



Governor's Commission on Disabilities Legislation Committee

Monday March 10, 2008 3 – 4:30 PM

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

----- Minutes -----

Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
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Introductions: Chair calls the meeting to order at 3:05 PM

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

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

Tabled for more information from Liberty

08 H-7098 AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC CHEMICALS IN CHILDREN'S PRODUCTS Sponsor: Rep. Rice

This act would require manufacturers of children's products that contain chemicals of high concern to disclose information to the department of health on their chemical use if the department designates the chemical as a priority chemical based on potential exposure of a child or fetus to that chemical. The act would further authorize the department to require replacement of a priority chemical in children's products with a safer alternative whenever it determines that a safer alternative is available for a specified use. The act would exempt use of priority chemicals for industrial or manufacturing purposes, in motor vehicles and components, as fuels or that are generated as combustion byproducts. This act would take effect upon passage.

In Committee House Health, Education, & Welfare Committee

1-1	SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby
1-2	amended by adding thereto the following chapter:
1-3	<u>CHAPTER 24.11</u>
1-4	<u>TOXIC CHEMICALS IN CHILDREN'S PRODUCTS</u>
1-5	<u>23-24.11-1. Definitions. – (a) As used in this chapter, unless the context otherwise</u>
1-6	<u>indicates, the following terms have the following meanings:</u>

- 1-7 (1) “Alternative” means a substitute process, product, materials, chemical, strategy or
1-8 combination of these that serves a functionally equivalent purpose to a chemical in a children’s
1-9 product.
- 1-10 (2) “Chemical” means a substance with a distinct molecular composition or a group of
1-11 structurally related substances and includes the breakdown products of the substance or
1-12 substances that form through decomposition, degradation or metabolism.
- 1-13 (3) “Chemical of high concern” means a chemical identified by an authoritative
1-14 governmental entity on the basis of credible scientific evidence as being known to:
- 1-15 (i) Harm the normal development of a fetus or child or cause other developmental
1-16 toxicity;
- 1-17 (ii) Cause cancer, genetic damage or reproductive harm;
- 1-18 (iii) Disrupt the endocrine or hormone system;
- 2-1 (iv) Damage the nervous system, immune system or organs or cause other systemic
2-2 toxicity;
- 2-3 (v) Be persistent, bioaccumulative and toxic; or
- 2-4 (vi) Be very persistent and very bioaccumulative.
- 2-5 (4) “Chemical of low concern” means a chemical for which adequate toxicity and
2-6 environmental data are available to determine that it is not a chemical of high concern, a
2-7 chemical
2-8 of moderate concern or a chemical of unknown concern.
- 2-8 (5) “Chemical of moderate concern” means a chemical identified by an authoritative
2-9 governmental entity on the basis of credible scientific evidence as being suspected of causing an
2-10 adverse health or environmental effect listed in subsection 3.
- 2-11 (6) “Chemical of unknown concern” means a chemical for which insufficient data is
2-12 available to classify it as a chemical of high concern, a chemical of moderate concern or a
2-13 chemical of low concern.
- 2-14 (7) “Children’s product” means a consumer product intended for use by children, such as
2-15 baby products, toys, car seats, personal care products and clothing, and any consumer product
2-16 containing a chemical of high concern that when used or disposed of may result in a child or a
2-17 fetus being exposed to that chemical.
- 2-18 (8) “Consumer product” means any item sold for residential or commercial use, including
2-19 any component parts and packaging. “Consumer product” does not include a drug or biologic
2-20 regulated by the federal Food and Drug Administration, a food or beverage or an additive to a
2-21 food or beverage, a tobacco product or a pesticide regulated by the Federal Environmental
2-22 Protection Agency, except that “consumer product” may include a container or packaging in
2-23 which such an item is sold.
- 2-24 (9) “Distributor” means a person who sells consumer products to retail establishments on
2-25 a wholesale basis.
- 2-26 (10) “Manufacturer” means any person who manufactured a final consumer product or
2-27 whose brand name is affixed to the consumer product. In the case of a consumer product that was
2-28 imported into the United States, “manufacturer” includes the importer or domestic distributor of
2-29 the consumer product if the person who manufactured or assembled the consumer product or
2-30 whose brand name is affixed to the consumer product does not have a presence in the United
2-31 States.
- 2-32 (11) “Priority chemical” means a chemical identified as such by the department pursuant
2-33 to section 23.24.11-2.

2-34 (12) “Safer alternative” means an alternative that, when compared to a priority chemical
3-1 that it could replace, would reduce the potential for harm to human health or the environment or
3-2 that has not been shown to pose the same or greater potential for harm to human health or the
3-3 environment as that priority chemical.
3-4 (13) “Department” means the Rhode Island department of health.
3-5 23-24.11-2. Identification of priority chemicals. – Process and criteria. (a) Not later
3-6 than January 1, 2011, the department shall identify at least one hundred (100) chemicals of high
3-7 concern as priority chemicals after consideration of the potential for exposure of a child or fetus
3-8 to each chemical as determined on the basis of credible scientific evidence in accordance with
3-9 one or more of the following criteria:
3-10 (1) The chemical has been found through biomonitoring to be present in human blood,
3-11 including umbilical cord blood, breast milk, urine or other bodily tissues or fluids;
3-12 (2) The chemical has been found through sampling and analysis to be present in
3-13 household dust, indoor air, drinking water or elsewhere in the home environment;
3-14 (3) The chemical has been added to or is present in a consumer product used or present in
3-15 the home; or
3-16 (4) The chemical has been identified as a high production volume chemical by the
3-17 Federal Environmental Protection Agency.
3-18 (b) Updates. The department shall update the list of priority chemicals in this section at
3-19 least every three (3) years by adding additional chemicals of high concern after consideration of
3-20 the criteria listed in this section.
3-21 23-24.11-3. Disclosure of information on priority chemicals. – (a) Reporting of
3-22 chemical use. Not later than one hundred eighty (180) days after a priority chemical is identified
3-23 pursuant to section 23-24.11-2, any person who is a manufacturer or distributor of a children’s
3-24 product for sale in the state that contains a priority chemical shall notify the department in
3-25 writing
3-26 unless waived by the department pursuant to this section or exempt pursuant to section 23-24.11-
3-27 5. This written notice must identify the product, the number of units sold or distributed for sale in
3-28 the state or nationally, the priority chemical or chemicals contained in the product, the amount of
3-29 such chemicals in each unit of product and the intended purpose of the chemicals in the product.
3-30 (b) Waiver of reporting; fee; extension of deadline. The department may waive the
3-31 notification requirement under subsection(2) for one or more specified uses of a priority chemical
3-32 if the department determines that substantially equivalent information is already publicly
3-33 available or that the specified use or uses are minor in volume or not likely to result in exposure
3-34 of a child or fetus to the chemical. The department may assess a fee payable by the manufacturer
4-1 or distributor upon submission of the notification to cover the department’s reasonable costs in
4-2 managing the information collected. The department may extend the deadline for submission of
4-3 the required information for one or more specified uses of a priority chemical in a children’s
4-4 product if it determines that more time is needed by the manufacturer or distributor to comply or
4-5 if the information will not be needed until a later time in accordance with the schedule adopted
4-6 pursuant to section 23.24.11-4.
4-7 23-24.11-4. Safer alternatives to priority chemicals. – (a) Determination process. Not
4-8 later than January 1, 2012, the department shall make a determination as to the availability of
4-9 safer alternatives for one or more specific uses of at least one priority chemical in a children’s
4-10 product. Not later than January 1, 2013, the department shall adopt a schedule for completion of
the review and determination of the availability of safer alternatives for the major uses in

4-11 children's products of all priority chemicals identified pursuant to section 23-24.11-2. This
4-12 schedule must include goals and a timeline established at the discretion of the department to
4-13 complete the review and determination and must be updated periodically to account for priority
4-14 chemicals identified pursuant to section 23-24.11-2.
4-15 (b) Safer alternative required. The department shall require a manufacturer or distributor
4-16 to replace a priority chemical in a children's product sold in this state with a safer alternative
4-17 whenever the department determines that a safer alternative is available for the specified use of
4-18 the priority chemical in that product. Upon making such a determination, the department shall
4-19 specify a reasonably expeditious timeline, not to exceed three (3) years, by which date the
4-20 priority
4-21 chemical in the children's product sold in this state must be replaced with a safer alternative. The
4-22 manufacturer or distributor subject to a requirement under this section must comply with the
4-23 requirement or be subject to the prohibition specified in subsection 23-24.11-8(2). An alternative
4-24 to a priority chemical is presumed to be a safer alternative if it is not a chemical of high concern.
4-25 (c) Compliance plan. Not later than one hundred eight (180) days prior to the date
4-26 specified by the department under subsection 23-24.11-8(2) to replace a priority chemical with a
4-27 safer alternative, the manufacturer or distributor of a children's product containing that chemical
4-28 shall submit a compliance plan acceptable to the department. The compliance plan must identify
4-29 the means of compliance, the safer alternative that will replace the priority chemical and a means
4-30 to educate and assist retailers to ensure timely compliance.
4-31 (d) Responsibility. A manufacturer or distributor of a children's product containing a
4-32 priority chemical shall notify persons that sell the product of the requirements of this chapter.
4-33 (e) Authority granted. The department has the authority to take actions under this
5-1 subsection:
5-2 (1) The department has the authority to require that the safer alternative required under
5-3 this section to replace a priority chemical in a children's product be the least toxic to human
5-4 health or least harmful to the environment of several available safer alternatives to the priority
5-5 chemical in question.
5-6 (2) The department has the authority to require that a manufacturer or distributor of a
5-7 children's product containing a priority chemical prepare and submit a report acceptable to the
5-8 department that assesses the availability of safer alternatives to that chemical as long as
5-9 reasonable time is provided to complete the report. If a report acceptable to the department is not
5-10 timely submitted, the department may assess a fee on the manufacturer or distributor to cover the
5-11 costs to prepare an independent report on the availability of safer alternatives by a contractor of
5-12 the department's choice.
5-13 (f) Petitions. Any person may petition the department in writing to make a determination
5-14 as to whether a safer alternative is available for a specified use of a priority chemical in a
5-15 children's product. The department shall make its determination within one hundred eight (180)
5-16 days after the department concludes that the petitioner has submitted enough information to
5-17 establish a reasonable basis for informing the determination of the department. The petitioner
5-18 bears the burden of proof in establishing the availability of a safer alternative.
5-19 23-24.11-5. Exemptions. – (a) Small quantities. The disclosure requirements of section
5-20 23-24.11-3 do not apply to a manufacturer that produces and sells its product at retail in this state
5-21 in small quantities.
5-22 (b) Industry. The requirements of this chapter do not apply to uses of priority chemicals
for industrial or manufacturing purposes.

5-23 (c) Vehicles. The requirements of this chapter do not apply to motor vehicles or their
5-24 component parts, except that the use of priority chemicals in detachable car seats is not exempt.
5-25 (d) Combustion. The requirements of this chapter do not apply to priority chemicals
5-26 generated solely as combustion by-products or that are present in combustible fuels.
5-27 (e) Retailers. A retailer is exempt from the requirements of this chapter, unless that
5-28 retailer knowingly sells a consumer product containing a priority chemical after the effective date
5-29 of its prohibition for which that retailer has received prior notification from a manufacturer,
5-30 distributor or this state.
5-31 (f) Exemption process. A manufacturer or distributor may apply to the department for an
5-32 exemption for one or more specific uses of a priority chemical subject to a requirement of
5-33 replacement with a safer alternative adopted under section 23-24.11-4. The written application
5-34 for exemption must identify the specific consumer product use or uses for which the exemption is
6-1 sought. The application must document the alternatives evaluated and the basis for concluding
6-2 that alternatives are not feasible.
6-3 The department may grant an exemption for a term not to exceed five (5) years upon finding
6-4 that
6-5 there is no feasible alternative to the use or uses of a priority chemical in a consumer product.
6-6 23-24.11-6. Interstate clearinghouse to promote safer chemicals. – The department is
6-7 authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer
6-8 products in cooperation with other states and governmental entities. The department may
6-9 cooperate with the interstate clearinghouse to classify existing chemicals in commerce into one of
6-10 four (4) categories: chemicals of high concern, chemicals of moderate concern, chemicals of
6-11 unknown concern and chemicals of low concern; to organize and manage available data on
6-12 chemicals, including information on uses, hazards and environmental concerns; to produce and
6-13 inventory information on safer alternatives to specific uses of chemicals of concern and on model
6-14 policies and programs; to provide technical assistance to business and consumers related to safer
6-15 chemicals.
6-16 23-24.11-7. Education and assistance. – The department shall develop a program to
6-17 educate and assist consumers and retailers in identifying children’s products that may contain
6-18 priority chemicals.
6-19 23-24.11-8. Enforcement and implementation. – (1) General. If a manufacturer or
6-20 distributor fails to comply with a requirement of this chapter within ninety (90) days of the
6-21 effective date of the requirement, unless otherwise provided in this chapter, the department may
6-22 take enforcement action and may request the attorney general to initiate immediate injunction
6-23 proceedings to prevent the sale of the product.
6-24 (2) Restriction on sale. A manufacturer or distributor who fails to comply with the safer
6-25 alternatives requirements of section 23-24.11-1 by the effective date specified by the department
6-26 is prohibited from selling or distributing for sale in this state a children’s product containing the
6-27 priority chemical subject to the requirement.
6-28 (3) Certificate of compliance. If there are grounds to suspect that a consumer product is
6-29 being offered for sale in violation of this chapter, the department may request the manufacturer
6-30 or distributor of the product to provide a certificate of compliance. Within ten (10) days of
6-31 receipt of a request, the manufacturer or distributor shall: (a) provide the department with the
6-32 certificate attesting that the consumer product complies with the requirements of this chapter; or
6-33 (b) Notify persons who sell the consumer product in this state that the sale of the product is

6-34 [prohibited and provide the department with a list of the names and addresses of those notified.](#)
7-1 SECTION 2. This act shall take effect upon passage.

08 H-7205 AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS

This act would require all elementary and secondary schools whether public, private, parochial or charter to use environmentally-sensitive cleaning and maintenance products. This act would also require the commissioner of education to establish guidelines, specifications and a sample list of such environmentally-sensitive cleaning products. This act would take effect upon passage.

In Committee House Health, Education, & Welfare Committee

1-1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils is
1-2 hereby amended by adding thereto the following section:

1-3 [16-21-3.2. Procurement and use of environmentally-sensitive cleaning and](#)
1-4 [maintenance products in schools. – \(a\) All elementary and secondary schools, whether public,](#)
1-5 [private, parochial, or charter, must use environmentally-sensitive cleaning and maintenance](#)
1-6 [products which minimize the adverse impacts on children's health, safety and the environment.](#)

1-7 [\(b\) The commissioner of education shall disseminate to all elementary and secondary](#)
1-8 [schools guidelines and specifications for the purchase and use of environmentally-sensitive](#)
1-9 [cleaning and maintenance products in elementary and secondary schools. The commissioner of](#)
1-10 [education, in consultation with the director of the department of environmental management,](#)
1-11 [shall also prepare and disseminate to all elementary and secondary schools a sample list of](#)
1-12 [environmentally-sensitive cleaning and maintenance products that meet these guidelines or](#)
1-13 [specifications. All elementary and secondary schools shall follow these guidelines, specifications](#)
1-14 [and sample list when purchasing cleaning and maintenance products for use in their facilities. The](#)
1-15 [commissioner of education shall provide assistance and guidance to elementary and secondary](#)
1-16 [schools in carrying out the requirements of this section.](#)

1-17 [\(c\) Elementary and secondary schools shall notify their personnel of the availability of](#)
1-18 [the guidelines, specifications and sample list; provided, nothing in this section shall preclude an](#)
1-19 [elementary or secondary school from depleting existing cleaning and maintenance supplies](#)
2-1 [purchased prior to the effective date of this section.](#)

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

08-S 2685 & 7812 ACTS RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT

These acts would prohibit the manufacturing, sale or distribution of certain toys or child care articles containing bisphenol-A or certain phtalates; requiring a person to use the least toxic alternative and prohibiting a person from using certain carcinogens or certain reproductive toxicants in child care articles and/or toys. This act would take effect upon passage.

In Senate Health and Human Services Committee & House Health, Education, & Welfare Committee

1-1 SECTION 1. Chapter 23-75 of the General Laws entitled "Children's Product Safety Act"
1-2 is hereby amended by adding thereto the following section:

1-3 [23-75-3.1. Toys and child care articles - Prohibitions. -- \(a\) For the purpose of this](#)
1-4 [section:](#)

1-5 [\(1\) "Child care article" means a product designed or intended by the manufacturer to](#)
1-6 [facilitate sleep, relaxation, or the feeding of a child or to help a child with sucking or teething;](#)
1-7 [and](#)

1-8 [\(2\) "Toy" means a product designed or intended by the manufacturer to be used by a](#)
1-9 [child when the child plays.](#)

1-10 [\(b\) On or after January 1, 2010, a person may not manufacture, sell, or distribute in](#)
1-11 [commerce any toy or child care article:](#)

1-12 [\(1\) Intended for use by a child under the age of 6 years and containing bispheonl-A; or](#)

1-13 [\(2\) Which contains diethylhexyl phthalate \(DEHP\), dibutyl phthalate \(DBP\), or butyl](#)
1-14 [benzyl phthalate \(BBP\) in concentrations exceeding one-tenth of a percent \(0.1%\); or](#)

- 1-15 [\(3\) Intended for use by a child under the age of six \(6\) years if the toy or child care article](#)
- 1-16 [can be placed in the mouth of the child; or](#)
- 1-17 [\(4\) Which contains diisononyl phthalate \(DINP\), diisodecyl phthalate \(DIDP\), or dioctyl](#)
- 1-18 [phthalate \(DNOP\) in concentrations exceeding one-tenth of a percent \(0.1%\).](#)
- 1-19 [\(c\) In complying with this subsection, a person:](#)
- 2-1 [\(1\) Shall use the least toxic alternative when replacing bisphenol-A and phthalates; and](#)
- 2-2 [\(2\) May not replace bisphenol-A or phthalates with:](#)
- 2-3 [\(3\) Carcinogens rated by the United States environmental protection agency as group A,](#)
- 2-4 [B, or C carcinogens; or](#)
- 2-5 [\(4\) Reproductive toxicants that cause birth defects, reproductive harm, or development](#)
- 2-6 [harm as identified by the United States environmental protection agency.](#)
- 2-7 [\(d\) Any person that violates any provision of this section is guilty of a misdemeanor, and](#)
- 2-8 [upon conviction shall be subject to a fine not exceeding ten thousand dollars \(\\$10,000\) for each](#)
- 2-9 [violation.](#)
- 2-10 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial if amended to replace the current text of the bill and require the Dept of Health consider regulating chemicals already banned by another state 08 H-7098 AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC CHEMICALS IN CHILDREN'S PRODUCTS LG/AP passed, JB Nay, Abstain RC, KMcCB & TF.

MOTION: To find beneficial if amended at least cost neutral 08 H-7205 AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS BI/LD passed

Tabled until Liberty reports on enforcement mechanism 08 S-2685, H-7812, & H 7813 ACTS RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT

2. Consideration of Budget Articles:

Discussion: Listing and text to be sent out by Thursday March 6th

All disability related budget articles will be discussed and recommendations will be forwarded to the full Commission for their consideration at their April 28th Meeting.

08 H 7204 Article 17 AN ARTICLE RELATING TO PROCEEDINGS IN FAMILY COURT
 Here is the language (below) in the Governor's supplemental budget that clarifies the law and specifically terminates family court jurisdiction at 18 for youth in DCYF care prior to 7/1/07. (As you know, the Family Court judges have interpreted the law prospectively, and used that interpretation as the basis for their decisions to keep open the cases of many 18, 19 and 20 yr olds) Since the new law went into effect, the cases of over 272 youth who are 18 or older have been closed or conditionally closed. Only 55 youth who have had their case closed have been opened to YESS, DCYF's voluntary after-care services program. While no one seems to have definitive data to support what has happened to the many youth who have already been exited from the system, I am hearing from foster parents and youth who still have an open case. For foster parents caring for youth with SED and DD diagnoses, there has not been a clear transition to the adult system, and there are questions regarding the youths' capacity to represent themselves and their ability to successfully transition from care. As you know, the application process for SSI can take up to a year, and many of these youth are not yet even on SSI. For these youth especially, the ongoing protection of Family Court oversight throughout this transition phase is particularly pertinent.
 Please do not hesitate to let me know if you require additional information. Thanks for your efforts on behalf of children with disabilities.

88-15 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings
88-16 in Family Court" is hereby amended as follows:

88-17 **14-1-6. Retention of jurisdiction.** – (a) When the court shall have obtained jurisdiction
88-18 over any child prior to the child having attained the age of eighteen (18) years by the filing of a
88-19 petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child shall,
88-20 except as specifically provided in this chapter, continue under the jurisdiction of the court until he
88-21 or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen (19). **When**
88-22 **the court shall have obtained jurisdiction over any child prior to the child's eighteenth birthday by**
88-23 **the filing of a petition alleging that the child is dependent, neglected and abused pursuant to §§**
88-24 **14-1-5 and 40-11-7, including any child under the jurisdiction of the family court on petitions**
88-25 **filed and/or pending before the court prior to July 1, 2007, the child shall, except as specifically**
88-26 **provided in this chapter, continue under the jurisdiction of the court until he or she becomes**
88-27 **eighteen (18) years of age;** provided, that prior to ~~an order of discharge or emancipation being~~
88-28 ~~entered, a child turning eighteen (18) years of age,~~ the court shall require the department of
88-29 children, youth, and families to provide a description of the transition services afforded the child
88-30 in placement or a detailed explanation as to the reason those services were not offered; provided
88-31 further, that any youth who comes within the jurisdiction of the court by the filing of a wayward
88-32 or delinquent petition based upon an offense which was committed prior to July 1, 2007,
88-33 including youth who are adjudicated and committed to the Rhode Island Training School and who
88-34 are placed in a temporary community placement as authorized by the family court, may continue
89-1 under the jurisdiction of the court until he or she turns twenty one (21) years of age.

89-2 (b) In any case where the court shall not have acquired jurisdiction over any person prior
89-3 to the person's eighteenth birthday by the filing of a petition alleging that the person had
89-4 committed an offense, but a petition alleging that the person had committed an offense which
89-5 would be punishable as a felony if committed by an adult has been filed before that person attains
89-6 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
89-7 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
89-8 age, unless discharged prior to turning nineteen (19).

89-9 (c) In any case where the court shall not have acquired jurisdiction over any person prior
89-10 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the
89-11 person had committed an offense prior to the person attaining the age of eighteen (18) years
89-12 which would be punishable as a felony if committed by an adult, that person shall be referred to
89-13 the court which would have had jurisdiction over the offense if it had been committed by an adult.
89-14 The court shall have jurisdiction to try that person for the offense committed prior to the person
89-15 attaining the age of eighteen (18) years and, upon conviction, may impose a sentence not
89-16 exceeding the maximum penalty provided for the conviction of that offense.

89-17 (d) In any case where the court has certified and adjudicated a child in accordance with
89-18 the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
89-19 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
89-20 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
89-21 for the conviction of the offense.

89-22 (e) Nothing in this section shall be construed to affect the jurisdiction of other courts over
89-23 offenses committed by any person after he or she reaches the age of eighteen (18) years.

89-24 SECTION 2. Section 42-72-5 of the General Laws in Chapter 42-72 entitled
89-25 "Department of Children, Youth and Families" is hereby amended as follows:

89-26 **42-72-5. Powers and scope of activities.** – (a) The department is the principal agency of
89-27 the state to mobilize the human, physical and financial resources available to plan, develop, and
89-28 evaluate a comprehensive and integrated statewide program of services designed to ensure the
89-29 opportunity for children to reach their full potential. The services include prevention, early

89-30 intervention, out-reach, placement, care and treatment, and after-care programs; provided,
89-31 however, that the department notifies the state police and cooperates with local police
89-32 departments when it receives and/or investigates a complaint of sexual assault on a minor and
89-33 concludes that probable cause exists to support the allegations(s). The department also serves as
89-34 an advocate for the needs of children.

90-1 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
90-2 authorized and empowered:

90-3 (1) To establish those administrative and operational divisions of the department that the
90-4 director determines is in the best interests of fulfilling the purposes and duties of this chapter;

90-5 (2) To assign different tasks to staff members that the director determines best suit the
90-6 purposes of this chapter;

90-7 (3) To establish plans and facilities for emergency treatment, relocation and physical
90-8 custody of abused or neglected children which may include, but are not limited to,
90-9 homemaker/educator child case aides, specialized foster family programs, day care facilities,
90-10 crisis teams, emergency parents, group homes for teenage parents, family centers within existing
90-11 community agencies, and counseling services;

90-12 (4) To establish, monitor, and evaluate protective services for children including, but not
90-13 limited to, purchase of services from private agencies and establishment of a policy and
90-14 procedure manual to standardize protective services;

90-15 (5) To plan and initiate primary and secondary treatment programs for abused and
90-16 neglected children;

90-17 (6) To evaluate the services of the department and to conduct periodic comprehensive
90-18 needs assessment;

90-19 (7) To license, approve, monitor, and evaluate all residential and non-residential child
90-20 care institutions, group homes, foster homes, and programs;

90-21 (8) To recruit and coordinate community resources, public and private;

90-22 (9) To promulgate rules and regulations concerning the confidentiality, disclosure and
90-23 expungement of case records pertaining to matters under the jurisdiction of the department;

90-24 (10) To establish a minimum mandatory level of twenty (20) hours of training per year
90-25 and provide ongoing staff development for all staff; provided, however, all social workers hired
90-26 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
90-27 work or a closely related field, and must be appointed from a valid civil service list;

90-28 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
90-29 chapter 11 of title 40;

90-30 (12) To promulgate all rules and regulations necessary for the execution of departmental
90-31 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

90-32 (13) To provide and act as a clearinghouse for information, data and other materials
90-33 relative to children;

90-34 (14) To initiate and carry out studies and analysis which will aid in solving local, regional
91-1 and statewide problems concerning children;

91-2 (15) To represent and act on behalf of the state in connection with federal grant programs
91-3 applicable to programs for children in the functional areas described in this chapter;

91-4 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
91-5 department, and to assist other agencies of the state, local agencies, and community groups in
91-6 taking advantage of all federal grants and subventions available for children;

91-7 (17) To review and coordinate those activities of agencies of the state and of any political
91-8 subdivision of the state which affect the full and fair utilization of community resources for
91-9 programs for children, and initiate programs that will help assure utilization;

91-10 (18) To administer the pilot juvenile restitution program, including the overseeing and
91-11 coordinating of all local community based restitution programs, and the establishment of
91-12 procedures for the processing of payments to children performing community service; and

91-13 (19) To adopt rules and regulations which:
91-14 (i) For the twelve (12) month period beginning on October 1, 1983, and for each
91-15 subsequent twelve (12) month period, establish specific goals as to the maximum number of
91-16 children who will remain in foster care for a period in excess of two (2) years; and
91-17 (ii) Are reasonably necessary to implement the child welfare services and foster care
91-18 programs;
91-19 (20) May establish and conduct seminars for the purpose of educating children regarding
91-20 sexual abuse;
91-21 (21) To establish fee schedules by regulations for the processing of requests from
91-22 adoption placement agencies for adoption studies, adoption study updates, and supervision related
91-23 to interstate and international adoptions. The fee shall equal the actual cost of the service(s)
91-24 rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);
91-25 (22) To be responsible for the education of all children who are placed, assigned, or
91-26 otherwise accommodated for residence by the department in a state operated or supported
91-27 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility the
91-28 department is authorized to enroll and pay for the education of students in the public schools or,
91-29 when necessary and appropriate, to itself provide education in accordance with the regulations of
91-30 the board of regents for elementary and secondary education either directly or through contract;
91-31 (23) To develop multidisciplinary service plans, in conjunction with the department of
91-32 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
91-33 development of a plan using all health care professionals.
91-34 (24) To be responsible for the delivery of appropriate mental health services to seriously
92-1 emotionally disturbed children and children with functional developmental disabilities.
92-2 Appropriate mental health services may include hospitalization, placement in a residential
92-3 treatment facility, or treatment in a community based setting. The department is charged with the
92-4 responsibility for developing the public policy and programs related to the needs of seriously
92-5 emotionally disturbed children and children with functional developmental disabilities. In
92-6 fulfilling its responsibilities the department shall:
92-7 (i) Plan a diversified and comprehensive network of programs and services to meet the
92-8 needs of seriously emotionally disturbed children and children with functional developmental
92-9 disabilities;
92-10 (ii) Provide the overall management and supervision of the state program for seriously
92-11 emotionally disturbed children and children with functional developmental disabilities;
92-12 (iii) Promote the development of programs for preventing and controlling emotional or
92-13 behavioral disorders in children;
92-14 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
92-15 seriously emotionally disturbed children and children with functional developmental disabilities
92-16 and to work with private agencies serving those children;
92-17 (v) Promote the development of new resources for program implementation in providing
92-18 services to seriously emotionally disturbed children and children with functional developmental
92-19 disabilities.
92-20 The department shall adopt rules and regulations, which are reasonably necessary to
92-21 implement a program of mental health services for seriously emotionally disturbed children.
92-22 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
92-23 least in accordance with rules and regulations to be adopted by the department, at least its average
92-24 per pupil cost for special education for the year in which placement commences, as its share of
92-25 the cost of educational services furnished to a seriously emotionally disturbed child pursuant to
92-26 this section in a residential treatment program which includes the delivery of educational services.
92-27 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
92-28 years or any person under the age of twenty-one (21) years who began to receive services from
92-29 the department prior to attaining eighteen (18) years of age and has continuously received those

92-30 services thereafter who has been diagnosed as having an emotional, behavioral or mental disorder
92-31 under the current edition of the Diagnostic and Statistical Manual and that disability has been on-
92-32 going for one year or more or has the potential of being ongoing for one year or more, and the
92-33 child is in need of multi-agency intervention, and the child is in an out-of-home placement or is at
92-34 risk of placement because of the disability.

93-1 A child with a “functional developmental disability” means any person under the age of
93-2 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
93-3 services from the department prior to attaining eighteen (18) years of age and has continuously
93-4 received those services thereafter.

93-5 The term “functional developmental disability” includes autism spectrum disorders and
93-6 means a severe, chronic disability of a person which:

93-7 (a) Is attributable to a mental or physical impairment or combination of mental physical
93-8 impairments;

93-9 (b) Is manifested before the person attains age eighteen (18);

93-10 (c) Is likely to continue indefinitely;

93-11 (d) Results in age- appropriate substantial functional limitations in three (3) or more of
93-12 the following areas of major life activity.

93-13 (i) Self-care;

93-14 (ii) Receptive and expressive language;

93-15 (iii) Learning;

93-16 (iv) Mobility;

93-17 (v) Self-direction;

93-18 (vi) Capacity for Independent Living; and

93-19 (vii) Economic self-sufficiency; and

93-20 (e) Reflects the person’s need for a combination and sequence of special,
93-21 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
93-22 duration and are individually planned and coordinated.

93-23 Funding for these clients shall include funds that are transferred to the Department of
93-24 Human Services as part of the Managed Health Care program transfer. However, the expenditures
93-25 relating to these clients shall not be part of the Department of Human Services' Caseload
93-26 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be
93-27 accounted for separately.

93-28 (25) To provide access to services to any person under the age of eighteen (18) years or
93-29 any person under the age of twenty-one (21) years who began to receive child welfare services
93-30 from the department prior to attaining eighteen (18) years of age, has continuously received those
93-31 services thereafter and elects to continue to receive such services after attaining the age of
93-32 eighteen (18) years. The assembly has included funding in the FY 2008 Department of Children,
93-33 Youth and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0
93-34 million from general revenues to provide a managed system to care for children serviced between
94-1 18 to 21 years of age. The department shall manage this caseload to this level of funding.

94-2 (26) To develop and maintain, in collaboration with other state and private agencies, a
94-3 comprehensive continuum of care in this state for children in the care and custody of the
94-4 department or at risk of being in state care. This continuum of care should be family-centered and
94-5 community-based with the focus of maintaining children safely within their families or, when a
94-6 child cannot live at home, within as close proximity to home as possible based on the needs of the
94-7 child and resource availability. The continuum should include community-based prevention,
94-8 family support and crisis intervention services as well as a full array of foster care and residential
94-9 services, including residential services designed to meet the needs of children who are seriously
94-10 emotionally disturbed, children who have a functional developmental disability and youth who
94-11 have juvenile justice issues. The director shall make reasonable efforts to provide a
94-12 comprehensive continuum of care for children in the care and custody of the DCYF, taking into

94-13 account the availability of public and private resources and financial appropriations and the
94-14 director shall submit an annual report to the general assembly as to the status of his or her efforts
94-15 in accordance with the provisions of subsection 42-72-4(b)(13).

94-16 (c) In order to assist in the discharge of his or her duties, the director may request from
94-17 any agency of the state information pertinent to the affairs and problems of children.

94-18 ~~(d) Funding for these clients shall include funds that are transferred to the Department of~~
94-19 ~~Human Services as part of the Managed Health Care program transfer. However, the expenditures~~
94-20 ~~relating to these clients shall not be part of the Department of Human Services' Caseload~~
94-21 ~~estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be~~
94-22 ~~accounted for separately.~~

94-23 ~~(e) The assembly has included funding in the FY 2008 Department of Children, Youth~~
94-24 ~~and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0 million~~
94-25 ~~from general revenues to provide a managed system to care for children serviced between 18 to~~
94-26 ~~21 years of age. The department shall manage this caseload to this level of funding.~~

94-27 (27) To administer funds under the John H. Chafee Foster Care Independence and
94-28 Educational And Training Voucher (ETV) Programs of Title IV-E of the Social Security Act, and
94-29 the DCYF Higher Education Opportunity Grant Program as outlined in RIGL §42-72.8, in
94-30 accordance with rules and regulations as promulgated by the director of the department.

94-31 SECTION 3. This article shall take effect upon passage.

MOTION: To recommend the Commission find harmful 08 H 7204 Article 17
RELATING TO PROCEEDINGS IN FAMILY COURT JB/AP passed unanimously

08 H-7390 Art. 09 AN ARTICLE RELATING TO EDUCATION AID

This article repeals housing aid bonuses for projects involving asbestos removal and access for persons with disabilities, sets a five year time limit on bonuses for regionalized districts, and pegs bonuses for renovation projects involving energy conservation to standards set forth in the Rhode Island Building Energy Code. This article also provides for the calculation and distribution of education aid to local and regional school districts in FY 2009.

63-9 SECTION 1. Section 16-7-40 of the General Laws in Chapter 16-7 entitled "Foundation
63-10 Level School Support" is hereby amended to read as follows:

63-11 **16-7-40. Increased school housing ratio for regional schools – Energy conservation**

63-12 ~~Access for people with disabilities – Asbestos removal projects.~~ – (a) In the case of regional
63-13 school districts formed prior to June 30, 2008, the school housing aid ratio shall be increased by
63-14 two percent (2%) for each grade so consolidated- only for those school housing projects approved
63-15 prior to June 30, 2008. Beginning July 1, 2008, upon the creation of a regional school district, the
63-16 school housing aid ratio shall be increased by two percent (2%) for each grade so consolidated for
63-17 school housing projects occurring in the first five years following regionalization. To qualify for
63-18 the increased share ratio, as defined in § 16-7-39, renovation and repair projects must be
63-19 submitted for approval through the necessity of school construction process, pursuant to the
63-20 school construction regulations as promulgated by the board of regents for Elementary and
63-21 Secondary Education, prior to the end of the second full fiscal year following the regionalization
63-22 of the applicable districts.

63-23 (2) ~~Regional school districts undertaking renovation project(s)~~ For existing regional
63-24 school districts undertaking renovation project(s) that were approved prior to June 30, 2008, there
63-25 shall ~~be receive~~ an increased share ratio of four percent (4%) for those specific project(s) only, in
63-26 addition to the combined share ratio calculated in § 16-7-39 and this subsection.

63-27 (b) In the case of renovation projects undertaken by regionalized and/or non-
63-28 regionalized school districts specifically for the purposes of energy conservation, ~~access for~~
63-29 ~~people with disabilities, and/or asbestos removal, the school housing aid share ratio shall be~~
63-30 ~~increased by four percent (4%) for these specific projects only, in the calculation of school~~

63-31 ~~housing aid. The increased share ratio shall continue to be applied for as long as the project(s)~~
63-32 ~~receive state housing aid. In order to qualify for the increased share ratio, seventy five percent~~
63-33 ~~(75%) of the project costs must be specifically directed to either energy conservation, access for~~
63-34 ~~people with disabilities, and/or asbestos removal or any combination of these projects. The board~~
64-1 ~~of regents for elementary and secondary education shall promulgate rules and regulations for the~~
64-2 ~~administration and operation of this section. the school housing aid ratio shall be increased by two~~
64-3 ~~percent (2%) from the level set forth in § 16-7-39 and this section for those projects that achieve~~
64-4 ~~energy efficiency standards thirty percent (30%) above the Rhode Island Building Energy Code.~~
64-5 ~~The school housing aid ratio shall be increased by three percent (3%) from the level set forth in §~~
64-6 ~~16-7-39 and this section for those projects that achieve energy efficiency standards forty percent~~
64-7 ~~(40%) above the Rhode Island Building Energy Code. The school housing aid ratio shall be~~
64-8 ~~increased by four percent (4%) from the level set forth in § 16-7-39 and this section for those~~
64-9 ~~projects that achieve energy efficiency standards fifty percent (50%) above the Rhode Island~~
64-10 ~~Building Energy Code.~~

64-11 (c) Upon the transfer of ownership from the state to the respective cities and towns of the
64-12 regional career and technical center buildings located in Cranston, East Providence, Newport,
64-13 Providence, Warwick, Woonsocket and the Charliho regional school district, the school housing
64-14 aid share ratio shall be increased by four percent (4%) for the renovation and/or repair of these
64-15 buildings. To qualify for the increased share ratio, as defined in § 16-7-39, renovation and repair
64-16 projects must be submitted for approval through the necessity of school construction process prior
64-17 to the end of the second full fiscal year following the transfer of ownership and assumption of
64-18 local care and control of the building. Only projects at regional career and technical centers that
64-19 have full program approval from the department of elementary and secondary education shall be
64-20 eligible for the increased share ratio. The increased share ratio shall continue to be applied for as
64-21 long as the renovation and/or repair project receives school housing aid.

**MOTION: To recommend the Commission find harmful 08 H 7390 Article 09 AN
ARTICLE RELATING TO EDUCATION AID BI/AP passed unanimously**

**08 H-7390 Art. 12 AN ARTICLE RELATING TO TREATMENT ALTERNATIVES TO STREET
CRIME PROGRAM**

This article provides for the elimination of the Treatment Alternatives to Street Crime program in Mental Health, Retardation, and Hospitals. It also corrects the reference to Health as having alcohol and drug programs within the department; recognizes Mental Health, Retardation, and Hospitals as the licensing authority of substance abuse treatment facilities; eliminates referral to the TASC program should a clinical assessment determine an offender's problems be association with alcoholic or drug abuse, and substitutes an appropriate facility for treatment placement, case management, and monitoring.

79-28 **5-69-2. Definitions.** – As used in this chapter:

79-29 (1) "ACDP" means an advanced chemical dependency professional certification as per
79-30 the Rhode Island board for certification of chemical dependency professionals requirements.

79-31 (2) "Advertise" includes, but is not limited to, the issuing or causing to be distributed any
79-32 card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on
79-33 or in any building or structure, or in any newspaper or magazine or in any directory, or on radio
79-34 or television, or by the use of any other means designed to secure public attention.

80-1 (3) "Approved continuing education" means research and training programs, college and
80-2 university courses, in-service training programs, seminars and conferences designed to maintain
80-3 and enhance the skills of substance abuse counselors or clinical supervisors and which are
80-4 recognized by the certification board.

80-5 (4) "CDCS" means chemical dependency clinical supervisor as per the Rhode Island
80-6 board for certification of chemical dependency professionals requirements.

80-7 (5) "Certification board" means the current Rhode Island board of certification of
80-8 chemical dependency professionals.

80-9 (6) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any
80-10 other similar religious counselor.

80-11 (7) "Continuum of care network" means public and private substance abuse care agencies
80-12 such as detoxification centers, emergency rooms, hospitals, treatment centers, ~~FASC~~, outpatient
80-13 and day treatment clinics, and community residences for substance abusers. The services employ
80-14 or refer to medical, psychological, health, and counseling professions that treat substance abuse
80-15 and related concerns.

80-16 (8) "Department" means the Rhode Island department of mental health, retardation, and
80-17 hospitals.

80-18 (9) "Director" means the director of the Rhode Island department of mental health,
80-19 retardation, and hospitals.

80-20 (10) "Documented professional work experience" means a certification board approved
80-21 form completed by employer or approved supervisor verifying dates of employment and
80-22 responsibilities.

80-23 (11) "Experience" means six thousand (6,000) hours of supervised practice of chemical
80-24 dependency counseling in a division of substance abuse services or department of mental health,
80-25 retardation, and hospitals licensed or certification board approved facility during a sixty (60)
80-26 month period of time immediately preceding the date of application for licensure.

80-27 (12) "Licensed chemical dependency clinical supervisor" means an individual licensed by
80-28 the licensing board to practice and supervise substance abuse counseling and who meets the
80-29 qualification established in this section.

80-30 (13) "Licensed chemical dependency professional" means an individual licensed by the
80-31 licensing board to practice substance abuse counseling and who meets the qualifications
80-32 established in this section.

80-33 (14) "Licensing board" or "board" means the board of licensing for chemical dependency
80-34 professionals.

81-1 (15) "Practice of substance abuse counseling" means rendering or offering to render
81-2 professional service for any fee, monetary or otherwise, documented to individuals, families or
81-3 groups. Those professional services include the application of the specific knowledge, skills,
81-4 counseling theory, and application of techniques to define goals and develop a treatment plan of
81-5 action aimed toward the prevention, education, or treatment in the recovery process of substance
81-6 abuse within the continuum of care service network. The practice further includes, but is not
81-7 limited to, networking and making referrals to medical, social services, psychological,
81-8 psychiatric, and/or legal resources when indicated.

81-9 (16) "Recognized education institution" means any educational institution, which grants
81-10 an associate, bachelor, masters, or doctoral degree and which is recognized by the board, or by a
81-11 nationally or regionally recognized educational or professional accrediting organization.

81-12 (17) "Substance abuse" means addictive (chronic or habitual) consumption, injection,
81-13 inhalation, or behavior of/with substance (such as alcohol and drugs), progressively injuring and
81-14 afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

81-15 (18) "Supervision" means no less than one hour per week and consists of individual or
81-16 group supervision with a clinician licensed or certified in substance abuse counseling with
81-17 education, supervisory experience, and ethics approved by the board.

81-18 SECTION 2. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled
81-19 "Uniform Controlled Substances Act" is hereby amended to read as follows:
81-20 **21-28-4.01. Prohibited acts A – Penalties.** – (a) Except as authorized by this chapter, it
81-21 shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or
81-22 deliver a controlled substance.

81-23 (2) Any person who is not a drug addicted person, as defined in § 21-28-1.02(18), who

81-24 violates this subsection with respect to a controlled substance classified in schedule I or II, except
81-25 the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned
81-26 to a term up to life, or fined not more than five hundred thousand dollars (\$500,000) nor less than
81-27 ten thousand dollars (\$10,000), or both.

81-28 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
81-29 death to the person to whom the controlled substance is delivered, it shall not be a defense that
81-30 the person delivering the substance was at the time of delivery, a drug addicted person as defined
81-31 in § 21-28-1.02(18).

81-32 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
81-33 this subsection with respect to:

81-34 (i) A controlled substance classified in schedule I or II, is guilty of a crime and upon
82-1 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
82-2 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

82-3 (ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon
82-4 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
82-5 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
82-6 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
82-7 more than twenty thousand dollars (\$20,000), or both.

82-8 (iii) A controlled substance classified in schedule V, is guilty of a crime and upon
82-9 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
82-10 dollars (\$10,000), or both.

82-11 (b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or
82-12 possess with intent to deliver, a counterfeit substance.

82-13 (2) Any person who violates this subsection with respect to:

82-14 (i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon
82-15 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
82-16 hundred thousand dollars (\$100,000), or both;

82-17 (ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon
82-18 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
82-19 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
82-20 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
82-21 more than twenty thousand dollars (\$20,000) or both.

82-22 (iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon
82-23 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
82-24 dollars (\$10,000), or both.

82-25 (c) It shall be unlawful for any person knowingly or intentionally to possess a controlled
82-26 substance, unless the substance was obtained directly from or pursuant to a valid prescription or
82-27 order of a practitioner while acting in the course of his or her professional practice, or except as
82-28 otherwise authorized by this chapter.

82-29 (2) Any person who violates this subsection with respect to:

82-30 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
82-31 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for
82-32 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five
82-33 thousand dollars (\$5,000), or both;

82-34 (ii) A controlled substance classified in schedule I as marijuana is guilty of a
83-1 misdemeanor and upon conviction may be imprisoned for not more than one year or fined not less
83-2 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

83-3 (3) Additionally every person convicted or who pleads nolo contendere under paragraph
83-4 (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time
83-5 under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to
83-6 serve for the offense, shall be required to:

83-7 (i) Perform no less than one hundred (100) hours of community service;
83-8 ~~(ii) Be referred to Treatment Alternatives to Street Crime (TASC) to determine the~~
83-9 ~~existence of problems of drug abuse. Should TASC determine the person needs treatment, it will~~
83-10 ~~arrange for the treatment to be provided and after completion of the treatment, the person shall~~
83-11 ~~perform his or her required community service and attend the drug education program;~~
83-12 (iii) Attend and complete a drug counseling and education program as prescribed by the
83-13 director of the department of health and pay the sum of four hundred dollars (\$400) to help defray
83-14 the costs of this program which shall be deposited as general revenues. Failure to attend may
83-15 result after hearing by the court in jail sentence up to one year;
83-16 (iv) The court shall not suspend any part or all of the imposition of the fee required by
83-17 this subsection, unless the court finds an inability to pay;
83-18 (v) If the offense involves the use of any automobile to transport the substance or the
83-19 substance is found within an automobile, then a person convicted or who pleads nolo contendere
83-20 under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period
83-21 of six (6) months for a first offense and one year for each offense after this.
83-22 (4) All fees assessed and collected pursuant to paragraph (3)(iii) of this subsection shall
83-23 be deposited as general revenues and shall be collected from the person convicted or who pleads
83-24 nolo contendere before any other fines authorized by this chapter.
83-25 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
83-26 manufacture or distribute, an imitation controlled substance. Any person who violates this
83-27 subsection is guilty of a crime, and upon conviction shall be subject to the same term of
83-28 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
83-29 controlled substance which the particular imitation controlled substance forming the basis of the
83-30 prosecution was designed to resemble and/or represented to be; but in no case shall the
83-31 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
83-32 (\$20,000).
83-33 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
83-34 anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport,
84-1 or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight
84-2 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
84-3 and upon conviction may be imprisoned for not more than six (6) months or a fine of not more
84-4 than one thousand dollars (\$1,000), or both.
84-5 SECTION 3. Section 31-27-2 of the General Laws in Chapter 31-27 entitled "Motor
84-6 Vehicle Offenses" is hereby amended to read as follows:
84-7 **31-27-2. Driving under influence of liquor or drugs.** – (a) Whoever drives or
84-8 otherwise operates any vehicle in the state while under the influence of any intoxicating liquor,
84-9 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any
84-10 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)
84-11 and shall be punished as provided in subsection (d) of this section.
84-12 (b) Any person charged under subsection (a) of this section whose blood alcohol
84-13 concentration is eight one-hundredths of one percent (.08%) or more by weight as shown by a
84-14 chemical analysis of a blood, breath, or urine sample shall be guilty of violating subsection (a) of
84-15 this section. This provision shall not preclude a conviction based on other admissible evidence.
84-16 Proof of guilt under this section may also be based on evidence that the person charged was under
84-17 the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter
84-18 28 of title 21, or any combination of these, to a degree which rendered the person incapable of
84-19 safely operating a vehicle. The fact that any person charged with violating this section is or has
84-20 been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of
84-21 violating this section.
84-22 (2) Whoever drives or otherwise operates any vehicle in the state with a blood presence
84-23 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by

84-24 analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as
84-25 provided in subsection (d) of this section.

84-26 (c) In any criminal prosecution for a violation of subsection (a) of this section, evidence
84-27 as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter
84-28 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown
84-29 by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance shall be
84-30 admissible and competent, provided that evidence is presented that the following conditions have
84-31 been complied with:

84-32 (1) The defendant has consented to the taking of the test upon which the analysis is made.
84-33 Evidence that the defendant had refused to submit to the test shall not be admissible unless the
84-34 defendant elects to testify.

85-1 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours
85-2 of the taking of the test to the person submitting to a breath test.

85-3 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall
85-4 have a true copy of the report of the test result mailed to him or her within thirty (30) days
85-5 following the taking of the test.

85-6 (4) The test was performed according to methods and with equipment approved by the
85-7 director of the department of health of the state of Rhode Island and by an authorized individual.

85-8 (5) Equipment used for the conduct of the tests by means of breath analysis had been
85-9 tested for accuracy within thirty (30) days preceding the test by personnel qualified as
85-10 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the
85-11 department of health within three hundred sixty-five (365) days of the test.

85-12 (6) The person arrested and charged with operating a motor vehicle while under the
85-13 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
85-14 title 21, or, any combination of these in violation of subsection (a) of this section was afforded the
85-15 opportunity to have an additional chemical test. The officer arresting or so charging the person
85-16 shall have informed the person of this right and afforded him or her a reasonable opportunity to
85-17 exercise this right, and a notation to this effect is made in the official records of the case in the
85-18 police department. Refusal to permit an additional chemical test shall render incompetent and
85-19 inadmissible in evidence the original report.

85-20 (d) Every person found to have violated subdivision (b)(1) of this section shall be
85-21 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-
85-22 hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who
85-23 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall
85-24 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred
85-25 dollars (\$300), shall be required to perform ten (10) to sixty (60) hours of public community
85-26 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit
85-27 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be
85-28 required to attend a special course on driving while intoxicated or under the influence of a
85-29 controlled substance, and his or her driver's license shall be suspended for thirty (30) days up to
85-30 one hundred eighty (180) days.

85-31 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
85-32 tenth of one percent (.1%) by weight or above but less than fifteen hundredths of one percent
85-33 (.15%) or whose blood alcohol concentration is unknown shall be subject to a fine of not less than
85-34 one hundred (\$100) dollars nor more than four hundred dollars (\$400) and shall be required to
86-1 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
86-2 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
86-3 the discretion of the sentencing judge. The person's driving license shall be suspended for a
86-4 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
86-5 at a special course on driving while intoxicated or under the influence of a controlled substance
86-6 and/or alcoholic or drug treatment for the individual.

86-7 (iii) Every person convicted of a first offense whose blood alcohol concentration is
86-8 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,
86-9 toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to a fine of
86-10 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of
86-11 public community restitution and/or shall be imprisoned for up to one year. The sentence may be
86-12 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.
86-13 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)
86-14 months. The sentencing judge shall require attendance at a special course on driving while
86-15 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for
86-16 the individual.

86-17 (2) Every person convicted of a second violation within a five (5) year period with a
86-18 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than
86-19 fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or
86-20 who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every
86-21 person convicted of a second violation within a five (5) year period regardless of whether the
86-22 prior violation and subsequent conviction was a violation and subsequent conviction under this
86-23 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
86-24 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
86-25 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
86-26 not less than ten (10) days nor more than one year in jail. The sentence may be served in any unit
86-27 of the adult correctional institutions in the discretion of the sentencing judge; however, not less
86-28 than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge
86-29 shall require alcohol or drug treatment for the individual, and may prohibit that person from
86-30 operating a motor vehicle that is not equipped with an ignition interlock system for a period of
86-31 one year to two (2) years following the completion of the sentence as provided in § 31-27-2.8.

86-32 (ii) Every person convicted of a second violation within a five (5) year period whose
86-33 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as
86-34 shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of
87-1 a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to
87-2 mandatory imprisonment of not less than six (6) months nor more than one year, a mandatory fine
87-3 of not less than one thousand dollars (\$1,000) and a mandatory license suspension for a period of
87-4 two (2) years from the date of completion of the sentence imposed under this subsection.

87-5 (3) Every person convicted of a third or subsequent violation within a five (5) year period
87-6 with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but
87-7 less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is
87-8 unknown or who has a blood presence of any scheduled controlled substance as defined in
87-9 subdivision (b)(2) regardless of whether any prior violation and subsequent conviction was a
87-10 violation and subsequent conviction under this statute or under the driving under the influence of
87-11 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
87-12 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period
87-13 of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year
87-14 and not more than three (3) years in jail. The sentence may be served in any unit of the adult
87-15 correctional institutions in the discretion of the sentencing judge; however, not less than forty-
87-16 eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall
87-17 require alcohol or drug treatment for the individual, and may prohibit that person from operating
87-18 a motor vehicle that is not equipped with an ignition interlock system for a period of two (2) years
87-19 following the completion of the sentence as provided in § 31-27-2.8.

87-20 (ii) Every person convicted of a third or subsequent violation within a five (5) year period
87-21 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight
87-22 as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence
87-23 of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be subject to

87-24 mandatory imprisonment of not less than three (3) years nor more than five (5) years, a
87-25 mandatory fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars
87-26 (\$5,000) and a mandatory license suspension for a period of three (3) years from the date of
87-27 completion of the sentence imposed under this subsection.

87-28 (iii) In addition to the foregoing penalties, every person convicted of a third or
87-29 subsequent violation within a five (5) year period regardless of whether any prior violation and
87-30 subsequent conviction was a violation and subsequent conviction under this statute or under the
87-31 driving under the influence of liquor or drugs statute of any other state shall be subject, in the
87-32 discretion of the sentencing judge, to having the vehicle owned and operated by the violator
87-33 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred
87-34 to the general fund.

88-1 (4) For purposes of determining the period of license suspension, a prior violation shall
88-2 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

88-3 (ii) Any person over the age of eighteen (18) who is convicted under this section for
88-4 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
88-5 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
88-6 vehicle when the offense was committed may be sentenced to a term of imprisonment of not more
88-7 than one year and further shall not be entitled to the benefit of suspension or deferment of this
88-8 sentence. The sentence imposed under this section may be served in any unit of the adult
88-9 correctional institutions in the discretion of the sentencing judge.

88-10 (5) Any person convicted of a violation under this section shall pay a highway assessment
88-11 fine of five hundred dollars (\$500) which shall be deposited into the general fund. The assessment
88-12 provided for by this subsection shall be collected from a violator before any other fines
88-13 authorized by this section.

88-14 (ii) Any person convicted of a violation under this section shall be assessed a fee. The fee
88-15 shall be as follows:

FISCAL YEAR		FISCAL YEAR	
1993-1995	1996-1999	2000-2010	
\$147	\$173	\$86	

88-16
88-17
88-18
88-19 (6) If the person convicted of violating this section is under the age of eighteen (18)
88-20 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
88-21 public community restitution, and the juvenile's driving license shall be suspended for a period of
88-22 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
88-23 judge shall also require attendance at a special course on driving while intoxicated or under the
88-24 influence of a controlled substance and alcohol or drug education and/or treatment for the
88-25 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than
88-26 five hundred dollars (\$500), and the assessment imposed shall be deposited into the general fund.

88-27 (ii) If the person convicted of violating this section is under the age of eighteen (18)
88-28 years, for a second or subsequent violation regardless of whether any prior violation and
88-29 subsequent conviction was a violation and subsequent under this statute or under the driving
88-30 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a
88-31 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)
88-32 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode
88-33 Island training school for a period of not more than one year and/or a fine of not more than five
88-34 hundred dollars (\$500).

89-1 (7) Any person convicted of a violation under this section may undergo a clinical
89-2 assessment at a facility approved by the department of ~~health~~ mental health, retardation, and
89-3 hospitals. Should this clinical assessment determine problems of alcohol, drug abuse, or
89-4 psychological problems associated with alcoholic or drug abuse, this person shall be referred to
89-5 ~~the T.A.S.C. (treatment alternatives to street crime) program~~ an appropriate facility for treatment
89-6 placement, case management, and monitoring.

89-7 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol
89-8 per one hundred (100) cubic centimeters of blood.

89-9 (f) There is established an alcohol and drug safety unit within the division of motor
89-10 vehicles to administer an alcohol safety action program. The program shall provide for placement
89-11 and follow-up for persons who are required to pay the highway safety assessment. The alcohol
89-12 and drug safety action program will be administered in conjunction with alcohol and drug
89-13 programs ~~within~~ licensed by the department of ~~health~~ mental health, retardation, and hospitals.

89-14 (2) Persons convicted under the provisions of this chapter shall be required to attend a
89-15 special course on driving while intoxicated or under the influence of a controlled substance,
89-16 and/or participate in an alcohol or drug treatment program. The course shall take into
89-17 consideration any language barrier which may exist as to any person ordered to attend, and shall
89-18 provide for instruction reasonably calculated to communicate the purposes of the course in
89-19 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
89-20 with the provision of this accommodation shall be borne by the person being retrained. A copy of
89-21 any violation under this section shall be forwarded by the court to the alcohol and drug safety
89-22 unit. In the event that persons convicted under the provisions of this chapter fail to attend and
89-23 complete the above course or treatment program, as ordered by the judge, then the person may be
89-24 brought before the court, and after a hearing as to why the order of the court was not followed,
89-25 may be sentenced to jail for a period not exceeding one year.

89-26 (3) The alcohol and drug safety action program within the division of motor vehicles
89-27 shall be funded by general revenue appropriations.

89-28 (g) The director of the health department of the state of Rhode Island is empowered to
89-29 make and file with the secretary of state regulations which prescribe the techniques and methods
89-30 of chemical analysis of the person's body fluids or breath, and the qualifications and certification
89-31 of individuals authorized to administer this testing and analysis.

89-32 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
89-33 for persons eighteen (18) years of age or older and to the family court for persons under the age
89-34 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and
90-1 to order the suspension of any license for violations of this section. All trials in the district court
90-2 and family court of violations of the section shall be scheduled within thirty (30) days of the
90-3 arraignment date. No continuance or postponement shall be granted except for good cause shown.
90-4 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in
90-5 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

90-6 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
90-7 driving while intoxicated or under the influence of a controlled substance, public community
90-8 restitution, or jail provided for under this section can be suspended.

90-9 (j) An order to attend a special course on driving while intoxicated that shall be
90-10 administered in cooperation with a college or university accredited by the state, shall include a
90-11 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
90-12 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
90-13 the general fund.

90-14 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
90-15 presence of alcohol, which relies in whole or in part upon the principle of infrared light
90-16 absorption is considered a chemical test.

90-17 (l) If any provision of this section or the application of any provision shall for any reason
90-18 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the
90-19 section, but shall be confined in this effect to the provision or application directly involved in the
90-20 controversy giving rise to the judgment.

90-21 SECTION 4. This article shall take effect upon passage.

No position taken on 08 H 7390 Article 12 AN ARTICLE RELATING TO
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TREATMENT ALTERNATIVES TO STREET CRIME PROGRAM

08 H-7390 Art. 17 AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT
This article outlines the structure for Medicaid Reform, a client-centered Medicaid delivery program to replace the current provider reimbursement-based payment model. The article instructs the Department of Human Services and the Executive Office of Health and Human Services to draft language for the new program, for substitution with this article as presented herein.

CHAPTER 20 THE RHODE ISLAND MEDICAID REFORM ACT

40-20-1. Title. - This chapter shall be known and cited as the Rhode Island Medicaid Reform Act of 2008.

40-20-2. Legislative findings. - It is hereby found and declared as follows:

(a) The State of Rhode Island is facing annual deficits in excess of three hundred fifty million dollars (\$350,000,000) for each of the next five years. During this time the Rhode Island Medicaid program is forecast to grow at a rate of seven (7) percent per year. Given the size of the Medicaid program and its impact on the state budget, this rate of growth is not financially sustainable:

(b) It is the intent of the Rhode Island General Assembly that Medicaid shall be a sustainable, cost effective, person centered, and opportunity driven program utilizing competitive and value based purchasing to maximize the available service options; and

(c) It is the intent of the General Assembly to fundamentally redesign the Medicaid Program in order to achieve a person-centered and opportunity driven program;

(d) It is the intent of the General Assembly to:

(1) create a Medical Assistance Program that is a results oriented system of coordinated care that focuses on independence and choice

(2) use competitive value based purchasing to maximize the available service options, promote accountability and transparency, and encourage and reward healthy outcomes and responsible choices; and

(3) promote efficiencies through interdepartmental cooperation, specifically between and among the executive office of health and human services and the department of human services, the single state agency responsible for administration and implementation of this chapter

40-20-3. In order to promote personal responsibility, participant choice, dignity, competition and independence, the Rhode Island Medicaid Reform Act is hereby established.

40-20-4. The department of human services, with the assistance of the executive office of health and human services, shall propose necessary legislation during the 2008 session of the general assembly which would reform the state's Medicaid Program in furtherance of the following goals:

(a) Provide Medicaid assistance to eligible individuals;

(b) Provide community alternatives and least restrictive options for person centered choice and independence, as opposed to institutionalization;

(c) Provide for personal responsibility;

(d) Create a person-centered and opportunity driven program;

(e) Create a results oriented system of coordinated care that focuses on independence and choice;

(f) Use competitive value based purchasing to maximize the available service options and promote accountability and transparency; and

(g) Encourage and reward healthy outcomes and responsible choices.

SECTION 2. This article shall take effect upon the enactment of legislation in accordance with the findings and goals set forth in this article.

MOTION: To recommend the Commission monitor and authorize a Exec. Sec. to craft a response to the final version of 08 H 7390 Article 17 AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT BI/AP passed unanimously

08 H-7390 Art. 20 AN ARTICLE RELATING TO HUMAN SERVICES - HEALTH ACCOUNT

This article makes amendments to the existing children's health account assessment on health insurance providers to expand the reimbursements required for services provided to insured children.

Bob,

I am not sure if I can make the meeting (I think I am still on the committee anyway), but I wanted to make sure that you guys were aware that the proposed amendment to Article 20 (Children's Health Account) has one major change which could have a potentially positive effect on Children's Services.

The last two years the total annual assessment was limited to the amount paid for services per CHILD (\$5,000), the new wording changes per child to per service and a lot of children are receiving more than one service and many of them in excess of \$5,000.

The effect of this change if enacted would be an increase in the amount of money collected from the insurers which would increase the amount of funds available to pay for the Medicaid services.... which is a good thing...

My hope would be that the committee would find that beneficial...

Paul

Paul Choquette, M.A.

Senior Health Care Delivery Systems Specialist

RI Department of Human Services

Center for Child and Family Health

109-4 SECTION 1. Section 42-12-29 of the General Laws in Chapter 42-12 entitled

109-5 "Department of Human Services" is hereby amended to read as follows:

109-6 **42-12-29. Children's health account.** – (a) There is created within the general fund a

109-7 restricted receipt account to be known as the "children's health account". All money in the
109-8 account shall be utilized by the department of human services to effectuate coverage for home
109-9 health services, CEDARR services, and children's intensive services (CIS). All money received
109-10 pursuant to this section shall be deposited in the children's health account. The general treasurer is
109-11 authorized and directed to draw his or her orders on the account upon receipt of properly
109-12 authenticated vouchers from the department of human services.

109-13 (b) Beginning in the fiscal year 2007, each insurer licensed or regulated pursuant to the
109-14 provisions of chapters 18, 19, 20, and 41 of title 27 shall be assessed for the purposes set forth in
109-15 this section. The department of human services shall make available to each insurer, upon its
109-16 request, information regarding the department of human services child health program and the
109-17 costs related to the program. Further, the department of human services shall submit to the
109-18 general assembly an annual report on the program and cost related to the program, on or before
109-19 February 1 of each year. Annual assessments shall be based on direct premiums written in the
109-20 year prior to the assessment and shall not include any Medicare Supplement Policy (as defined in
109-21 § 27-18-2.1(g)), Medicare managed care, Medicare, Federal Employees Health Plan,
109-22 [Medicaid/RIte Care](#) or dental premiums. As to accident and sickness insurance, the direct
109-23 premium written shall include, but is not limited to, group, blanket, and individual policies. Those
109-24 insurers assessed greater than five hundred thousand dollars (\$500,000) for the year shall be
109-25 assessed four (4) quarterly payments of twenty-five percent (25%) of their total assessment.
109-26 Beginning July 1, 2006, the annual rate of assessment shall be determined by the director of
109-27 human services in concurrence with the primary payors, those being insurers likely to be assessed
109-28 at greater than five hundred thousand dollars (\$500,000). The director of the department of
109-29 human services shall deposit that amount in the "children's health account". The assessment shall
109-30 be used solely for the purposes of the "children's health account" and no other.

109-31 (c) Any funds collected in excess of funds needed to carry out the programs shall be

109-32 deducted from the subsequent year's assessment.
 109-33 (d) The total annual assessment on all insurers shall be equivalent to the amount paid by
 109-34 the department of human services for such services, ~~for children insured by such insurers, as~~
 110-1 listed in subsection (a), but not to exceed five thousand dollars (\$5,000) per child ~~covered by the~~
 110-2 ~~services per service per year.~~
 110-3 (e) The children's health account shall be exempt from the indirect cost recovery
 110-4 provisions of § 35-4-27 of the general laws.
 110-5 SECTION 2. This article shall take effect as of July 1, 2008.

MOTION: To recommend the Commission find beneficial 08 H 7390 Article 20 AN ARTICLE RELATING TO HUMAN SERVICES - HEALTH ACCOUNT JB/RC passed unanimously

08 H-7390 Art. 21 AN ARTICLE RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP
 This article renews the annual authorization for benefits and the expenditure ceiling for the General Public Assistance Hardship program.

110-6 **ARTICLE 21**
 110-7 **RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP**
 110-8 SECTION 1. **Hardship Contingency Fund – FY 2009** – Out of the general revenue
 110-9 sum appropriated to the department of human services in Article 1 for general public assistance,
 110-10 the sum of six hundred thirty four thousand two hundred ten dollars (\$634,210) may be used as a
 110-11 hardship contingency fund for the purposes and subject to the limitations hereinafter provided.
 110-12 The state controller is hereby authorized and directed to draw his or her order upon the general
 110-13 treasurer for the payment of such sums or such portions thereof as may be required from time to
 110-14 time upon receipt by him or her of duly authenticated vouchers. From the aforesaid appropriation
 110-15 for hardship contingency, the director of the department of human services, in his or her sole
 110-16 discretion, may authorize payments of cash assistance benefits up to two hundred dollars (\$200)
 110-17 per month upon a showing of hardship by an individual who is eligible for general public
 110-18 assistance medical benefits under §40-6-3.1; provided, however, that individuals who are
 110-19 determined eligible for medical assistance (“Medicaid”) under Title XIX of the Social Security
 110-20 Act, 42 U.S.C. §1396 et seq., or who are determined eligible to receive an interim cash assistance
 110-21 payment for the disabled pursuant to §40-6-28, shall not be eligible for assistance under this
 110-22 section. The director shall not be required to promulgate any new, additional or separate rules or
 110-23 regulations in connection with his or her disbursement of the contingency fund created hereby.
 110-24 SECTION 2. This article shall take effect as of July 1, 2008.

MOTION: To recommend the Commission find beneficial 08 H 7390 Article 21 AN ARTICLE RELATING TO GENERAL PUBLIC ASSISTANCE – HARDSHIP LG/LD passed unanimously

08 H-7390 Art. 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS
 This article eliminates the function of issuing state identification cards to elderly and disabled persons 55 and over for a nominal fee charged for cost recovery, and recognizes general revenue cost savings in community services objective grant funding under the aegis of the Legislature through the department of elderly affairs and advocacy, but still requires public and private elderly housing complexes to submit satisfactory evidence of a safety and security plan for its residents to the department. It also alters the income criterion for all three tiers of the Rhode Island Pharmaceutical Assistance to the Elderly program and mandates enrollment in the federal Medicare Part D benefit program, as provided for in the Medicare Prescription Drug Improvement and modernization Act of 2003. Finally, it also mandates the use of generic drugs in place of brand name ones when such

generic variations are available.

160-18 SECTION 1. Section 42-66-4.2 of the General Laws in Chapter 42-66 entitled "Elderly
160-19 Affairs Department" is hereby repealed.

160-20 ~~§ 42-66-4.2 Photo identification cards. — The department shall make available to every
160-21 disabled person eighteen (18) years of age or older requesting one, a photo identification card at a
160-22 cost of two dollars (\$2.00) for each card. The card shall contain a photo of the person, his or her
160-23 address, an identification number and any other information as ordered by the director to the
160-24 benefit of the disabled person. All funds collected shall be deposited as general revenues of the
160-25 state.~~

160-26 SECTION 2. Section 42-66.1-3 of the General Laws in Chapter 42-66.1 entitled
160-27 "Security for Housing for the Elderly Act" is hereby amended to read as follows:

160-28 ~~42-66.1-3. Program established. — (a) In order to ensure the health, safety, and welfare
160-29 of elderly citizens who are residents of housing for the elderly, the director shall establish a grant
160-30 program to assist in providing security at housing for the elderly complexes.~~

160-31 ~~(b) Participation in the program shall be voluntary. The owner, manager, or governing
160-32 body of a housing complex for the elderly shall apply to the director to be part of the program.~~

160-33 ~~(c)~~(a) The director shall require each housing for the elderly complex ~~that participates~~
160-34 ~~in the program~~ to submit satisfactory evidence of a periodic and ongoing resident security
161-1 educational program and a safety and security plan.

161-2 ~~(d)~~(b) The director shall establish regulations to require each housing for the elderly
161-3 complex, as part of its tenant acceptance process, to review and consider any notice provided to
161-4 the housing complex as required in subsection 42-56-10(23) concerning the tenant's or
161-5 prospective tenant's status on parole and recommendations, if any, regarding safety and security
161-6 measures.

161-7 SECTION 3. Section 42-66.1-4 of the General Laws in Chapter 42-66.1 entitled
161-8 "Security for Housing for the Elderly Act" is hereby repealed.

161-9 ~~§ 42-66.1-4 Cost of security program — Matching funds. — The cost of the program shall
161-10 be borne according to the following formula:~~

161-11 ~~(1) In private complexes, twenty five percent (25%) of the cost shall be absorbed by the
161-12 state and seventy five percent (75%) by the owner of the complex.~~

161-13 ~~(2) In public complexes, seventy five percent (75%) of the cost shall be absorbed by the
161-14 state and twenty five percent (25%) by the housing authority. The cost upon which
161-15 reimbursement is made shall be formulated in accordance with the rules and regulations
161-16 promulgated by the director pursuant to § 42-66.1-5. Security personnel and equipment are
161-17 reimbursable under this program. Costs incurred by a municipality or agency shall not be eligible
161-18 for reimbursement pursuant to §§ 45-13-6 — 45-13-11.~~

161-19 SECTION 4. Sections 42-66.2-3, 42-66.2-5, 42-66.2-6, 42-66.2-7, and 42-66.2-9 of the
161-20 General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are
161-21 hereby amended to read as follows:

161-22 **42-66.2-3. Definitions.** — As used in this chapter, unless the context requires otherwise:

161-23 (1) "Consumer" means any full-time resident of the state who fulfills the eligibility
161-24 requirements set forth in § 42-66.2-5. Residence for purposes of this chapter shall be in
161-25 accordance with the definitions and evidence standards set forth in § 17-1-3.1.

161-26 (2) "Contractor" means a third party or private vendor capable of administering a
161-27 program of reimbursement for prescription drugs, and drug program eligibility administrative
161-28 support as required by the director, the vendor to be determined through a competitive bid process
161-29 in which the director awards a three (3) year contract for services.

161-30 (3) "Department" means the department of elderly affairs.

161-31 (4) "Director" means the director of the department of elderly affairs.

161-32 (5) "Eligible drugs" means insulin, injectable drugs for multiple sclerosis, and shall

161-33 mean non-injectable drugs which require a physician's prescription according to federal law and
161-34 which are contained in the following American Hospital Formulary Service pharmacologic-
162-1 therapeutic classifications categories that have not been determined by the federal "Drug Efficacy
162-2 and Safety Implementation (DESI) Commission" to lack substantial evidence of effectiveness.
162-3 Eligible drugs are limited to the following classification categories: cardiac drugs, hypotensive
162-4 drugs, diuretics, anti-diabetic agents, insulin, disposable insulin syringes, vasodilators (cardiac
162-5 indications only), anticoagulants, hemorreologic agents, glaucoma drugs, drugs for the treatment of
162-6 Parkinson's disease, antilipemic drugs and oral antineoplastic drugs and drugs for the treatment of
162-7 asthma and other chronic respiratory diseases and prescription vitamin and mineral supplements
162-8 for renal patients, and drugs approved for the treatment of Alzheimer's disease, drugs used for the
162-9 treatment of depression, those drugs approved for the treatment of urinary incontinence, anti-
162-10 infectives, drugs used for the treatment of arthritis, drugs approved for the treatment of
162-11 osteoporosis, and neuraminidase inhibiting drugs indicated for the treatment of influenza A and
162-12 B.

162-13 (ii) "Additional drugs" means non-injectable drugs which require a physician's
162-14 prescription according to federal law and which are contained in the American Hospital
162-15 Formulary Service pharmacologic-therapeutic classifications categories that have not been
162-16 determined by the federal "Drug Efficacy and Safety Implementation (DESI) Commission" to
162-17 lack substantial evidence of effectiveness, which are not included in the definition of drugs as
162-18 defined in this subdivision. However, this shall not include prescription drugs used for cosmetic
162-19 purposes.

162-20 (6) "Income" for the purposes of this chapter means the sum of federal adjusted gross
162-21 income as defined in the Internal Revenue Code of the United States, 26 U.S.C. § 1 et seq., and
162-22 all nontaxable income including, but not limited to, the amount of capital gains excluded from
162-23 adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance
162-24 and relief (not including relief granted under this chapter), the gross amount of any pension or
162-25 annuity (including Railroad Retirement Act benefits, 45 U.S.C. § 231 et seq., all payments
162-26 received under the federal Social Security Act, 42 U.S.C. § 301 et seq., state unemployment
162-27 insurance laws, and veterans' disability pensions), nontaxable interest received from the federal
162-28 government or any of its instrumentalities, workers' compensation, and the gross amount of "loss
162-29 of time" insurance. It does not include gifts from nongovernmental sources, or surplus foods or
162-30 other relief in kind supplied by a public or private agency.

162-31 (7) "Pharmaceutical manufacturer" means any entity holding legal title to or possession
162-32 of a national drug code number issued by the federal food and drug administration.

162-33 (8) "Pharmacy" means a pharmacy licensed by the state of Rhode Island.

162-34 ~~(9) "Pilot program contractor" means Blue Cross and Blue Shield of Rhode Island.~~

163-1 **42-66.2-5. Persons eligible.** – (a) Persons eligible for assistance under the provisions of
163-2 this chapter include any resident of the state who is at least sixty-five (65) years of age or at least
163-3 fifty-five (55) years of age and receiving social security disability benefits. State and consumer
163-4 co-payment shares for these persons shall be determined as follows:

163-5 (1) For unmarried persons or married persons living separate and apart whose income
163-6 for the calendar year immediately preceding the year in which assistance is sought is:

163-7 (i) Less than ~~fifteen thousand nine hundred and thirty two dollars (\$15,932)~~ nineteen
163-8 thousand three hundred forty one dollars (\$19,341) the state shall pay sixty percent (60%) of the
163-9 cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost of the
163-10 prescriptions.

163-11 (ii) More than ~~fifteen thousand nine hundred and thirty two dollars (\$15,932)~~ nineteen
163-12 thousand three hundred forty-one dollars (\$19,341) and less than ~~twenty thousand dollars~~
163-13 ~~(\$20,000)~~, twenty four thousand two hundred and eighty dollars (\$24,280) the state shall pay
163-14 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent
163-15 (70%) of the cost of the prescriptions; and

163-16 (iii) More ~~than twenty thousand dollars (\$20,000)~~ twenty four thousand two hundred
163-17 and eighty dollars (\$24,280) and less than ~~thirty five thousand dollars (\$35,000)~~ forty two
163-18 thousand four hundred and ninety three dollars (\$42,493), the state shall pay fifteen percent
163-19 (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the
163-20 cost of prescriptions.

163-21 (2) For married persons whose income for the calendar year immediately preceding the
163-22 year in which assistance is sought hereunder when combined with any income of the person's
163-23 spouse in the same year is:

163-24 (i) ~~Nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ Twenty four
163-25 thousand one hundred and seventy-nine dollars (\$24,179) or less, the state shall pay sixty percent
163-26 (60%) of the cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost
163-27 of the prescriptions;

163-28 (ii) More than ~~nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ twenty-
163-29 four thousand one hundred and seventy-nine dollars (\$24,179) and less than ~~twenty five thousand~~
163-30 ~~dollars (\$25,000)~~ thirty thousand three hundred and fifty-two dollars (\$30,352), the state shall pay
163-31 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent
163-32 (70%) of the cost of prescriptions; and

163-33 (iii) More than ~~twenty five thousand dollars (\$25,000)~~ thirty thousand three hundred
163-34 and fifty-two dollars (\$30,352) and less than ~~forty thousand dollars (\$40,000)~~ forty eight
164-1 thousand five hundred and sixty three dollars (\$48,563), the state shall pay fifteen percent (15%)
164-2 of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the cost of
164-3 prescriptions.

164-4 (3) Eligibility may also be determined by using income data for the ninety (90) days
164-5 prior to application for benefits and projecting that income on an annual basis. The income levels
164-6 shall not include those sums of money expended for medical and pharmaceutical that exceed
164-7 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's
164-8 preceding ninety (90) day income computed on an annual basis.

164-9 (4) For persons on social security disability benefits who are: (i) unmarried or married
164-10 and living separate and apart with income for the calendar year immediately preceding the year in
164-11 which assistance is sought that is less than ~~thirty seven thousand one hundred and sixty seven~~
164-12 ~~dollars (\$37,167)~~ forty two thousand four hundred and ninety three dollars (\$42,493); or (ii)
164-13 married with income that is less than ~~forty two thousand four hundred seventy six dollars~~
164-14 ~~(\$42,476)~~ forty eight thousand five hundred and sixty three dollars (\$48,563) the state shall pay
164-15 fifteen percent (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent
164-16 (85%) of the cost.

164-17 (b) On July 1 of each year, the maximum amount of allowable income for both
164-18 unmarried and married residents set forth in subsection (a) shall be increased by a percentage
164-19 equal to the percentage of the cost of living adjustment provided for social security recipients.

164-20 (c) No person whose prescription drug expenses are paid or reimbursable, either in
164-21 whole or in part, by any other plan of assistance or insurance is eligible for assistance under this
164-22 section, until the person's prescription drug coverage for a specific covered prescription
164-23 medication is exhausted or the specific prescription medication is not covered by the plan during
164-24 a benefit year, and as provided in subsection (d).

164-25 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable
164-26 under the provisions of the federal Medicare program shall not disqualify that person, if he or she
164-27 is otherwise eligible, to receive assistance under this chapter. In those cases, the state shall pay
164-28 the eligible percentage of the cost of those prescriptions for qualified drugs for which no payment
164-29 or reimbursement is made by the federal government.

164-30 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode
164-31 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized
164-32 under this section shall be limited to those persons whose income qualify them for a sixty percent

164-33 (60%) state co-payment share of the cost of prescriptions.

164-34 (f) For all additional drugs, the consumer shall pay one hundred percent (100%) of the
165-1 cost of prescriptions as set forth in § 42-66.2-4.

165-2 ~~(g) As of July 1, 2004, all new enrollees in the program whose income qualifies them~~
165-3 ~~for Transitional Assistance (135% of poverty) under the Medicare Prescription Drug,~~
165-4 ~~Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w 141], shall~~
165-5 ~~apply annually, for a Medicare prescription drug discount card, to be used in conjunction with~~
165-6 ~~benefits offered under this chapter, in order to continue to receive benefits under this chapter.~~
165-7 ~~Enrollees who joined the program prior to July 1, 2004 and who qualify for Transitional~~
165-8 ~~Assistance (135% of poverty) under the Medicare Prescription and Drug Improvement, and~~
165-9 ~~Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w 141], shall, by September 30,~~
165-10 ~~2004 and continuously thereafter until such time as Medicare Part D becomes effective, make~~
165-11 ~~application for a Medicare prescription drug discount card to be used in conjunction with benefits~~
165-12 ~~offered under this chapter, in order to continue receiving benefits under this chapter.~~

165-13 ~~(h)~~(g) To promote coordination of benefits between the pharmaceutical assistance
165-14 program created under this chapter and the Medicare Part D prescription drug program created in
165-15 the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, RIPAE
165-16 enrollees ~~whose income is at or below 150% of the federal poverty limit and whose resources are~~
165-17 ~~below the resource eligibility limits determined by the Centers for Medicare and Medicaid~~
165-18 ~~Services for low income assistance benefit under Medicare Part D~~ must apply for and enroll in the
165-19 Medicare Part D prescription drug program.

165-20 ~~The Rhode Island Pharmaceutical Assistance to the Elderly Program (RIPAE) is~~
165-21 ~~authorized to apply for transitional assistance with a specific drug card under the Medicare~~
165-22 ~~Prescription Drug, Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. §~~
165-23 ~~1395w 141] on behalf of applicants and eligible members under this article. RIPAE shall provide~~
165-24 ~~applicants and eligible members with prior written notice of, and the opportunity to decline, such~~
165-25 ~~automatic enrollment.~~

165-26 **42-66.2-6. Responsibilities of department of elderly affairs.** – (a) Determination of
165-27 eligibility. The department shall adopt regulations relating to the determination of eligibility of
165-28 prospective consumers and the determination and elimination of program abuse. The department
165-29 has the power to declare ineligible any consumer who abuses or misuses the established
165-30 prescription plan. The department has the power to investigate cases of suspected provider or
165-31 consumer fraud.

165-32 (b) Rebates for expenses prohibited. (1) A system of rebates or reimbursements to the
165-33 consumer for pharmaceutical expenses shall be prohibited.

165-34 (2) Subdivision (1) shall not be interpreted to exclude other consumers not participating
166-1 in the pharmaceutical assistance to the elderly program from receiving financial offers or
166-2 redeemable coupons that are available to only those who have paid for the service or product
166-3 through direct cash payment, insurance premiums, or cost sharing with an employer.

166-4 (c) Program criteria. The program includes the following criteria:
166-5 (1) Collection of the co-payment by pharmacies is mandatory;
166-6 (2) Senior citizens participating in the program are not required to maintain records of
166-7 each transaction but shall sign a receipt for eligible and additional drugs;
166-8 (3) A system of rebates or reimbursements to the consumer for pharmaceutical
166-9 expenses is prohibited;

166-10 (ii) This subdivision shall not be interpreted to exclude other consumers from receiving
166-11 financial offers or redeemable coupons that are available to only those who have paid for the
166-12 service or product through direct cash payment, insurance premiums, or cost sharing with an
166-13 employer.

166-14 (4) Prescription benefits for any single prescription may be dispensed in the amounts
166-15 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred

166-16 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day
166-17 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin
166-18 syringes are dispensed in a quantity of one hundred (100);
166-19 (5) Experimental drugs are excluded from the program;
166-20 (6) A system of mail order delivery for prescriptions is allowed under this program; and
166-21 (7) Eligible and additional drugs must be dispensed within one year of the original
166-22 prescription order.
166-23 (d) The director shall issue an eligibility card containing a program ID number and the
166-24 time period for which the card is valid.
166-25 (e) The director ~~shall institute and conduct an educational outreach program and~~ shall
166-26 provide a mechanism, within the department, to handle all public inquiries concerning the
166-27 program.
166-28 (f) The director shall establish a process, in accordance with the Administrative
166-29 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of
166-30 eligibility.
166-31 (g) The director shall forward to the contractor a list of all eligible consumers.
166-32 (h) Expenditures for multiple sclerosis drugs shall not exceed thirty thousand dollars
166-33 (\$30,000).

166-34 (i) Generic drug substitution is mandatory when there is an available generic drug
167-1 equivalent.

167-2 **42-66.2-7. Contract.** – (a) The director is authorized and shall enter into a contract with
167-3 the contractor for the effective administrative support of this program.

167-4 (b) ~~The pilot program contractor shall, under terms agreed to by the director, continue~~
167-5 ~~administrative support of the program until a competitive bid process can be implemented and a~~
167-6 ~~three (3) year contract awarded. The director shall initiate the competitive bid process by the~~
167-7 ~~issuance and advertisement of specifications and request for proposals, on or before January 1,~~
167-8 ~~1988. The contract resulting from the competitive bid process shall be awarded to become~~
167-9 ~~effective for a three (3) year period commencing no later than July 1, 1988.~~ A competitive bid
167-10 and contract award shall occur ~~every three (3) years thereafter.~~ in accordance with the state
167-11 Medicaid authority’s competitive bid process and cycle.

167-12 **42-66.2-9. Annual report.** – (a) The director shall submit an annual report to the
167-13 governor, the budget officer, the chairperson of the house finance committee, the chairperson of
167-14 the senate finance committee, and the chairperson of the board of pharmacy as established by § 5-
167-15 19.1-4. The report shall contain the number of consumers eligible for the program, the number of
167-16 consumers utilizing the program, ~~an outline of and a report on the educational outreach program,~~
167-17 the number of appeals, an outline of problems encountered in the administration of the program
167-18 and suggested solutions to the problems, and any recommendations to enhance the program.

167-19 (b) The contractor shall submit an annual report to the governor, the budget officer, the
167-20 chairperson of the house finance committee, the chairperson of the senate finance committee, and
167-21 the board of pharmacy as established by § 5-19.1-4. The report shall contain financial and
167-22 utilization statistics as to drug use by therapeutic category, actuarial projections, an outline of
167-23 problems encountered in the administration of the program, and suggested solutions to the
167-24 problems and any recommendations to enhance the program.

167-25 ~~(c) The first report pursuant to this section shall be submitted on or before January 15,~~
167-26 ~~1986.~~

167-27 SECTION 5. Section 42-66.2-11 of the General Laws in Chapter 42-66.2 entitled
167-28 “Pharmaceutical Assistance to the Elderly Act” is hereby repealed.

167-29 ~~§ 42-66.2-11 Special Legislative Commission to Reconcile the Provisions of the~~
167-30 ~~Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization Act~~
167-31 ~~of 2003.—Due to the passage of the federal Medicare Prescription Drug and Modernization Act~~

167-32 ~~of 2003, some consumers of the Rhode Island Pharmaceutical Assistance for the Elderly Program~~
 167-33 ~~will be eligible for federal Medicare coverage for some of their medication needs. It is the intent~~
 167-34 ~~of the general assembly to study the provisions of the new federal act for Medicare prescription~~
 168-1 ~~coverage and make recommendations for adjustments to the Rhode Island Pharmaceutical~~
 168-2 ~~Assistance for the Elderly Program as necessary to ensure the maximum possible coverage and~~
 168-3 ~~benefit to eligible consumers. The Special Legislative Commission to Reconcile the Provisions of~~
 168-4 ~~the Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization~~
 168-5 ~~Act of 2003 shall be composed of ten (10) members, one of whom shall be the director of the~~
 168-6 ~~department of human services, one of whom shall be the director of the department of elderly~~
 168-7 ~~affairs, four (4) of whom shall be appointed from the house of representatives by the speaker of~~
 168-8 ~~the house, with one of said appointees belonging to the minority leader, and four (4) of whom~~
 168-9 ~~shall be appointed from the senate by the president of the senate, with one of said appointees~~
 168-10 ~~belonging to the minority leader. The commission shall choose from among its member's co-~~
 168-11 ~~chairpersons representing both chambers. State agencies shall make available any information~~
 168-12 ~~deemed necessary by the commission to complete its task. The commission shall make its~~
 168-13 ~~recommendations to the house and senate committees on finance on or before February 15, 2005.~~
 168-14 SECTION 6. This article shall take effect as of July 1, 2008.

MOTION: To recommend the Commission monitor and authorize the Exec. Sec. to craft a position 08 H 7390 Article 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS RC/KMcCB passed unanimously

3. Consideration of New Bills	Bob Cooper	20 Min.
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08 H-7162 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND HUMAN SERVICES

This act would eliminate the five (5) health and human services departments and consolidate the functions of the departments within the executive office of health and human services. The act would create a new function based organizational structure within the executive office of health and human services that would include the following divisions: children and family services, behavioral health, developmental disabilities, public health, veterans' affairs, and elderly and long-term care. This act would take effect on October 1, 2008.

1-1 SECTION 1. Sections 42-7.2-1, 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6.1, 42-7.2-7, 42-
 1-2 7.2-8 and 42-7.2-9 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human
 1-3 Services" are hereby amended to read as follows:

1-4 **42-7.2-1. Statement of intent.** – (a) The purpose of this Chapter is to develop a
 1-5 consumer-centered system of publicly-financed state administered health and human services that
 1-6 supports access to high quality services, protects the safety of the state's most vulnerable citizens,
 1-7 and ensures the efficient use of all available resources by [consolidating the health and human](#)
 1-8 [services functions and eliminating](#) the five (5) departments responsible for the health and human
 1-9 services programs serving all Rhode Islanders and providing direct assistance and support
 1-10 services to more than 250,000 individuals and families: the department of children, youth, and
 1-11 families; the department of elderly affairs; the department of health; the department of human
 1-12 services; and the department of mental health, retardation and hospitals, collectively referred to
 1-13 within as "departments". It is recognized that the executive office of health and human services
 1-14 and the departments have undertaken a variety of initiatives to further this goal and that they
 1-15 share a commitment to continue to work in concert to preserve and promote each other's unique
 1-16 missions while striving to attain better outcomes for all the people and communities they serve.
 1-17 However, recent and expected changes in federal and state policies and funding priorities that

1-18 affect the financing, organization, and delivery of health and human services programs pose new
2-1 challenges and opportunities that have created an even greater need for ~~structured and formal~~
2-2 ~~interdepartmental cooperation and collaboration~~ consolidation. To meet this need while
2-3 continuing to build on the achievements that have already been made, the interests of all Rhode
2-4 Islanders will best be served by codifying in the state's general laws the purposes and
2-5 responsibilities of the executive office of health and human services and the position of secretary
2-6 of health and human services.

2-7 (b) The purposes and responsibilities of the executive office of health and human services
2-8 shall include the assumption of all the duties of the departments, consolidation of the functions of
2-9 the departments, and the creation of a new function based organizational structure within the
2-10 executive office of health and human services that shall include the following divisions: children
2-11 and family services, behavioral health, developmental disabilities, public health, veterans affairs,
2-12 and elderly and long-term care.

2-13 **42-7.2-2. Executive office of health and human services. --** There is hereby established
2-14 within the executive branch of state government an executive office of health and human services
2-15 to serve as the ~~principal~~ consolidated health and human services agency of the executive branch
2-16 of state government ~~for managing~~ that shall assume all of the duties of the departments of
2-17 children, youth and families, elderly affairs, health, human services, and mental health,
2-18 retardation and hospitals. In this capacity, the office shall:

2-19 (a) ~~Lead the state's five health and human services departments in order to:~~ Provide the
2-20 state's health and human services through the following divisions: children and family services;
2-21 behavioral health; developmental disabilities; public health; veterans affairs; and elderly and
2-22 long-term care.

2-23 ~~(1)~~ (b) Improve the economy, efficiency, coordination, and quality of health and human
2-24 services policy and planning, budgeting and financing.

2-25 ~~(2)~~ (c) Design strategies and implement best practices that foster service access,
2-26 consumer safety and positive outcomes.

2-27 ~~(3)~~ (d) Maximize and leverage funds from all available public and private sources,
2-28 including federal financial participation, grants and awards.

2-29 ~~(4)~~ (e) Increase public confidence by conducting independent reviews of health and
2-30 human services issues in order to promote accountability and coordination across departments.

2-31 ~~(5)~~ (f) Ensure that state health and human services policies and programs are responsive
2-32 to changing consumer needs and to the network of community providers that deliver assistive
2-33 services and supports on their behalf.

2-34 ~~(b)~~ (g) Supervise the administrations of federal and state medical assistance programs by
3-1 acting as the single state agency authorized under title XIX of the U.S. Social Security act, 42
3-2 U.S.C. section 1396a et seq., notwithstanding any general or public law or regulation to the
3-3 contrary, and exercising such single state agency authority for such other federal and state
3-4 programs as may be designated by the governor. ~~Nothing in this chapter shall be construed as~~
3-5 ~~transferring to the secretary: (1) The powers, duties or functions conferred upon the departments~~
3-6 ~~by Rhode Island general laws for the administration of the foregoing federal and state programs;~~
3-7 ~~or (2) The administrative responsibility for the preparation and submission of any state plans,~~
3-8 ~~state plan amendments, or federal waiver applications, as may be approved from time to time by~~
3-9 ~~the secretary with respect to the foregoing federal and state programs.~~

3-10 **42-7.2-4. Responsibilities of the secretary. --** ~~(a)~~ The secretary shall be responsible to
3-11 the governor for supervising the executive office of health and human services and for ~~managing~~
3-12 ~~and providing strategic leadership and direction to~~ assuming all the duties of the five departments.

3-13 ~~(b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint~~
3-14 ~~the directors of the departments within the executive office of health and human services.~~
3-15 ~~Directors appointed to those departments shall continue to be subject to the advice and consent of~~
3-16 ~~the senate and shall continue to hold office as set forth in sections 42-6-1 et seq. and 42-72-1(c).~~

3-17 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and
3-18 supervision of the governor for the oversight, coordination and cohesive direction of state
3-19 administered health and human services and in ensuring the laws are faithfully executed, not
3-20 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
3-21 Services shall be authorized to:

3-22 (a) Coordinate the administration and financing of health care benefits, human services
3-23 and programs including those authorized by the Medicaid State Plan under Title XIX of the US
3-24 Social Security Act. ~~However, nothing in this section shall be construed as transferring to the~~
3-25 ~~secretary the powers, duties or functions conferred upon the departments by Rhode Island public~~
3-26 ~~and general laws for the administration of federal/state programs financed in whole or in part with~~
3-27 ~~Medicaid funds or the administrative responsibility for the preparation and submission of any~~
3-28 ~~state plans, state plan amendments, or authorized federal waiver applications.~~

3-29 (b) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
3-30 reform issues as well as the principal point of contact in the state on any such related matters.

3-31 (c) Review and ensure the coordination of any new ~~departmental~~ waiver requests and
3-32 renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan
3-33 with the potential to affect the scope, amount or duration of publicly-funded health care services,
3-34 provider payments or reimbursements, or access to or the availability of benefits and services as
4-1 provided by Rhode Island general and public laws. The secretary shall consider whether any such
4-2 waivers or amendments are legally and fiscally sound and consistent with the state's policy and
4-3 budget priorities. The secretary shall also assess whether a proposed waiver or amendment is
4-4 capable of obtaining the necessary approvals from federal officials and achieving the expected
4-5 positive consumer outcomes. ~~Department directors shall, within the timelines specified, provide~~
4-6 ~~any information and resources the secretary deems necessary in order to perform the reviews~~
4-7 ~~authorized in this section;~~

4-8 (d) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
4-9 and senate finance committees, the caseload estimating conference, and to the joint legislative
4-10 committee for health care oversight, by no later than February 1 of each year, a comprehensive
4-11 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
4-12 include, but not be limited to, the following information:

4-13 (1) Expenditures under Titles XIX and XXI of the social security act, as amended;

4-14 (2) Expenditures, outcomes and utilization rates by population and sub-population served
4-15 (e.g. families with children, children with disabilities, children in foster care, children receiving
4-16 adoption assistance, adults with disabilities, and the elderly);

4-17 (3) Expenditures, outcomes and utilization rates by each state department or other
4-18 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
4-19 social security act, as amended; and

4-20 (4) Expenditures, outcomes and utilization rates by type of service and/or service
4-21 provider.

4-22 ~~The directors of the departments, as well as local~~ Local governments and school
4-23 departments, shall assist and cooperate with the secretary in fulfilling this responsibility by
4-24 providing whatever resources, information and support shall be necessary.

4-25 (e) Resolve administrative, jurisdictional, operational, program, or policy conflicts
4-26 ~~among departments and their executive staffs~~ and make necessary recommendations to the
4-27 governor.

4-28 (f) Assure continued progress toward improving the quality, the economy, the
4-29 accountability and the efficiency of state-administered health and human services. In this
4-30 capacity, the secretary shall:

4-31 (1) Direct implementation of reforms in the human resources practices ~~of the~~
4-32 ~~departments~~ that streamline and upgrade services, achieve greater economies of scale and
4-33 establish the coordinated system of the staff education, cross-training, and career development

4-34 services necessary to recruit and retain a highly-skilled, responsive, and engaged health and
5-1 human services workforce;

5-2 (2) Encourage ~~the departments to utilize~~ consumer-centered approaches to service design
5-3 and delivery that expand ~~their~~ capacity to respond efficiently and responsibly to the diverse and
5-4 changing needs of the people and communities they serve;

5-5 (3) Develop all opportunities to maximize resources by leveraging the state's purchasing
5-6 power, centralizing all health and human services functions, including fiscal service functions
5-7 related to budget, finance, and procurement, centralizing communication, policy analysis and
5-8 planning, and information systems and data management, pursuing alternative funding sources
5-9 through grants, awards and partnerships and securing all available federal financial participation
5-10 for programs and services ~~provided through the departments~~; and

5-11 (4) Improve the coordination and efficiency of health and human services legal functions
5-12 by centralizing adjudicative and legal services and overseeing their timely and judicious
5-13 administration.

5-14 (g) Prepare ~~and integrate a~~ comprehensive ~~budgets~~ budget for the office of health and
5-15 human services ~~departments~~ and any other functions and duties assigned to the office. The
5-16 ~~budgets~~ budget shall be submitted to the state budget office by the secretary, for consideration by
5-17 the governor, on behalf of the state's health and human services in accordance with the provisions
5-18 set forth in section 35-3-4 of the Rhode Island general laws.

5-19 (h) Utilize objective data to evaluate health and human services policy goals, resource
5-20 use and outcome evaluation and to perform short and long-term policy planning and
5-21 development.

5-22 (i) Establishment of an integrated approach to ~~interdepartmental~~ information and data
5-23 management that will facilitate the transition to consumer-centered system of state administered
5-24 health and human services.

5-25 (j) At the direction of the governor or the general assembly, conduct independent
5-26 reviews of state-administered health and human services programs, policies and related ~~agency~~
5-27 actions and activities and ~~assist the department directors in identifying~~ identify strategies to
5-28 address any issues or areas of concern that may emerge thereof. ~~The department directors shall~~
5-29 ~~provide any information and assistance deemed necessary by the secretary when undertaking such~~
5-30 ~~independent reviews.~~

5-31 (k) Provide regular and timely reports to the governor and make recommendations with
5-32 respect to the state's health and human services agenda.

5-33 (l) Employ such personnel and contract for such consulting services as may be required
5-34 to perform the powers and duties lawfully conferred upon the secretary.

6-1 (m) Implement the provisions of any general or public law or regulation related to the
6-2 disclosure, confidentiality and privacy of any information or records, in the possession or under
6-3 the control of the executive office ~~or the departments assigned to the executive office~~, that may be
6-4 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

6-5 (n) ~~Hold the director of each health and human services department accountable for their~~
6-6 ~~administrative, fiscal and program actions in the conduct of the respective powers and duties of~~
6-7 ~~their agencies.~~ Appoint chiefs of the various divisions with the approval of the governor and
6-8 subject to the advice and consent of the senate.

6-9 **42-7.2-6.1. Transfer of powers and functions. --** (a) There are hereby transferred to the
6-10 executive office of health and human services all the powers and functions of the departments,
6-11 ~~with respect to the following:~~

6-12 (1) ~~By July 1, 2007, fiscal services including budget preparation and review, financial~~
6-13 ~~management, purchasing and accounting and any related functions and duties deemed necessary~~
6-14 ~~by the secretary;~~

6-15 (2) ~~By July 1, 2007, legal services including applying and interpreting the law, oversight~~
6-16 ~~to the rule making process, and administrative adjudication duties and any related functions and~~

6-17 duties deemed necessary by the secretary;

6-18 ~~-(3) By September 1, 2007, communications including those functions and services~~

6-19 ~~related to government relations, public education and outreach and media relations and any~~

6-20 ~~related functions and duties deemed necessary by the secretary;~~

6-21 ~~-(4) By March 1, 2008, policy analysis and planning including those functions and~~

6-22 ~~services related to the policy development, planning and evaluation and any related functions and~~

6-23 ~~duties deemed necessary by the secretary; and~~

6-24 ~~-(5) By June 30, 2008, information systems and data management including the~~

6-25 ~~financing, development and maintenance of all data bases and information systems and platforms~~

6-26 ~~as well as any related operations deemed necessary by the secretary;~~

6-27 ~~-(b) The secretary shall determine in collaboration with the department directors whether~~

6-28 ~~the officers, employees, agencies, advisory councils, committees, commissions, and task forces of~~

6-29 ~~the departments who were performing such functions shall be transferred to the office. Duties that~~

6-30 ~~are incidental to the performance of the functions transferred to the office in subpart (a) shall~~

6-31 ~~remain with the departments providing that the employees responsible thereof are performing~~

6-32 ~~functions that have not been transferred.~~

6-33 ~~(e) (b)~~ In the transference of such functions, the secretary shall be responsible for

6-34 ensuring:

7-1 (1) Minimal disruption of services to consumers;

7-2 (2) Elimination of duplication of functions and operations;

7-3 (3) Services are coordinated and functions are consolidated where appropriate;

7-4 (4) Clear lines of authority are delineated and followed;

7-5 (5) Cost-savings are achieved whenever feasible;

7-6 (6) Program application and eligibility determination processes are coordinated and,

7-7 where feasible, integrated; and

7-8 (7) State and federal funds available to the office and the entities therein are allocated

7-9 and utilized for service delivery to the fullest extent possible.

7-10 ~~Except as provided herein, no provision of this chapter or application thereof shall be~~

7-11 ~~construed to limit or otherwise restrict the departments of children, youth and families, human~~

7-12 ~~services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any~~

7-13 ~~statutory requirement or complying with any regulation deemed otherwise valid.~~

7-14 **42-7.2-7. Independent advisory council -- Purposes. --** (a) The secretary shall establish

7-15 an independent advisory council, hereafter referred to as "advisory council" composed of

7-16 representatives of the network of health and human services providers, the communities the

7-17 ~~departments serve~~ office serves, state and local policy makers and any other stakeholders or

7-18 consumers interested in improving access to high quality health and human services.

7-19 (b) The advisory council shall assist the secretary in identifying: issues of concern and

7-20 priorities in the organization and/or delivery of services; areas where there is need for

7-21 ~~interdepartmental~~ collaboration and cooperation; and opportunities for building sustainable and

7-22 effective public-private partnerships that support the missions of the ~~departments~~ office. The

7-23 advisory council shall also provide guidance to the secretary in developing a plan to further the

7-24 purposes of the executive office ~~and assist the departments in meeting their unique missions and~~

7-25 ~~shared responsibilities.~~

7-26 (c) ~~With the assistance of the department directors, the~~ The secretary shall hold health

7-27 and human services forums and open meetings that encourage community, consumer and

7-28 stakeholder input on health and human services issues, proposals and activities and actions of the

7-29 executive office that have been identified by the advisory council as areas of concern or important

7-30 policy priorities or opportunities for the state.

7-31 **42-7.2-8. Assignment and reassignment of advisory bodies. --** ~~The governor may, by~~

7-32 ~~executive order, reassign any~~ Any advisory bodies, boards, or commissions associated or

7-33 affiliated with the departments ~~or any such agencies that may be created shall be assigned~~ to the

7-34 secretary of health and human services ~~or assign any such entities that may be created.~~
8-1 **42-7.2-9. Appointment of employees.** -- The secretary, subject to the provisions of
8-2 applicable state law, shall be the appointing authority for all employees of the executive office of
8-3 health and human services, provided, however, the chiefs of the various divisions shall be
8-4 appointed with the approval of the governor and subject to the advice and consent of the senate.
8-5 The secretary may assign this function to such subordinate officers and employees of the
8-6 executive office as may to him or her seem feasible or desirable. ~~The appointing authority of the~~
8-7 ~~secretary provided for herein shall not affect, interfere with, limit, or otherwise restrict the~~
8-8 ~~appointing authority vested in the directors for the employees of the departments under applicable~~
8-9 ~~general and public laws.~~

8-10 SECTION 2. Section 42-7.2-6 of the General Laws in Chapter 42-7.2 entitled "Office of
8-11 Health and Human Services" is hereby repealed.

8-12 ~~**42-7.2-6. Departments assigned to the executive office -- Powers and duties.** -- (a)~~

8-13 ~~The departments assigned to the secretary shall:~~

8-14 ~~(1) Exercise their respective powers and duties in accordance with their statutory~~
8-15 ~~authority and the general policy established by the governor or by the secretary acting on behalf~~
8-16 ~~of the governor or in accordance with the powers and authorities conferred upon the secretary by~~
8-17 ~~this chapter;~~

8-18 ~~(2) Provide such assistance or resources as may be requested or required by the governor~~
8-19 ~~and/or the secretary; and~~

8-20 ~~(3) Provide such records and information as may be requested or required by the~~
8-21 ~~governor and/or the secretary to the extent allowed under the provisions of any applicable general~~
8-22 ~~or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of~~
8-23 ~~such records or information.~~

8-24 ~~(4) Forward to the secretary copies of all reports to the governor.~~

8-25 ~~(b) Except as provided herein, no provision of this chapter or application thereof shall be~~
8-26 ~~construed to limit or otherwise restrict the department of children, youth and families, the~~
8-27 ~~department of elderly affairs, the department of health, the department of human services, and the~~
8-28 ~~department of mental health, retardation and hospitals from fulfilling any statutory requirement or~~
8-29 ~~complying with any valid rule or regulation.~~

8-30 SECTION 3. Sections 42-6-1, 42-6-2 and 42-6-2 of the General Laws in Chapter 42-6
8-31 entitled "Departments of State Government" are hereby amended to read as follows:

8-32 **42-6-1. Enumeration of departments.** -- All the administrative powers and duties
8-33 heretofore vested by law in the several state departments, boards, divisions, bureaus,
8-34 commissions, and other agencies shall be vested in the following departments and other agencies
9-1 which are specified in this title:

9-2 (a) Executive department (chapter 7 of this title);

9-3 (b) Department of state (chapter 8 of this title);

9-4 (c) Department of the attorney general (chapter 9 of this title);

9-5 (d) Treasury department (chapter 10 of this title);

9-6 (e) Department of administration (chapter 11 of this title);

9-7 (f) Department of business regulation (chapter 14 of this title);

9-8 ~~(g) Department of children, youth, and families (chapter 72 of this title);~~

9-9 (h) Department of corrections (chapter 56 of this title);

9-10 ~~(i) Department of elderly affairs (chapter 66 of this title);~~

9-11 (j) Department of elementary and secondary education (chapter 60 of title 16);

9-12 (k) Department of environmental management (chapter 17.1 of this title);

9-13 ~~(l) Department of health (chapter 18 of this title);~~

9-14 (m) Board of governors for higher education (chapter 59 of title 16);

9-15 (n) Department of labor and training (chapter 16.1 of this title);

9-16 ~~(o) Department of mental health, retardation, and hospitals (chapter 12.1 of this title);~~

- 9-17 ~~(p) Department of human services (chapter 12 of this title);~~
- 9-18 (q) Department of transportation (chapter 13 of this title);
- 9-19 (r) Public utilities commission (chapter 14.3 of this title).
- 9-20 (s) Department of revenue (chapter 143 of title 44).

9-21 **42-6-2. Heads of departments.** -- The governor, secretary of state, attorney general, and
 9-22 general treasurer, hereinafter called general officers, shall each be in charge of a department.
 9-23 There shall also be a director of administration, a director of revenue, ~~a director of human~~
 9-24 ~~services, a director of mental health, retardation, and hospitals;~~ a director of transportation, a
 9-25 director of business regulation, a director of labor and training, a director of environmental
 9-26 management, ~~a director for children, youth, and families, a director of elderly affairs,~~ and a
 9-27 director of corrections. Each director shall hold office at the pleasure of the governor and he or
 9-28 she shall serve until his or her successor is duly appointed and qualified unless the director is
 9-29 removed from office by special order of the governor.

9-30 **42-6-3. Appointment of directors.** -- (a) At the January session following his or her
 9-31 election to office, the governor shall appoint a director of administration, a director of revenue, ~~a~~
 9-32 ~~director of human services, a director of mental health, retardation, and hospitals;~~ a director of
 9-33 transportation, a director of business regulation, a director of labor and training, a director of
 9-34 environmental management, ~~a director for children, youth, and families, a director of elderly~~
 10-1 ~~affairs,~~ and a director of corrections. The governor shall, in all cases of appointment of a director
 10-2 while the senate is in session, notify the senate of his or her appointment and the senate shall,
 10-3 within sixty (60) legislative days after receipt of the notice, act upon the appointment. If the
 10-4 senate shall, within sixty (60) legislative days, vote to disapprove the appointment it shall so
 10-5 notify the governor, who shall forthwith appoint and notify the senate of the appointment of a
 10-6 different person as director and so on in like manner until the senate shall fail to so vote
 10-7 disapproval of the governor's appointment. If the senate shall fail, for sixty (60) legislative days
 10-8 next after notice, to act upon any appointment of which it has been notified by the governor, the
 10-9 person so appointed shall be the director. The governor may withdraw any appointment of which
 10-10 he or she has given notice to the senate, at any time within sixty (60) legislative days thereafter
 10-11 and before action has been taken thereon by the senate.

10-12 (b) Except as expressly provided in section 42-6-9, no director of any department shall
 10-13 be appointed or employed pursuant to any contract of employment for a period of time greater
 10-14 than the remainder of the governor's current term of office. Any contract entered into in violation
 10-15 of this section after [July 1, 1994] is hereby declared null and void.

10-16 SECTION 4. Section 42-6-9 of the General Laws in Chapter 42-6 entitled "Departments
 10-17 of State Government" is hereby repealed.

10-18 ~~**42-6-9. Director of health.** -- There shall be a director of health who shall hold office for~~
 10-19 ~~the term of five (5) years from the time of his or her appointment and until his or her successor is~~
 10-20 ~~duly appointed and qualified. The director shall be eligible for reappointment, and shall not~~
 10-21 ~~engage in any other occupation.~~

10-22 SECTION 5. This act shall take effect on October 1, 2008.

Potential MOTION: To recommend the Commission raise the following questions and make recommendations:

Where will the following programs will be:

- Hospitals and Community Rehabilitative Services
 Eleanor Slater Hospital &
 Zambarano Unit
- Individual and Family Support
 Office of Rehabilitation Services

Disability Determination,
 Independent Living,
 Personal Care Attendant Program;
 Services for the Blind and Visually Impaired,
 Vocational Rehabilitation,
 Family and Adult Services
 Early Intervention Program
 Emergency Food Assistance Program
 Emergency Shelter
 Family Independence Program Programs
 Homemaker Services
 Housing Assistance (RI Housing)
 Infants and Toddlers Disabilities
 SSI for Adults with Disabilities

- Medical Benefits –

Medical Assistance for Single Adults with Disabilities;
 Regarding 08 H-7162 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND HUMAN SERVICES (direct the Sec to consult with the appropriate council prior to implementation) JB/BI passed unanimously.

MOTION: To recommend the Commission prioritize the budget articles as follows:

1. 08 H-7162 Reorganization of Health and Human Services;
2. 08 H 7390 Article 17 Medicaid Reform;
3. 08 H 7204 Article 17 Family Court;
4. 08 H 7390 Article 42 Elderly Affairs;
5. 08 H 7390 Article 20 Children’s Health Accounts;
6. 08 H 7390 Article 21 GPA; &
7. 08 H 7390 Article 09 Access Renovations in Schools. JB/LD passed unanimously

Questions on Report: (mailed with the agenda) 20 min.

The Commission Position: Commission Supports this bill

Continued

Last Action on: 2/13/2008

Next Action on:

08 H-7235 AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Sponsor: Rep. Kilmartin Identical to S 2290 House Municipal Government Committee

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.

Total of GCD Bills Commission Supports this bill - Continued: 1

In Committee

Last Action on:1/2/2008

Next Action on:

08 H-7023 AN ACT RELATING TO FAMILY COURT -- JURISDICTION

Sponsor: Rep. Gemma 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

Last Action on:1/31/2008

Next Action on:

08 H-7319 AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - GOVERNMENTAL TORT LIABILITY STATE BOARDS AND COMMISSIONS

Sponsor: Rep. Fox 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 legal representation. This act would take effect upon passage.

Last Action on: 2/7/2008

Next Action on:

08 S-2290 AN ACT RELATING TO CITIES AND TOWNS -- ZONING ORDINANCES

Sponsor: Sen. Levesque Identical to H 7235 & S 2697 Senate Housing and Municipal Government Committee

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.

Last Action on: 2/26/2008

Next Action on:

08 S-2697 AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Sponsor: Sen. Levesque Identical to H 7235 & S 2290

Senate Housing and Municipal Government Committee

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.

Total of GCD Bills Commission Supports this bill - In Committee: 4

Total of GCD Bills Commission Supports this bill - 5

The Commission Position: Committee finds this bill Beneficial

Continued

Last Action on:3/5/2008

Next Action on:

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

Sponsor: Sen. Perry 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.

Total of GCD Bills Committee finds this bill Beneficial - Continued: 1

In Committee

Last Action on:1/31/2008

Next Action on:

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

Sponsor: Sen. Blais 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.

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

Sponsor: Sen. Metts 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.

Total of GCD Bills Committee finds this bill Beneficial - In Committee: 2

Total of GCD Bills Committee finds this bill Beneficial - 3

The Commission Position: Committee finds this bill Harmful

In Committee

Last Action on:1/23/2008

Next Action on:

08 H-7206 AN ACT RELATING TO EDUCATION - - MANDATES

Sponsor: Rep. Corvese 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.

Last Action on:1/30/2008

Next Action on:

08 S-2133 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS Sponsor:

Sen. Gibbs Identical to H 7567 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.

Total of GCD Bills Committee finds this bill Harmful - In Committee: 2

Withdrawn by sponsor

Last Action on:3/5/2008

Next Action on:

08 H-7567 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Sponsor: Rep. Loughlin Identical to H 2133 House Health, Education, & Welfare 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.

Total of GCD Bills Committee finds this bill Harmful - Withdrawn by sponsor: 1

Total of GCD Bills Committee finds this bill Harmful - 3

The Commission Position: Committee finds this bill Beneficial if amended

In Committee

Last Action on:1/15/2008

Next Action on:

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

Sponsor: Sen. Sosnowski 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.

Last Action on:1/22/2008

Next Action on:

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

PREVENTION ACT

Sponsor: Rep. Naughton 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.

Last Action on: 2/6/2008

Next Action on:

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

Sponsor: Rep. Naughton 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.

Total of GCD Bills Committee finds this bill Beneficial if amended - In Committee: 3

Total of GCD Bills Committee finds this bill Beneficial if amended - 3

Announcements and Scheduling of Meetings		Chairperson	5 min.
Next meeting will be on:	Monday April 14, 2008		Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:50 PM		
Other Information			
Resource persons:	Bob Cooper, Committee Staff		