ The Commissioners shall meet not less than four (4) times per year, and shall not be paid for their services, except for reimbursement of expenses incurred by their service. The commissioners may elect their own officers.

(b) The members appointed by the governor shall include five (5) individuals who are deaf who use American Sign Language, one individual who is deaf who does not use American Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission members shall select their own chairperson. Five (5) members shall constitute a quorum.

23-1.8-2. Duties - Activities.

The commission shall be primarily a coordinating and advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in Rhode Island. ~~Its activities shall be independent of any existing agency or department within the state.~~ The commission shall be accountable directly to the ~~executive office of the state, and shall submit an annual report to the governor~~ The director of department of elderly affairs and advocacy. The commission will assume the following duties:

(1) Bring about greater cooperation and coordination among agencies and organizations now servicing or having the potential to serve the deaf and hard-of-hearing;

(2) Promote greater accessibility to services for the deaf and hard-of-hearing;

(3) Conduct an ongoing needs assessment;

(4) Promote increased awareness and provide information and referrals;

(5) Advocate for the enactment of legislation that would assist the needs of individuals who are deaf and hard-of-hearing;

(6) Administer a sign language interpreter referral service;

(7) Take necessary action to improve the quality of life for deaf and hard-of-hearing individuals living in Rhode Island;

(8) Develop a statewide coordinating council that will coordinate the implementation of the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have hearing loss. The composition, functions and activities of the statewide coordinating council shall be consistent with the provisions of the strategic plan developed through the Rhode Island department of elementary and secondary education.

(9) Track the yearly services provided by exempted interpreters, as defined in subsection 5-71-15(4).

23-1.8-2.1. Sign language interpreter referral service.

~~The~~ Under the direction of the department of elderly affairs and advocacy the commission shall administer the sign language interpreter referral service for all certified licensee, licensee, grandparent licensee, and special licensee interpreters, as provided in chapter 71 of title 5, who hold a valid interpreter for the deaf license issued by the state board of examiners of interpreters for the deaf pursuant to 5-71-9 or 5-71-12 or hold a valid license, certificate, or equivalent issued with another state with reciprocity pursuant to 5-71-10. The commission shall not impose any limits on the practice of certified licensees, licensees, grandparent licensees, or special licensees beyond those imposed by the state board of examiners for interpreters for the deaf. Prior to January 1, 1998 the commission's sign language interpreter referral service shall be open to all interpreters for the deaf who meet or exceed qualifications for license in 5-71-9, 5-71-10, 5-71-11, or 5-71-12. The commission shall refer any complaints regarding the conduct or performance of any interpreter utilizing their referral service to the state board of examiners for interpreters for the deaf for appropriate action pursuant to 5-71-13. The commission shall upon receipt of notice of revocation or suspension of a license by the state board of examiners for interpreters for the deaf, immediately cease to refer customers to that licensee, unless and until the license is restored.

23-1.8-3. Committees.

(a) To assist in the performance of its duties and with the approval of the director of department of elderly affairs and advocacy, the commission shall establish various committees. Except as authorized by the commission, committees shall be composed of no more than seven (7) members who shall serve staggered terms.

(b) At least one individual who is deaf, one individual who is hard-of-hearing, and one commission member, whenever possible, shall serve on each committee. In addition, governmental agencies shall assign one representative to the following committees:

(1) Telecommunications relay service committee: one representative of the public utilities commission;

(2) Education committee: one representative of the department of elementary and secondary education and one representative of the Rhode Island school for the deaf;

(3) Employment committee: one representative of the department of human services, and one representative of the department of labor and training;

(4) Health care committee: one representative of the department of elderly affairs, one representative of the department of health, and one representative of the department of mental health, retardation, and hospitals;

(c) The committees are responsible for appointing their chairpersons. Chairpersons shall report upon the activities of their committees at commission meetings.

SECTION 2. Section 36-4-2 of the General Laws in Chapter 36-4- entitled "Merit System" is hereby amended to read as follows:

36-4-2 Positions in unclassified service.

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SECTION 3. Section 40.1-9 of the General Laws in Chapter 40.1-1 entitled "Department of Mental Health, Retardation, and Hospitals" is hereby amended to read as follows:

40.1-1-9. State council on developmental disabilities.

(a) The governor shall establish a state council within the ~~executive~~ department of elderly affairs and advocacy and make appropriate provisions for the rotation of membership, and appoint such representatives as are required as a condition of eligibility for benefits under the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000 et seq., as enacted by Title V of P.L. 95-602 on November 6, 1978, by the congress of the United States, to consult with the directors of the state departments of mental health, retardation, and hospitals, human services, children, youth, and families, health, and elementary and secondary education in carrying out the purposes of this chapter.

(b) The council shall review and, where appropriate, make findings and recommendations on programs related to the care provided to persons with developmental disabilities including, but not limited to, other services available to them. The council should continue to strive to see that the developmentally disabled receive the substantial care and assistance which can be provided to them and shall continue to monitor, plan, and evaluate, as may be appropriate, those services affording protections to persons with developmental disabilities.

SECTION 4. Sections 42-7.2-1, 42-7.2-6 and 42-7.2-6.1 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human Services" are hereby amended to read as follows:

42-7.2-1 Statement of intent.

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SECTION 5. Sections 42-51-1, 42-51-3, 42-51-5, 42-51-6, , 42-51-6.1, 42-51-6.2, 42-51-7, 42-51-10, of the General Laws in Chapter 42-51 entitled "Governor's Commission on Disabilities" are hereby amended to read as follows:

42-51-1. Establishment of commission.

There is established within the ~~executive~~ department of elderly affairs and advocacy a permanent commission to be known as

the "governor's commission on disabilities," hereinafter referred to as "the commission

42-51-3. Officers.

The ~~governor~~ director of the department of elderly affairs and advocacy shall designate one member of the commission to serve as its chairperson during the governor's term of office or until he or she appoints another member of the commission to serve in that capacity. The commission shall elect from its own membership a vice-chairperson, who shall serve until his or her successor is elected, and who is authorized to act as chairperson pro tempore of the commission should there be a vacancy for any cause in the office of the chairperson. ~~The commission shall elect from its own membership other officers it deems necessary.~~ The director of the department of elderly affairs and advocacy ~~commission~~ shall appoint an executive secretary ~~to serve as executive officer and secretary~~ of the commission, who shall be a full time employee in the classified service. The director of the department of elderly affairs and advocacy ~~commission~~ may appoint additional personnel as may be necessary for the efficient performance of the duties prescribed by this chapter.

42-51-5. Compensation and expenses.

The members of the commission shall receive no compensation for their services, but may, at the discretion of the ~~governor~~ director of the department of elderly affairs and advocacy, be reimbursed for traveling and other expenses actually incurred in the performance of their official duties.

42-51-6. Duties.

It shall be the duty of the commission, under the direction of the department of elderly affairs and advocacy, to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:

(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state;

(2) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development;

(3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;

(4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities; and

(5) From time to time, but not less than once a year, to report to the legislature and the governor, describing the investigations, proceedings, and hearings the commission has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and make recommendations for further legislation concerning abuses and discrimination based on disability that may be desirable.

42-51-6.1. Hearing boards.

(a) The director of the department of elderly affairs and advocacy ~~commission's chairperson~~ shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of this title and 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.

(b) Three (3) commissioners shall constitute a quorum of a hearing board.

(c) The hearing board is empowered to:

(1) Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and

(2) In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.

42-51-6.2. Committees and mediation teams.

(a) The commission under the direction of the department of elderly affairs and advocacy is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission. (b) ~~The commission may itself, or it~~ may empower these committees and mediation teams to:

(1) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens of this state;

(2) Arouse community interest in the concerns of people with disabilities;

(3) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities; and

(4) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

(c) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.

(d) Advisory committees and mediation teams created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses.

(e) Three (3) members of a committee constitutes a quorum for the purpose of conducting the business of that committee.

42-51-7. Gifts, grants, and donations.

The commission is authorized to receive any gifts, grants, or donations made for any of the purposes of its program, and to disburse and administer them in accordance with the terms of its program under the direction of the department of elderly affairs and advocacy.

42-51-10. State coordinating committee on disability rights.

The department of elderly affairs and advocacy ~~commission~~ shall establish a state coordinating committee on disability rights to advise and assist the commission to implement self-evaluation and compliance plans as required by federal and state laws protecting the rights of individuals with disabilities. The committee shall be composed of thirteen (13) members who shall be as follows: one representative of each of the general officers of the state, appointed by that general officer; one representative of the house of representatives, appointed by the speaker of house; one representative of the senate, appointed by the president of the senate; one representative of the judiciary, appointed by the chief justice of the supreme court; one representative of each of the boards of education, appointed by the chairperson of that board; one representative of the public transit authority, appointed by the chairperson of the authority, and those additional representatives the director of the department of elderly affairs and advocacy ~~chairperson of the governor's commission on disabilities~~ may appoint from the executive branch and the general public. Those persons acting as committee members on July 21, 1992 shall continue to so act until their successors are appointed. Each member shall serve at the pleasure of the appointing authority. The chairperson of the governor's commission on disabilities shall preside at meetings of the committee. The executive secretary of the governor's commission on disabilities shall serve as vice chairperson of the committee.

SECTION 6. Sections 42-66-1, 42-66-2, 42-66-3, 42-66-4, 42-66-5, 42-66-7, 42-66-8 entitled "Elderly Affairs Department" are hereby amended to read as follows:

Chapter 42-66. Elderly Affairs and Advocacy Department

42-66-1. Declaration of purpose.

The legislature finds and declares:

(1) That the state has an obligation to provide for the health, safety and welfare of its elderly citizens and persons with disabilities;

(2) That to develop and implement innovative programs to insure the dignity and independence of our elderly citizens and persons with disabilities is essential to insure and protect their rights;

(3) That upgrading and maintenance of services and programs pertaining to our elderly citizens and persons with disabilities deserves priority consideration as a means of preventing ineffective responses to their health, safety and welfare needs;

(4) That the establishment of a department of state government to provide for the health, safety, and welfare of elderly citizens and persons with disabilities is the most effective way to insure that they are better prepared and equipped to lead productive and meaningful lives; and

(5) The abuse of elderly persons is a social and moral problem in our state and nationally and the state has a responsibility to provide protection to vulnerable elderly persons who are abused and/or neglected. The legislature recognizes that reports of elder abuse have grown significantly and are reaching alarming proportions and that there is an immediate need to clarify and strengthen the state's role and responsibilities in the prevention and alleviation of elder abuse.

42-66-2. Establishment of department - Director.

There is established within the executive branch of state government a department of elderly affairs and advocacy. The head of the department shall be the director of elderly affairs, who shall be a person qualified by training and experience to perform the duties of the office. The director shall be in the unclassified service, appointed by the governor with the advice and consent of the senate, and shall serve at the pleasure of the governor and until the appointment and qualification of the director's successor. The director shall receive a salary as provided by law.

42-66-3. Transfer of functions from the department of community affairs.

There are transferred to the director of the department of elderly affairs and advocacy:

(1) Those duties with respect to elderly citizens as enacted by former 42-44-9 and 42-44-10;

(2) So much of other functions or parts of functions of the director of the department of community affairs; provided, however, that those duties with respect to housing facilities, projects, and programs for the elderly shall be within the jurisdiction of the governor's office of intergovernmental relations; and

(3) Whenever in the general laws or in any public law the words "administration of division of aging," "division on aging" and "director and/or department of community affairs" shall appear in relation to elderly affairs, the reference shall be deemed to mean and include the director and the department of elderly affairs, as the case may be.

(4) Those duties with respect to individuals who are deaf and hard-of-hearing, as enacted by former §§ 23-1.8-2.1, 23-1.8-

2.2, and 23-1.8-2.3.

(5) Those duties with respect to individual with developmental disabilities, as enacted by former § 40.1-1-9.

(6) Those duties with respect to individuals with disabilities, as enacted in former §§ 42-51-1, 42-51-3, 42-51-5, 42-51-6, , 42-51-6.1, 42-51-6.2, 42-51-7, 42-51-10.

42-66-4. Duties of the department.

(a) The department shall be the principal agency of the state to mobilize the human, physical, and financial resources available to plan, develop, and implement innovative programs to insure the dignity and independence of elderly persons, including the planning, development, and implementation of a home and long-term care program for the elderly in the communities of the state. (b) (1) The department shall serve as an advocate for the needs of the adult with a disability ~~as these needs and services overlap the needs and services of elderly persons.~~.

(2) The department shall serve as the state's central agency for the administration and coordination of a long term care entry system, using community-based access points, that will provide the following services related to long term care: information and referral, initial screening for service and benefits eligibility, and a uniform assessment program for state supported long term care.

(3) The department shall investigate reports of elder abuse and neglect and shall provide and/or coordinate protective services.

(c) To accomplish these objectives, the director is authorized:

(1) To provide assistance to communities in solving local problems with regard to elderly persons including, but not limited to, problems in identifying and coordinating local resources to serve the needs of elderly persons;

(2) To facilitate communications and the free flow of information between communities and the offices, agencies and employees of the state;

(3) To encourage and assist communities, agencies, and state departments to plan, develop, and implement home and long-term care programs;

(4) To provide and act as a clearinghouse for information, data, and other materials relative to elderly persons;

(5) To initiate and carry out studies and analyses which will aid in solving local, regional, and statewide problems concerning elderly persons;

(6) To coordinate those programs of other state agencies designed to assist in the solution of local, regional, and statewide problems concerning elderly persons;

(7) To advise and inform the governor on the affairs and problems of elderly persons in the state;

(8) To exercise the powers and discharge the duties assigned to the director in the fields of health care, nutrition, homemaker services, geriatric day care, economic opportunity, local and regional planning, transportation, and education and pre-retirement programs; (9) To further the cooperation of local, state, federal and private agencies and institutions providing for services or having responsibility for elderly persons;

(10) To represent and act on behalf of the state in connection with federal grant programs applicable to programs for elderly persons in the functional areas described in this chapter;

(11) To seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the state, local agencies, and community groups in taking advantage of all federal grants and subventions available for elderly persons and to accept other sources of funds with the approval of the director of administration which shall be deposited as general revenues;

(12) To render advice and assistance to communities and other groups in the preparation and submission of grant applications to state and federal agencies relative to programs for elderly persons;

(13) To review and coordinate those activities of agencies of the state and of any political subdivision of the state at the request of the subdivision, which affect the full and fair utilization of community resources for programs for elderly persons, and initiate programs that will help assure such utilization;

(14) To encourage the formation of councils on aging and to assist local communities in the development of the councils;

(15) To promote, license, and coordinate day care facilities for the frail elderly who are in need of supportive care and supervision during the daytime;

(16) To provide and coordinate the delivery of in-home services to the elderly, as defined under the rules and regulations proposed by the in-home services commission and adopted by the department of elderly affairs;

(17) To advise and inform the public of the risks of accidental hypothermia;

(18) To establish a clearinghouse for information and education of the elderly citizens of the state;

(19) To establish and operate in collaboration with community and aging service agencies a statewide family-caregiver resource network to provide and coordinate family-caregiver training and support services to include counseling and respite services;

(20) To provide and coordinate the "elderly/disabled transportation" program; and

(21) To supervise the citizens' commission for the safety and care of the elderly created pursuant to the provisions of

chapter 1.4 of title 12.

(d) In order to assist in the discharge of the duties of the department, the director may request from any agency of the state information pertinent to the affairs and problems of elderly persons with disabilities.

42-66-5. Divisions of department.

There shall be within the department of elderly affairs and advocacy a division of program planning, development and operations ~~and~~, a division of community services, and a division of services for persons with disabilities.

42-66-7. Advisory commission on aging.

(a) Within the department of elderly affairs and advocacy there shall be an advisory commission on aging consisting of twenty-five (25) members, four (4) of whom shall be from the general assembly as hereinafter provided, and twenty-one (21) of whom shall be appointed by the governor, thirteen (13) of whom shall be elderly consumers representative of that segment of the population. In the case of members of the commission appointed by the governor, they shall be chosen and shall hold office for three (3) years, except that in the original appointments, seven (7) members shall be designated to serve for one year, seven (7) members shall be designated to serve for two (2) years and seven (7) members shall be designated to serve for three (3) years, respectively, and until their respective successors are appointed and qualified. In the month of February in each year the governor shall appoint successors to the members of the commission whose terms shall expire in such year to hold office until the first day of March in the third year after their appointment and until their respective successors are appointed and qualified.

(b) The four (4) members from the general assembly shall be appointed, two (2) from the house of representatives by the speaker, one from each of the two (2) major political parties, and two (2) from the senate by the president of the senate, one each from the two (2) major political parties, each to serve until the thirty-first day of December in the second year of the term to which the member has been elected. Any vacancy, which may occur in the commission, shall be filled in like manner as the original appointment, for the remainder of the unexpired term.

(c) The members of the commission at the first meeting shall elect a chairperson and such other officers as they may deem necessary. The commission shall meet at the call of the governor or the chairperson and shall make suggestions to and advise the governor or the director concerning the policies and problems confronting the aged and aging of the state. The members of the commission shall serve without compensation but shall be compensated for their necessary and actual traveling expenses in the performance of their official duties.

42-66-8. Abuse of elderly persons - Duty to report.

Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, exploited, or abandoned shall make an immediate report to the director of the department of elderly affairs and advocacy or his or her designee. Any person who fails to make the report shall be punished by a fine of not more than one thousand dollars ($1,000) or shall be imprisoned for a term of not more than one year, or both.

SECTION 7. Chapter 44-66 of the General Laws Entitled "Elderly Affairs Department" is hereby amended by adding the following section:

44-66-18 Name change. – Wherever in the general or public laws, there appears the words "department of elderly affairs", it should now read "department of elderly affairs and advocacy".

SECTION 8. Sections 42-6-1, 42-6-2, and 42-6-3, of the General Laws in Chapter 42-6 entitled "Departments of State Government" are hereby amended to read as follows:

42-6-1 Enumeration of departments. –

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SECTION 9. Any proceeding or other business or matter undertaken or commenced, prior to the effective date of this article, by a commission, council, or other administrative agency, the functions, powers, and duties whereof are assigned and transferred to the department of elderly affairs and advocacy and are pending on the effective date of this act, may be conducted and completed by the director of the department of elderly affairs and advocacy, or by a subordinate under his or her direction, in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced or completed by the commission, council or other administrative agency prior to said transfer.

SECTION 10. The omission in this act of a citation of any general law or public law now in force which makes it mandatory upon or permissive for any commission, council or other agency of the state to perform certain functions, which by this article are assigned or transferred to the department of elderly affairs and advocacy, shall not, unless otherwise clearly intended, suspend or annul the right of the department to carry out such functions.

SECTION 11. In order that there be no interruption in the functions of the department of elderly affairs and advocacy, the actual transfer of functions between any existing commissions, council, or agencies to the department may be postponed after the effective date of this act until such time, as determined by director of elderly affairs and advocacy, that the transfer herein provided can best be put into force and effect.

SECTION 12. This article shall take effect upon passage. The transfer of all appropriations, resources and personnel to the

department of elderly affairs and advocacy shall occur as of July 1, 2008.			
Questions on The Commission's Legislative Package Status Report:			**20 min.**
	Actions that need to be taken:	Person responsible:	Deadline:
08 H-7235 AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES Rep. Kilmartin **Hearing Scheduled for Wednesday 2/13/08 @ Rise In House Municipal Government Committee Rm 203** Description: This act would authorize an accessory family dwelling unit in a single -family residence as a reasonable accommodation for family - members with disabilities. This act would take effect upon passage. **Identical to S 2290 in Senate Housing and Municipal Government** by Sen. Levesque			
08 H-7319 AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - GOVERNMENTAL TORT LIABILITY STATE BOARDS AND COMMISSIONS Rep. Fox **In House Judiciary Committee** Description: This act would add members of state boards and commission, when acting in their official capacity, to those state officials and employees, who are subjected to certain standards in determining governmental tort liability and the attorney general's responsibilities in providing			
08 H-7023 AN ACT RELATING TO FAMILY COURT -- JURISDICTION Rep. Gemma **In House Finance Committee** Description: This act would mandate that sentences imposed by courts, other than family court, upon seventeen years pursuant to 2007 P.L. 73 Article 22, section 1, be vacated and remand to the family court for the institution of appropriate proceedings. This act would take effect upon			
MOTION: To communicate to House Finance Cmte. concerns for the lack of foster family support services for the 18 – 21youth JB/GR passed unanimously			
	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 Section 5 Insurance -- Mandated Benefits / Children's health account**)**		
	JB & AP reported on the status of the Children's Health Accounts		
	Ensure implementation of the crisis intervention services for abused non-elderly adults (18-64*)* with severe impaired (Public Law 2006 Chapter 175 Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation)		
	GR surveyed police departments about knowledge on the law – none aware the law		
	MOTION: Send a letter to 2006 sponsors expressing concerns about the implementation of the crisis intervention services – required by RIPL 2006 Chapter 175. GR/BI passed unanimously		
	Refocus Medicaid from institutional care to home & community based services so people can remain living in their community (Public Law 2006, Chapter 263 / RIGL 40-8.9 Medical Assistance - Long-Term Care Service And Finance Reform)		
Announcements and Scheduling of Meetings		Tim Flynn	5 min.

Next meeting will be on:	Monday March 10th	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:58 PM	

Other Information

Observers:	J. John Pimentel, Edward J. Schroeder (Legislation) Fellow
Resource persons:	Bob Cooper, Committee Staff