



Governor's Commission on Disabilities Legislation Committee

Monday April 14, 2008 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair); Sharon Brinkworth; Linda Deschenes; Liberty Goodwin; William R. Inlow; Paula Parker; Arthur M. Plitt; Gwendolyn Reeve; & Rev. Gerard O. Sabourin		
Excused:	Kate McCarthy-Barnett (Vice Chair); Raymond Bandusky; Jeanne Behie; Rosemary C. Carmody; Paul Choquette; Deborah Garneau; Elaina Goldstein; Ken Pariseau; Janet Spinelli; & Michael Spoorri		
----- Minutes -----			
Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.	
Introductions: The Chair called the meeting to order at 3 PM			
MOTION: To accept the minutes of the previous meeting as presented LD/SB passed unanimously			
Action Items:	Discussion Leader:	Time:	
1. Consideration of Tabled Bills			
Tabled for more information from Liberty			
08 H-7812, H 7813, & 08 S-2685 ACTS RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT			
Sponsors: Rep. Rice & Reps. Diaz, Segal, Handy			
Sponsors: Rep. Rice, Handy, and Ajello			
Sponsors: Sen. Perry & Sens. Tassoni, Moura, Pichardo, Sosnowski			
This act 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.			
Continued House Health, Education, & Welfare Committee & Senate Health and Human Services 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 bisphenol-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~~ and
 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.

H 7812 and S 2685 differ from H 7813 on line 1-16 the “or” in H 7812/S 2685 is replaced with “and” and line 1-17 is a continuation of the line above rather than number “(4)” in H 7813.

MOTION: To not take a position on 08 H-7812, H 7813, & 08 S-2685 ACTS RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT, and instead to send a letter to the US House of Rep Delegation (with cc's to US Senators) to support a resolution instructing the House conferences to accept the Feinstein amendment to the Consumer Product Safety Commission appropriation. BI/AP passed unanimously

2. Consideration of New Bills

Civil Rights

Review requested by Election Assistance Cmte

08 S-2832 AN ACT RELATING TO CONDUCT OF ELECTION AND VOTING EQUIPMENT

Sponsors: Sen. Ruggerio & Sens. DaPonte, Doyle, Ciccone Requested by the Secretary of State In Committee Senate Judiciary Committee

Description: This act would amend rules regarding conduct at polling places on election day, including issue rules and regulations governing polling places where the ramp for the mobility impaired extends beyond the fifty foot (50') radius, and provides penalties for violations. This act would take effect upon passage.

1-1 SECTION 1. Section 17-19-49 of the General Laws in Chapter 17-19 entitled "Conduct
 1-2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:
 1-3 **17-19-49. Political literature and influence.** – (a) No poster, paper, circular, or other
 1-4 document designed or tending to aid, injure, or defeat any candidate for public office or any
 1-5 political party on any question submitted to the voters shall be distributed or displayed within the

1-6 voting place or within fifty (50) feet of the entrance or ~~entrances~~ to the building in which voting is
 1-7 conducted at any primary or election. Each voting place shall have a single handicapped
 1-8 accessible entrance. Each local board of canvassers shall cause the fifty foot (50') radius to be
 1-9 clearly marked, in a manner determined by the board of elections, in accordance with subsection
 1-10 17-7-5(c). The board of elections shall issue rules and regulations governing polling places where
 1-11 the ramp for the mobility impaired extends beyond the fifty foot (50') radius. Neither shall any
 1-12 election official display on his or her person within the voting place any political party button,
 1-13 badge, or other device tending to aid, injure, or defeat the candidacy of any person for public
 1-14 office or any question submitted to the voters or to intimidate or influence the voters.
 1-15 (b) The board of elections shall provide every candidate with an election day package,
 1-16 which contains a complete set of election laws, rules and regulations, and policies governing
 1-17 conduct of candidates, and campaign and poll workers on election day, and the candidates shall
 1-18 distribute this election day package to his or her poll workers.
 1-19 (c) Penalties: Violations of this section shall be punishable as follows:
 2-1 (i) first violation: Any person who commits a first violation on a particular election day
 2-2 shall be given a warning by the moderator or warden or police officer;
 2-3 (ii) Second and subsequent violation(s): Any person who commits a second or subsequent
 2-4 violation, on a particular election day, shall be guilty of a petty misdemeanor.
 2-5 SECTION 2. This act shall take effect upon passage.

Tabled for RIDLC Amendment

Review requested by Liberty

08 H-7125 AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Sponsors: Rep. Petrarca & Reps. Giannini, Fellela, Palumbo, Corvese In Committee House Health, Education, & Welfare Committee Similar to S 2130

Description: This act would amend certain provisions relative to peanut/tree nut allergies and the responsibilities and requirements of school districts and parents. A school district that knows that an elementary or middle school student has a peanut or tree nut allergy, would have to develop a plan for making reasonable accommodations to meet the needs of those students. This act would take effect upon passage.

1-1 SECTION 1. Section 16-21-31 of the General Laws in Chapter 16-21 entitled "Health
 1-2 and Safety of Pupils" is hereby amended to read as follows:
 1-3 **16-21-31. Notice of peanut/tree nut allergies -- Posting.** -- (a) In any school subject to
 1-4 the provisions of this chapter wherein a student with an allergy to peanuts/tree nuts and/or food
 1-5 derived from peanut/tree nuts products is in attendance, a notice shall be posted within that school
 1-6 building in a conspicuous place at every point of entry and within the cafeteria facility advising
 1-7 that there are students at said school with allergies to peanuts/tree nuts. The notice shall not
 1-8 identify the individual(s) with such allergy.
 1-9 (b) In the event a student who is enrolled in a school is known to have an allergy to
 1-10 peanuts/tree nuts and/or food derived from peanut/tree nut products, the school administration
 1-11 shall prohibit the sale of peanuts/tree nuts, peanut butter and other peanut based products in the
 1-12 school cafeteria.
 1-13 (c) This section shall apply to any building, modular classroom, or similar structure used
 1-14 by a school district for instruction and education of elementary or middle school students.
 1-15 (d) In the event a school district knows that an elementary or middle school student has a
 1-16 peanut or tree nut allergy, the district shall: develop a plan for making reasonable
 1-17 accommodations to meet the needs of those students. Such plans shall include:
 1-18 ~~(1) Designate a peanut/tree nut free table and peanut/tree nut table in the cafeteria; and~~
 1-19 ~~(2) Designate one classroom per grade to be peanut/tree nut free.~~

- 2-1 (1) The designation of one or more school personnel responsible for management of the
 2-2 school's response to the provisions of this section;
 2-3 (2) The creation and maintenance of an individual plan for each student with a
 2-4 documented risk for anaphylaxis detailing emergency procedures in the event of an allergic
 2-5 reaction;
 2-6 (3) Strategies to reduce the risk of exposure to anaphylactic causative agents in the
 2-7 classrooms and common school areas such as cafeterias;
 2-8 (4) Provisions for making information on the contents of foods served to students in the
 2-9 school available to parents;
 2-10 (5) The dissemination of information on life-threatening food allergies to school staff,
 2-11 parents and students;
 2-12 (6) Food allergy management training of school personnel who regularly come into
 2-13 contact with students with life-threatening food allergies;
 2-14 (7) The authorization and training of school personnel to administer epinephrine when the
 2-15 school nurse is not immediately available; and
 2-16 (8) The timely accessibility of epinephrine to school personnel when the school nurse is
 2-17 not immediately available.
 2-18 (e) The parents or legal guardian of a child with a documented risk for anaphylaxis shall
 2-19 provide to the school district in which there child is enrolled, prior to the start of each school year,
 2-20 documentation from the student's physician or nurse that:
 2-21 (1) supports a diagnosis of food allergy and anaphylaxis;
 2-22 (2) identifies any food to which the student is allergic;
 2-23 (3) describes any prior history of anaphylaxis;
 2-24 (4) lists any medication prescribed for the student for the treatment of anaphylaxis;
 2-25 (5) details emergency treatment procedures in the event of a reaction;
 2-26 (6) lists the signs and symptoms of a reaction;
 2-27 (7) assesses the student's readiness for self- administration of prescription medication;
 2-28 and
 2-29 (8) provides a list of substitute meals that may be offered by school food service
 2-30 personnel.
 2-31 SECTION 2. This act shall take effect upon passage.

08 S-2130 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Sponsors: Sen. Gallo & Sens. Pichardo, Fogarty P, Issa Continued Senate Education Committee
 Similar to H 7125

Description: The act would require schools to post a notice in a conspicuous place advising if there is a student in the school that has an allergy to peanuts and prohibit the sale of peanuts and peanut based products in the cafeteria if it is known that an enrolled student has a peanut allergy. This act would take effect upon passage.

- 1-1 SECTION 1. Section 16-21-31 of the General Laws in Chapter 16-21 entitled "Health
 1-2 and Safety of Pupils" is hereby amended to read as follows:
 1-3 **16-21-31. Notice of peanut/tree nut allergies -- Posting.** -- (a) In any school subject to
 1-4 the provisions of this chapter wherein a student with an allergy to peanuts/tree nuts and/or food
 1-5 derived from peanut/tree nuts products is in attendance, a notice shall be posted within that school
 1-6 building in a conspicuous place at every point of entry and within the cafeteria facility advising
 1-7 that there are students at said school with allergies to peanuts/tree nuts. The notice shall not
 1-8 identify the individual(s) with such allergy.
 1-9 (b) In the event a student who is enrolled in a school is known to have an allergy to
 1-10 peanuts/tree nuts and/or food derived from peanut/tree nut products, the school administration
 1-11 shall prohibit the sale of peanuts/tree nuts, peanut butter and other peanut based products in the

1-12 school cafeteria.
 1-13 (c) This section shall apply to any building, modular classroom, or similar structure used
 1-14 by a school district for instruction and education of elementary or middle school students.
 1-15 (d) In the event a school district knows that an elementary or middle school student has a
 1-16 peanut or tree nut allergy, the district shall: designate
 1-17 ~~(1) Designate~~ a peanut/tree nut free table and peanut/tree nut table in the cafeteria; ~~and,~~
 1-18 ~~(2) Designate one classroom per grade to be peanut/tree nut free.~~
 1-19 (e) Any classroom occupied during any period(s) of the school day by a student with a
 2-1 peanut or tree nut allergy shall be designated a peanut/tree nut free area during the period(s) of
 2-2 that student's occupancy in that classroom.
 2-3 SECTION 2. This act shall take effect upon passage.

08 H-7463 Sub A AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Sponsors: Rep. Baldelli-Hunt Scheduled for hearing and/or consideration House Health, Education, & Welfare Committee 4/9/2008 @ Rise in rm 135

Description: This act would direct the governing bodies of each school to develop a policy designed to provide a safe environment for students with peanut/tree nut allergies. This act would also repeal the current provisions requiring the posting of notices in schools regarding the presence of children with such food allergies. This act would take effect upon passage.

1-1 SECTION 1. Section 16-21-31 of the General Laws in Chapter 16-21 entitled "Health
 1-2 and Safety of Pupils" is hereby amended to read as follows.
 1-3 **16-21-31. Notice of peanut/tree nut allergies -- Posting.** -- (a) In any school subject to
 1-4 the provisions of this chapter wherein a student with an allergy to peanuts/tree nuts and/or food
 1-5 derived from peanut/tree nuts products is in attendance, a notice shall be posted within that school
 1-6 building in a conspicuous place at every point of entry and within the cafeteria facility advising
 1-7 that there are students at said school with allergies to peanuts/tree nuts. The notice shall not
 1-8 identify the individual(s) with such allergy.
 1-9 ~~(b) In the event a student who is enrolled in a school is known to have an allergy to~~
 1-10 ~~peanuts/tree nuts and/or food derived from peanut/tree nut products, the school administration~~
 1-11 ~~shall prohibit the sale of peanuts/tree nuts, peanut butter and other peanut based products in the~~
 1-12 ~~school cafeteria.~~
 1-13 ~~(c) This section shall apply to any building, modular classroom, or similar structure used~~
 1-14 ~~by a school district for instruction and education of elementary or middle school students.~~
 1-15 ~~(d) In the event a school district knows that an elementary or middle school student has a~~
 1-16 ~~peanut or tree nut allergy, the district shall:~~
 1-17 ~~(1) Designate a peanut/tree nut free table and peanut/tree nut table in the cafeteria; and~~
 1-18 ~~(2) Designate one classroom per grade to be peanut/tree nut free.~~
 1-19 SECTION 2. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils"
 2-1 is hereby amended by adding thereto the following section:
 2-2 **16-21-32. Peanut/tree nut allergies.** – (a) The governing body of each elementary,
 2-3 middle or junior high school approved for the purpose of sections 16-19-1 and 16-19-2, shall
 2-4 develop a policy designed to provide a safe environment for students with peanut/tree nut
 2-5 allergies. When a school is aware that an enrolled student has a peanut/tree nut allergy with
 2-6 potentially serious health consequences, the school shall implement a protocol, consistent with
 2-7 the governing body's policy, that provides the student with protections while he or she is
 2-8 attending school or participating in school-sponsored activities. The governing body's policy
 2-9 shall include the development of an individual health care plan (IHCP) and an emergency health
 2-10 care plan (EHCP) for each student with such food allergy. The student's IHCP and EHCP shall
 2-11 be developed collaboratively and be signed by the school nurse, the student's health care

2-12 [provider, the parents/guardians of the student, and the student \(if appropriate\). Depending upon](#)
 2-13 [the nature and extent of the student's peanut/tree nut allergy, the measures listed in the IHCP may](#)
 2-14 [include the posting of signs at school, the prohibition of the sale of particular food items in the](#)
 2-15 [school, the designation of special tables in the cafeteria, the prohibition of particular food items in](#)
 2-16 [certain classrooms, and the complete prohibition of particular food items from a school or school](#)
 2-17 [grounds.](#)
 2-18 [\(b\) The department of elementary and secondary education and the department of health](#)
 2-19 [shall amend their rules and regulations for school health programs to establish standards for the](#)
 2-20 [care of students with peanut/tree nut allergies.](#)
 2-21 SECTION 3. This act shall take effect upon passage.

Tabled to find out the RI Dept of Education position on **08 H-7463 Sub A**

Review requested by Bob

08 H-7409 & S 2679 ACTS RELATING TO BUSINESS AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008

Sponsors: Rep. Kilmartin & Rep. Sullivan Continued House Health, Education, & Welfare Committee

Sponsors: Sen. Paiva-Weed & Sens. Perry, Levesque C, Blais, Bates Continued Senate Health and Human Services Committee

Description: This act would establish safeguards and confidentiality protection for health information exchange (HIE) in order to improve the quality, safety and value of health care, keep confidential health information secure and confidential and use the HIE to progress toward meeting public health goals. This act would take effect upon passage.

1-1 SECTION 1. Legislative findings:
 1-2 WHEREAS, The people of Rhode Island expect health care services to be high quality,
 1-3 safe and of high value; and
 1-4 WHEREAS, The implementation of health information technology including electronic
 1-5 medical records and the use of electronic prescribing increases the quality of health care delivery
 1-6 and to prevent medication errors; and
 1-7 WHEREAS, The implementation of health information technology will support a
 1-8 transformed health care system in Rhode Island that is safe, effective, patient-centered, timely,
 1-9 efficient and equitable; and
 1-10 WHEREAS, The General Assembly has endorsed the adoption of an electronic medical
 1-11 records and health information exchange system in Rhode Island to improve the quality, safety
 1-12 and value of health care through a Resolution adopted in 2007; and
 1-13 WHEREAS, The State of Rhode Island has an interest in encouraging the implementation
 1-14 of a statewide health information exchange system to allow the widespread utilization of
 1-15 electronic health records by health care providers; and
 1-16 WHEREAS, The State of Rhode Island has an interest in popularizing the use of a
 1-17 statewide Health Information Exchange system ("HIE") in order to improve the quality, safety
 1-18 and value of health care, keep confidential health information secure and confidential and use the
 2-1 HIE system to progress toward meeting public health goals; and
 2-2 WHEREAS, The State of Rhode Island desires to establish the authority for the
 2-3 Department of Health to regulate the state-wide HIE system.
 2-4 SECTION 2. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
 2-5 is hereby amended by adding thereto the following chapter:
 2-6 **CHAPTER 37.7**
 2-7 **RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008**
 2-8 **5-37.7-1. Short title. -- This chapter shall be known and may be cited as the "Rhode**
 2-9 **Island Health Information Exchange Act of 2008."**

2-10 **5-37.7-2. Statement of purpose.** -- The purpose of this chapter is to establish safeguards
2-11 and confidentiality protections for the HIE in order to improve the quality, safety and value of
2-12 health care, keep confidential health information secure and confidential and use the HIE to
2-13 progress toward meeting public health goals.

2-14 **5-37.7-3. Definitions.** -- As used in this chapter:

2-15 (a) "Agency" means the Rhode Island Department of Health.

2-16 (b) "Authorized representative" means:

2-17 (1) A person empowered by the patient participant to assert or to waive the
2-18 confidentiality, or to disclose or authorize the disclosure of confidential information, as
2-19 established by this chapter. That person is not, except by explicit authorization, empowered to
2-20 waive confidentiality or to disclose or consent to the disclosure of confidential information; or

2-21 (2) A person appointed by the patient participation to make health care decisions on his
2-22 or her behalf through a valid durable power of attorney for health care as set forth in Rhode Island
2-23 general law section 23-4.10-2; or

2-24 (3) A guardian or conservator, with authority to make health care decisions, if the patient
2-25 participant is decisionally impaired; or

2-26 (4) Another legally appropriate medical decision maker if the patient participant is
2-27 decisionally impaired and no health care agent, guardian or conservator is available; or

2-28 (5) If the patient participant is deceased, his or her personal representative or, in the
2-29 absence of that representative, his or her heirs-at-law.

2-30 (c) "Authorization form" means electronic, written or other means by which a patient
2-31 participant provides authorization for the RHIO to allow access to, review of, and/or disclosure of
2-32 the patient participant's confidential health care information.

2-33 (d) "Authenticated Users" means those persons and/or entities that have been authorized
2-34 by a patient participant through an authorization form and authenticated by the RHIO to access,
3-1 review or to which a patient participant's confidential health care information may be disclosed.

3-2 (e) "Business Associate" means a business associate of a covered entity pursuant to the
3-3 health insurance portability and accountability act of 1996 ("HIPAA"), public law 104-191.

3-4 (f) "Confidential health care information" means all information relating to a patient
3-5 participant's health care history, diagnosis, condition, treatment, or evaluation.

3-6 (g) "Coordination of Care" means the process of coordinating, planning, monitoring,
3-7 sharing information relating to and assessing a care plan for treatment of a patient.

3-8 (h) "Department of Health" means the Rhode Island department of health.

3-9 (i) "Disclosure Report" means a report generated by the HIE relating to the record of
3-10 access to, review of and/or disclosure of a patient's confidential health care information held by
3-11 the HIE.

3-12 (j) "Health care provider" means any person licensed by this state to provide or lawfully
3-13 providing health care services, including, but not limited to, a physician, hospital, intermediate
3-14 care facility or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist,
3-15 psychiatric social worker, pharmacist or psychologist, and any officer, employee, or agent of that
3-16 provider acting in the course and scope of his or her employment or agency related to or
3-17 supportive of health services.

3-18 (k) "Health care services" means acts of diagnosis, treatment, medical evaluation, referral
3-19 or counseling or any other acts that may be permissible under the health care licensing statutes of
3-20 this state.

3-21 (l) "Health Information Exchange (HIE)" means the technical system under state
3-22 authority allowing for the state-wide electronic mobilization of confidential health care
3-23 information, pursuant to this chapter.

3-24 (m) "HIE Advisory Commission" means the advisory body established by the department
3-25 of health in order to provide community in-put into the use of the confidential health care
3-26 information of the statewide HIE, which will be responsible for policy recommendations relating

3-27 to the statewide HIE.

3-28 (n) "Participant" means a patient participant, a provider participant, and authenticated

3-29 user, the regional health information organization ("RHIO") and the department of health each of

3-30 which participate in the HIE through the mechanisms established in this chapter.

3-31 (o) "Participation" means a patient participant who receives health care services and

3-32 authorizes confidential health care information to be submitted to the HIE, a provider participant,

3-33 who is a data-submitting partner with the HIE, authenticated user, the RHIO and the department

3-34 of health which participate in the HIE through the authorization, submission and disclosure of

4-1 health information via the HIE.

4-2 (p) "Patient Participant" means a person who receives health care services from a

4-3 healthcare provider participant.

4-4 (q) "Patient Participant Form" means the electronic or written authorization of the patient

4-5 to participate in the HIE.

4-6 (r) "Provider Participant" means a pharmacy, laboratory or health care provider who is

4-7 providing health care services to a patient participant and/or is submitting health care information

4-8 to the HIE and has executed an electronic and/or written agreement regarding receipt, retention or

4-9 release of confidential health care information to the HIE;

4-10 (s) "Regional Health Information Organization" (RHIO) means the organization that

4-11 provides administrative and financial services, as well as operational support to the HIE and also

4-12 known as The Rhode Island regional health information organization.

4-13 **5-37.7-4. Participation in the health information exchange. --**

4-14 (a) There shall be established a state-wide HIE under state authority to allow for the

4-15 electronic mobilization of confidential health care information in Rhode Island.

4-16 (b) The state of Rhode Island has an interest in encouraging participation in the HIE by

4-17 all interested parties, including, but not limited to, health care providers, patients, entities

4-18 submitting information to the HIE, entities obtaining information from the HIE, Authenticated

4-19 Users, and the RHIO. The Rhode Island department of health is also considered a participant for

4-20 public health purposes.

4-21 (c) Patients and health care providers shall have the choice to participate in the HIE, as

4-22 defined by regulations in accordance with section 5-5.7-3.

4-23 (d) Participation in the HIE shall have no impact on the content of or use or disclosure of

4-24 confidential health care information of patient participants that is held in locations other than the

4-25 HIE.

4-26 **5-37.7-5. Regulatory oversight. --**

4-27 (a) The department of health shall enforce the provisions of this chapter and have

4-28 regulatory authority over the HIE, and may delegate such authority to a department within its

4-29 jurisdiction, which shall promulgate such rules and regulations as are necessary and proper to

4-30 carry out the duties assigned by this chapter.

4-31 (b) The department of health has exclusive jurisdiction over the statewide HIE, except

4-32 with respect to the jurisdiction conferred upon the attorney general in section 5-5.7-13. This

4-33 chapter shall not apply to any other private and/or public health information systems utilized in

4-34 Rhode Island, including other health information systems utilized within a health care facility or

5-1 organization.

5-2 (c) The department of health or its designee shall promulgate rules and regulations for the

5-3 establishment of an HIE advisory commission that will be responsible for recommendations

5-4 relating to the use of the confidential health care information of the statewide HIE, subject to

5-5 regulatory oversight by the department of health. Said commission members shall be subject to

5-6 the advice and consent of the senate. The commission shall report annually to the department of

5-7 health and the RHIO, and such report shall be made public.

5-8 **5-37.7-6. Rhode Island health information organization. --** The RHIO shall, subject to

5-9 and consistent with contractual obligations it has with the state of Rhode Island, be responsible

5-10 for all administrative, operational, and financial functions to support the HIE, including, but not
5-11 limited to, developing, implementing and enforcing policies for receiving, retaining, safeguarding
5-12 and disclosing confidential health information as required by this chapter. The RHIO is deemed
5-13 to be the steward of the confidential health care information for which it has administrative
5-14 responsibility. The HIE advisory commission shall be responsible for recommendations to the
5-15 department of health, and in consultation with the RHIO regarding the use of the confidential
5-16 health care information.

5-17 **5-37.7-7. Disclosure.** -- (a)(1) Except as provided in subsection (b) of this section, a
5-18 patient participant's confidential health care information shall not be accessed, released or
5-19 transferred from the HIE without the electronic, written or other authorization of the patient or his
5-20 or her authorized representative, on an authorization from meeting the requirements of subsection
5-21 (c) of this section.

5-22 (b) No authorization for release or transfer of confidential health care information from
5-23 the HIE shall be required in the following situations:

5-24 (1) To a health care provider who believes, in good faith, that the information is
5-25 necessary for diagnosis or treatment of that individual in an emergency;

5-26 (2) To public health authorities in order to carry out their functions as described in this
5-27 title and titles 21 and 23, and rules promulgated under those titles. These functions include, but
5-28 are not restricted to, investigations into the causes of disease, the control of public health hazards,
5-29 enforcement of sanitary laws, investigation of reportable diseases, certification and licensure of
5-30 health professionals and facilities, review of health care such as that required by the federal
5-31 government and other governmental agencies, and mandatory reporting laws set forth in Rhode
5-32 Island general laws; and

5-33 (3) To the RHIO in order for it to effectuate the operation and administrative oversight of
5-34 the HIE.

6-1 (c) The content of the authorization form for access to, or the disclosure, release or
6-2 transfer of confidential health care information from the HIE shall be prescribed by the RHIO,
6-3 and at a minimum shall contain the following information in a clear and conspicuous manner:

6-4 (1) A statement of the need for and proposed uses of that information; and

6-5 (2) A statement that the authorization for access to, disclosure of and/or release or
6-6 transfer of information may be withdrawn at any future time and is subject to revocation.

6-7 (d) Except as specifically provided by law or this chapter, or use for clinical care, a
6-8 patient participant's confidential health care information shall not be accessed by, given, sold,
6-9 transferred, or in any way relayed from the HIE to any other person or entity not specified in the
6-10 patient participant authorization form meeting the requirements of subsection (c) of this section
6-11 without first obtaining additional authorization.

6-12 (e) Nothing contained in this chapter shall be construed to limit the permitted access to or
6-13 the release, transfer or disclosure of confidential health care information described in subsection
6-14 (b) of this section.

6-15 (f) Since confidential health care information contained as part of the HIE is received by
6-16 the HIE from the primary source of the information, the HIE is considered the business associate
6-17 of the primary source, and therefore, the HIE shall not be subject to subpoena. Such information
6-18 may be obtained from the primary source of the information. Notwithstanding this provision, the
6-19 HIE may be subject to subpoena in an action in which the HIE is an indispensable party.

6-20 **5-37.7-8. Security.** -- The HIE must be subject to at least the following security
6-21 procedures:

6-22 (a) Authenticate the recipient of any confidential health care information disclosed by the
6-23 HIE pursuant to this chapter pursuant to rules and regulations promulgated by the agency or its
6-24 designee.

6-25 (b) Limit authorized access to personally identifiable confidential health care information
6-26 to persons having a "need to know" that information; additional employees or agents may have

6-27 access to de-identified information;
6-28 (c) Identify an individual or individuals who have responsibility for maintaining security
6-29 procedures for the HIE;
6-30 (d) Provide an electronic or written statement to each employee or agent as to the
6-31 necessity of maintaining the security and confidentiality of confidential health care information,
6-32 and of the penalties provided for in this chapter for the unauthorized access, release, transfer, use,
6-33 or disclosure of this information;
6-34 (e) Take no disciplinary or punitive action against any employee or agent solely for
7-1 bringing evidence of violation of this chapter to the attention of any person.
7-2 **5-37.7-9. Secondary disclosure. -- Any confidential health care information obtained by**
7-3 **a provider participant pursuant to this chapter may be further disclosed by such provider**
7-4 **participant with or without authorization of the patient participant to the same extent that such**
7-5 **information may be disclosed pursuant to existing state and federal law, without regard to the**
7-6 **source of the information.**
7-7 **5-37.7-10. Patient's rights. -- Pursuant to this chapter, a patient participant who has his**
7-8 **or her confidential health care information transferred through the HIE shall have the following**
7-9 **rights:**
7-10 **(a) To obtain a copy of his or her confidential health care information from the HIE;**
7-11 **(b) To obtain a copy of the disclosure report pertaining to his or her confidential health**
7-12 **care information;**
7-13 **(c) To be notified as required by chapter 49.2 of title 11, the Rhode Island identity theft**
7-14 **protection act, of a breach of the security system of the HIE;**
7-15 **(d) To terminate his or her participation in the HIE in accordance with rules and**
7-16 **regulations promulgated by agency or its designee; and**
7-17 **(e) To request to amend his or her own information through the provider participant.**
7-18 **5-37.7-11. Immunity. -- Any health care provider who relies in good faith upon any**
7-19 **information provided through the HIE in his, her or its treatment of a patient, shall be immune**
7-20 **from any criminal or civil liability arising from any damages caused by such good faith reliance.**
7-21 **This immunity does not apply to acts or omissions constituting negligence or reckless, wanton or**
7-22 **intentional misconduct.**
7-23 **5-37.7-12. Reconciliation with other authorities. --**
7-24 **(a) This chapter shall only apply to the HIE system, and does not apply to any other**
7-25 **private and/or public health information systems utilized in Rhode Island, including other health**
7-26 **information systems utilized within or by a health care facility or organization.**
7-27 **(b) As this chapter provides extensive protection with regard to access to and disclosure**
7-28 **of confidential health care information by the HIE, it supplements, with respect to the HIE only,**
7-29 **any less stringent disclosure requirements, including, but not limited to, those contained in**
7-30 **chapter 5.3 of this title, the health insurance portability and accountability act (HIPAA) and**
7-31 **regulations promulgated thereunder, and any other less stringent federal or state law.**
7-32 **(c) This chapter shall not be construed to interfere with any other federal or state laws or**
7-33 **regulations which provide more extensive protection than provided in this chapter for the**
7-34 **confidentiality of health care information. Notwithstanding such provision, because of the**
8-1 **extensive protections with regard to access to and disclosure of confidential health care**
8-2 **information by the HIE provided for in this chapter, patient authorization obtained for access to or**
8-3 **disclosure of information to or from the HIE or a provider participant shall be deemed the same**
8-4 **authorization required by other state or federal laws including information regarding mental**
8-5 **health (the Rhode Island mental health law, Rhode Island general laws section 40.1-5-1 et. seq.);**
8-6 **HIV (Rhode Island general laws section 23-6-17); sexually transmitted disease (Rhode Island**
8-7 **general laws sections 23-6-17 and 23-11-9); alcohol and drug abuse (Rhode Island general laws**
8-8 **section 23-1.10-1 et. seq., 42 U.S.C. section 290dd-2) or genetic information (Rhode Island**
8-9 **general laws section 27-41-53); (Rhode Island general laws section 27-20-39 and Rhode Island**

8-10 [general laws section 27-19-44\).](#)
8-11 **5-37.7-13. Penalties -- Attorney's fees for violations. --**
8-12 [\(a\) Civil penalties. Any one who violates the provisions of this chapter may be held liable](#)
8-13 [for actual and exemplary damages.](#)
8-14 [\(b\) Criminal penalties. Any one who intentionally and knowingly violates the provisions](#)
8-15 [of this chapter shall, upon conviction, be fined not more than ten thousand dollars \(\\$10,000\) per](#)
8-16 [patient, per violation, or imprisoned for not more than one year, or both.](#)
8-17 [\(c\) Commission of crime. The civil and criminal penalties in this section shall also be](#)
8-18 [applicable to anyone who obtains confidential health care information maintained under the](#)
8-19 [provisions of this chapter through the commission of a crime.](#)
8-20 [\(d\) Attorneys' fees. Attorneys' fees may be awarded at the discretion of the court, to the](#)
8-21 [successful party in any action under this chapter.](#)
8-22 **5-37.7-14. Waivers void. -- Any agreement purporting to waive the provisions of this**
8-23 [chapter is declared to be against public policy and void.](#)
8-24 **5-37.7-15. Severability. -- If any provision of this chapter is held by a court to be invalid,**
8-25 [that invalidity shall not affect the remaining provisions of the chapter, and to this end the](#)
8-26 [provisions of the chapter are declared severable.](#)
8-27 SECTION 3. This act shall take effect March 1, 2009.

MOTION: To find beneficial 08 H-7409 & S 2679 ACTS RELATING TO BUSINESS AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008 BI/AP passed, Abstain LG.

Employment

Review requested by Bob

08 H-8113 AN ACT RELATING TO HUMAN SERVICES - FAMILY INDEPENDENCE ACT

Sponsors: Rep. Dennigan In Committee House Finance Committee

Description: This act would make substantial revisions to the employment standards and the assessment of a parent's educational and vocational abilities, in order to qualify for public assistance. The act would transfer from the department of administration, division of taxation to the department of human services, the office of child support services responsibility for establishing child support enforcement obligations on the part of non-custodial parents and make the office of rehabilitative services would be responsible for providing workforce services to persons with disabilities. The assessment employability of the unemployed parent would include a vocational and educational assessment and shall be designed to uncover barriers to employment including substance abuse, physical, cognitive or mental health problems. Parents who demonstrate such barriers to employment in the initial assessment shall be referred for more in-depth assessment by an appropriate agency or organization with expertise in working with adults with disabilities. The department shall collaborate with the department of labor and training, the office of rehabilitative services and community-based organizations that provide work-readiness services to low-skilled adults in developing and administering the initial assessment and any subsequent assessment that may be required. The assessment process shall also include screening for domestic violence. This act would take effect upon passage.

1-1 SECTION 1. Sections 40-5.1-2, 40-5.1-5, 40-5.1-8, 40-5.1-9 and 40-5.1-10 of the
1-2 General Laws in Chapter 40-5.1 entitled "Family Independence Act" are hereby amended to read
1-3 as follows:
1-4 **40-5.1-2. Legislative intent. --** (a) It is the intent of the general assembly to
1-5 fundamentally change the public assistance program known as "aid to families with dependent
1-6 children program" to a program to provide temporary financial assistance to eligible families with

1-7 children while facilitating the entry or re-entry of the adult members of the family into the
1-8 workplace with necessary supports.

1-9 (b) The general assembly intends that an unemployed parent seeking cash assistance
1-10 under the act, except one expressly exempted under the act, will begin working and/or
1-11 participating in a work readiness program on a regular basis within seven (7) days after the
1-12 department of human services and the parent have completed an individualized employment plan
1-13 for the parent, or as soon as practical thereafter. This plan will identify the steps -- education, job
1-14 training, employment search, part-time work and full-time work -- that the recipient will follow to
1-15 become financially self-sufficient within the shortest practicable time. The plan will also identify
1-16 the support services -- child care, literacy training, skills training and medical coverage which the
1-17 state will provide during the transition to financial self-sufficiency. The plan will also detail the
1-18 benefits to which the family is entitled and the obligation of the family to cooperate with the state
1-19 in capturing child support and medical coverage due to the family from absent parents or other
2-1 third parties.

2-2 (c) The general assembly anticipates that, as each employment plan is implemented,
2-3 family earnings will increase. This increase will gradually reduce the level of cash assistance for
2-4 which the family is eligible. With careful strategic management of the state's child care assistance
2-5 and medical assistance programs, the total cost of all cash assistance to these families should
2-6 decline as their earnings increase.

2-7 (d) The general assembly intends that reductions in program costs which flow from the
2-8 earnings of those receiving cash assistance be invested in health care, child-care, education,
2-9 literacy, and skill training.

2-10 (e) It is further the intent of the general assembly that the program of transitional
2-11 assistance be operated in a manner that enhances family cohesion and a stable living environment
2-12 for children.

2-13 (f) The act is specifically intended to:

2-14 (1) Assist working families with children who, notwithstanding parental employment,
2-15 have insufficient income to meet their needs for food, shelter, clothing, childcare, and medical
2-16 care.

2-17 (2) Provide families with parents who are unemployed with financial assistance while
2-18 they obtain the skills necessary for employment and provide the childcare and medical coverage
2-19 they require to be employed. ~~Unless exempt, parents must be working in paid or unpaid~~
2-20 ~~employment within twenty-four (24) months of entering into an employment plan.~~

2-21 (3) Provide supervision and parenting skills to parents below the age of eighteen (18),
2-22 while assisting, encouraging, and requiring them to complete their high school education.

2-23 (4) Provide families with parents who are unemployed with financial assistance so that
2-24 the children can remain in their homes and provide such case management services as are
2-25 necessary to assure the children's health and welfare.

2-26 (g) The general assembly intends that the act make certain fundamental changes in the
2-27 way the state delivers services to families in need of transitional assistance. These include the
2-28 following:

2-29 (1) Case management: - The general assembly intends that case managers and/or case
2-30 management teams, to the extent practical, shall be stationed in the neighborhoods where
2-31 recipients live and accessible to them at convenient times. Case managers and/or case
2-32 management teams have the lead responsibility for assisting families to access the services they
2-33 need to become independent.

2-34 (2) Inter-departmental cooperation: - The department of human services, the single state
3-1 agency, is responsible for administration and implementation of this chapter. This shall include
3-2 developing and implementing the case management system, and for the payment of cash
3-3 assistance, child care subsidies and medical assistance to children and families in need. The
3-4 departments to be consulted include the following:

- 3-5 (i) Department of elementary and secondary education, which provides adult education
3-6 and literacy programs;
- 3-7 (ii) Community College of Rhode Island, which provides vocational training at the
3-8 postsecondary level;
- 3-9 (iii) Department of labor and training which is responsible for establishing job training
3-10 programs and is charged specifically under the act with: (A) identifying continuously where
3-11 employment opportunities exist for families receiving cash assistance; (B) consulting upon
3-12 request with the department of human services with respect to the employability of applicants and
3-13 the development of individual employment plans;
- 3-14 (iv) Rhode Island economic development corporation, which is responsible for
3-15 expansion of job opportunities in the state for low income families with children.
- 3-16 (v) ~~Human resources investment council, which is responsible for coordinating all~~
3-17 ~~employment and training activities within the state;~~ Workforce investment board, which is
3-18 responsible for the planning and governor's coordination of workforce development policy and
3-19 strategies in the state's employment, education and economic development systems.
- 3-20 (vi) Department of children, youth and families which regulates child day care providers;
3-21 and is ultimately responsible for the guardianship of children at-risk;
- 3-22 (vii) Rhode Island housing and mortgage finance corporation which is responsible for
3-23 expanding housing opportunities for low income families;
- 3-24 (viii) Family court which is responsible for enforcing the support obligations of absent
3-25 parents and protecting those children whose health and well-being is at risk because of an absence
3-26 of family resources;
- 3-27 (ix) Within the department of human services, the office of child support services
3-28 responsible ~~Department of administration, division of taxation~~ for establishing child support
3-29 enforcement obligations on the part of non-custodial parents and the office of rehabilitative
3-30 services which is responsible for providing workforce services to persons with disabilities.
- 3-31 (3) The department of human services shall annually evaluate the performance of the
3-32 programs prescribed by this chapter. The department shall report the findings of these evaluations
3-33 to the general assembly.
- 3-34 **40-5.1-5. Family financial plan -- Individual employment plan.** -- (a) All families who
4-1 wish to make application for assistance under this chapter shall have the opportunity to do so.
- 4-2 (b) Following receipt of an application, the department shall assess the financial
4-3 conditions of the family and if a parent is unemployed, the department ~~after consulting, if~~
4-4 ~~necessary with the department of employment and training,~~ shall assess the employability of the
4-5 unemployed parent ~~and, to the extent practicable, the employability of any non-custodial parent~~
4-6 ~~of each child in the family.~~ In assessing employability, the department shall take into account: (1)
4-7 the physical capacity, skills, education, work experience, health, safety, family responsibilities
4-8 and place of residence of the individual; (2) local employment opportunities; and (3) the child
4-9 care and supportive services required by the applicant to avail himself or herself of employment
4-10 opportunities and/or work readiness programs. The assessment shall include a vocational and
4-11 educational assessment and shall be designed to uncover barriers to employment including
4-12 substance abuse, physical, cognitive or mental health problems. Parents who demonstrate such
4-13 barriers to employment in the initial assessment shall be referred for more in-depth assessment by
4-14 an appropriate agency or organization with expertise in working with adults with disabilities. The
4-15 department shall collaborate with the department of labor and training, the office of rehabilitative
4-16 services and community-based organizations that provide work-readiness services to low-skilled
4-17 adults in developing and administering the initial assessment and any subsequent assessment that
4-18 may be required. The assessment process shall also include screening for domestic violence. The
4-19 department shall collaborate with the coalition against domestic violence in developing this
4-20 screening process.
- 4-21 (c) On the basis of such assessment, the department, in consultation with the applicant,

4-22 shall develop a financial plan and employment plan for the family.

4-23 (d) The financial plan shall identify all available sources of income and all benefits and
4-24 services available to the family from state government, local government, federal government and
4-25 social service agencies. Sources of income may include: earnings from employment, including
4-26 self-employment, the earned income tax credit, advance payment of the earned income tax credit,
4-27 social security, unemployment compensation, temporary disability insurance, supplemental
4-28 security income assistance, and payment of support obligations by non-custodial parents. Benefits
4-29 may include: food stamps, school lunch, housing assistance, home heating assistance, as well as
4-30 the assistance under this chapter. The plan shall, upon the family's request, include an annual and
4-31 monthly cash family budget detailing expenditures (required and possible in the view of these
4-32 available resources) for food, clothing, shelter, utilities, work expenses (including child care and
4-33 transportation), health care, personal care and household supplies.

4-34 (e) The employment plan shall identify realistic short and long term career objectives,
5-1 taking into consideration: (1) the physical capacity, skills, education, work experience, health,
5-2 safety, family responsibilities, and place of residence of the individual; (2) local employment
5-3 opportunities; and (3) the child care and supportive services required by and actually available to
5-4 the applicant to avail himself or herself of employment opportunities and/or work readiness
5-5 programs; and (4) shall include a strategy for immediate employment and for preparing for,
5-6 finding, and retaining employment consistent, to the extent practical, with the individual's career
5-7 objectives.

5-8 (f) When a parent is employed, the family is permitted gross earnings of ~~one two~~
5-9 hundred seventy dollars ~~(\$170)~~ (\$270) per month with no reduction in benefits. For each
5-10 additional dollar of gross earnings earned in a month above ~~one two~~ hundred seventy dollars
5-11 ~~(\$170)~~ (\$270), the family's cash assistance payment from the department is only reduced by fifty
5-12 cents (\$.50). The plan must encourage full utilization of the federal earned income tax credit to
5-13 maximize the financial resources available to the families. It must also emphasize enforcement of
5-14 the child support obligations of non-custodial parents in order to further build the family's
5-15 income. The department must provide, in accordance with this chapter, the childcare and other
5-16 support services that are necessary to accessing employment opportunities. The individualized
5-17 plans should utilize this process of income building to transition families from reliance on public
5-18 assistance to financial self-sufficiency.

5-19 (g) The recipient will be obligated to comply with the terms of the plan as a condition of
5-20 receiving the full amount of financial assistance to which he or she is otherwise entitled.

5-21 **40-5.1-8. Eligibility for cash assistance.** -- (a) (1) Except as otherwise provided for in
5-22 this section, no person shall be included in any family for purposes of determining eligibility for
5-23 or the amount of cash to which a family is entitled under this chapter, unless the person is a
5-24 resident of the state and is: (i) either a citizen; or (ii) lawfully admitted for permanent residence
5-25 before August 22, 1996; or (iii) otherwise lawfully entitled to reside in the United States before
5-26 August 22, 1996, and is determined to have a status within the meaning of the term "qualified
5-27 alien", or an exception thereto, under section 402(b) of the Personal Responsibility and Work
5-28 Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), and as that section may
5-29 hereafter be amended; or (iv) an alien who on or after August 22, 1996, is determined to have a
5-30 status within the meaning of the term "qualified alien", or an exception thereto, under section
5-31 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public
5-32 Laws No. 104-193), and as that section may hereafter be amended.

5-33 (2) An alien who does not meet the citizenship or alienage criteria in subsection (a)(1)
5-34 above, who was lawfully residing in the United States before August 22, 1996, and who is a
6-1 resident of this state prior to July 1, 1997, shall be eligible for cash assistance under this chapter
6-2 without regard to the availability of federal funding; provided, however, that the person meets all
6-3 other eligibility requirements under this chapter.

6-4 (3) No person shall be ineligible for assistance payments under this chapter due solely to

6-5 the restricted eligibility rules otherwise imposed by section 115(a)(2) of the Personal
6-6 Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193),
6-7 and as that section may hereafter be amended.

6-8 (b) No family shall be eligible for assistance payments if the combined value of its
6-9 available resources (reduced by any obligations or debts with respect to such resources) exceed
6-10 one thousand dollars (\$1,000). For purposes of this subsection, the following shall not be counted
6-11 as resources of the family:

6-12 (1) The home owned and occupied by a child, parent, relative or other individual;

6-13 (2) Real property owned by a husband and wife as tenants by the entirety, if the property
6-14 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
6-15 the property;

6-16 (3) Real property which the family is making a good faith effort to dispose of, but any
6-17 aid payable to the family for any such period shall be conditioned upon such disposal and any
6-18 payments of aid for that period shall (at the time of disposal) be considered overpayments to the
6-19 extent that they would not have occurred at the beginning of the period for which the payments
6-20 were made. Any overpayments that may have occurred are debts subject to recovery in
6-21 accordance with the provisions of section 40-5.1-28;

6-22 (4) Income producing property other than real estate including, but not limited to,
6-23 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
6-24 services which the department determines are necessary for the family to earn a living;

6-25 (5) One vehicle for each adult household member but not to exceed two (2) vehicles per
6-26 household, and in addition, a vehicle used primarily for income producing purposes such as, but
6-27 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
6-28 annually produces income consistent with its fair market value, even if only used on a seasonal
6-29 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
6-30 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
6-31 special type of vehicle that makes it possible to transport the person with a disability;

6-32 (6) Household furnishings and appliances, clothing, personal effects and keepsakes of
6-33 limited value;

6-34 (7) Burial plots (one for each child, relative, and other individual), and funeral
7-1 arrangements;

7-2 (8) For the month of receipt and the following month, any refund of federal income taxes
7-3 made to the family by reason of section 32 of the Internal Revenue Code of 1986, 26 U.S.C.
7-4 section 32 (relating to earned income tax credit), and any payment made to the family by an
7-5 employer under section 3507 of the Internal Revenue Code of 1986, 26 U.S.C. section 3507
7-6 (relating to advance payment of such earned income credit);

7-7 (9) The resources of any family member receiving supplementary security income
7-8 assistance under the Social Security Act, 42 U.S.C. section 301 et seq.

7-9 (c) [Deleted by P.L. 2003, ch. 376, art. 12, section 1.]

7-10 (d) (1) Except as otherwise provided for in this section, no person shall be included in
7-11 any family for purposes of determining eligibility for or the amount of cash to which a family is
7-12 entitled under this chapter if that person, after attaining eighteen (18) years of age, has received
7-13 cash assistance under this chapter for a total of sixty (60) months (whether or not consecutive) to
7-14 include any time receiving family cash assistance in any other state or territory of the United
7-15 States of America as defined herein.

7-16 Family cash assistance in any other state or territory of the United States of America
7-17 shall be determined by the Department of Human Services and shall include family cash
7-18 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
7-19 [Title IV-A of the federal Social Security Act, 42 U.S.C. section 601 et seq.]and/or family cash
7-20 assistance provided under a program similar to the Family Independence Act or the federal TANF
7-21 program.

7-22 (2) In calculating the sixty (60) month limit imposed in subsection (d)(1), the department
7-23 shall disregard any month for which assistance was provided with respect to a minor parent or
7-24 minor pregnant woman during those months when the individual was a minor child, or a parent
7-25 employed an average of thirty (30) or more hours per week during a month in a single parent
7-26 family, or an average of thirty-five (35) hours per week during a month for a two (2) parent
7-27 family.

7-28 (3) The department ~~may~~ shall exempt a family from the application of subsection (d)(1)
7-29 by reason of hardship; provided, however, that the number of such families to be exempted by the
7-30 department under this subsection shall not exceed twenty percent (20%) of the average monthly
7-31 number of families to which assistance is provided for under this chapter in a fiscal year;
7-32 provided, however, that to the extent now or hereafter permitted by federal law, any waiver
7-33 granted under section 40-5.1-46(a) shall not be counted in determining the twenty percent (20%)
7-34 maximum under this section.

8-1 (e) Notwithstanding any other provision of this chapter, the amount of cash to which a
8-2 family is entitled under the chapter shall be reduced by thirty percent (30%) until the family has
8-3 been a resident of the state for twelve (12) consecutive months; provided, however, that no
8-4 member of the family who has been a resident of the state for twelve (12) consecutive months or
8-5 longer shall have his or her benefit reduced under this subsection.

8-6 (f) (1) A family:

8-7 (i) Consisting of a parent who is under the age of eighteen (18) (minor parent); and

8-8 (ii) Who has never been married; and

8-9 (iii) Who has a child, or a family which consists of a woman under the age of eighteen
8-10 (18) who is at least six (6) months pregnant (pregnant minor), shall be eligible for cash assistance
8-11 only if such family resides in the home of a parent, legal guardian or other adult relative. Such
8-12 assistance shall be provided to the parent, legal guardian, or other adult relative on behalf of the
8-13 individual and child unless otherwise authorized by the department.

8-14 (2) Subdivision (1) of this subsection shall not apply if:

8-15 (i) (A) The minor parent or pregnant minor has no parent, legal guardian or other adult
8-16 relative who is living and or whose whereabouts are known;

8-17 (B) The department determines that the physical or emotional health or safety of the
8-18 minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was
8-19 required to live in the same residence as his or her parent, legal guardian or other adult relative
8-20 (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her
8-21 child, or a pregnant minor, to live in his or her home shall constitute a rebuttable presumption that
8-22 the health or safety would be so jeopardized);

8-23 (C) The minor parent or pregnant minor has lived apart from his or her own parent or
8-24 legal guardian for a period of at least one year before either the birth of any child to a minor
8-25 parent or the onset of the pregnant minor's pregnancy; or

8-26 (D) There is good cause, under departmental regulations, for waiving the subsection; and

8-27 (ii) The individual resides in supervised supportive living arrangement to the extent
8-28 available. For purposes of this section "supervised supportive living arrangement" means an
8-29 arrangement which:

8-30 (A) Requires teen parents to enroll and make satisfactory progress in a program leading
8-31 to a high school diploma or a general education development certificate;

8-32 (B) Requires teen parents to participate in the adolescent parenting program established
8-33 in chapter 19 of this title to the extent the program is available; and

8-34 (C) Provides rules and regulations, which ensure regular adult supervision.

9-1 (g) As a condition of eligibility for cash and medical assistance under this chapter, each
9-2 adult member of the family has:

9-3 (1) Assigned to the state any rights to support for children within the family from any
9-4 person which the family member has at the time the assignment is executed or may have while

9-5 receiving assistance under this chapter;

9-6 (2) Consented to and is cooperating with the state in establishing the paternity of a child
9-7 born out of wedlock with respect to whom assistance is claimed, and in obtaining support
9-8 payments for the family member with respect to whom the aid is claimed, or in obtaining any
9-9 other payments or property due any family member, unless the applicant is found to have good
9-10 cause for refusing to comply with the requirements of this subsection.

9-11 Absent good cause for refusing to comply with the requirements of this subsection, the
9-12 amount of cash a family is otherwise entitled shall be reduced by twenty-five percent (25%) until
9-13 the adult member of the family who has refused to comply with the requirements of this
9-14 subsection consents to and cooperates with the state in accordance with the requirements of this
9-15 subsection.

9-16 (3) Consented to and is cooperating with the state in identifying and providing
9-17 information to assist the state in pursuing any third party who may be liable to pay for care and
9-18 services under Title XIX of the Social Security Act, 42 U.S.C. section 1396 et seq.

9-19 (h) As a condition of eligibility for cash assistance to a family under this chapter, the
9-20 parent(s), unless otherwise exempt under this chapter, must enter into an individual employment
9-21 plan in accordance with section 40-5.1-9(c). This condition of eligibility shall apply to
9-22 applications for assistance filed on or after July 1, 2006 and to current recipients at the time of
9-23 their next redetermination of eligibility occurring on or after July 1, 2006.

9-24 **40-5.1-9. Cash assistance.** -- (a) Entitlement to cash assistance. - A family found by the
9-25 department to meet the eligibility criteria set forth in this chapter shall be entitled to receive cash
9-26 assistance from the date of submitting a signed application. The family members shall be eligible
9-27 for cash assistance for so long as they continue to meet the eligibility criteria, and parents shall be
9-28 eligible so long as they meet the terms and conditions of the work requirements of subsection (c).
9-29 The monthly amount of cash assistance shall be equal to the payment standard for the family
9-30 minus the countable income of the family in that month. The department is authorized to reduce
9-31 the amount of assistance in the month of application to reflect the number of the days between the
9-32 first (1st) day of the month and the effective date of the application.

9-33 (b) Payment standard. - The payment standard is equal to the sum of the following: three
9-34 hundred twenty-seven dollars (\$327) (two hundred seventy-seven dollars (\$277) for a family
10-1 residing in subsidized housing) for the first person, one hundred twenty-two dollars (\$122) for the
10-2 second person, one hundred five dollars (\$105) for the third person and eighty dollars (\$80) for
10-3 each additional person.

10-4 (c) (1) Work requirements. - Effective for applications filed on or after July 1, 2006 and
10-5 to current recipients at the time of their next redetermination of eligibility on or after July 1, 2006,
10-6 the department shall develop a family financial plan pursuant to section 40-5.1-5 and, unless the
10-7 parent is exempt from work pursuant to paragraph (c)(2)(~~iv~~) (ii), the department ~~shall assess the~~
10-8 ~~parent's educational and vocational abilities, and the department~~ and the parent shall jointly
10-9 develop and enter into an individual employment plan pursuant to section 40-5.1-5 within thirty
10-10 (30) days of the filing of an application for assistance. Unless information relevant to the parent's
10-11 employability, as required by section 40-5.1-5, to develop an appropriate employment plan is
10-12 already available, the assessment of the parent's educational and vocational abilities and barriers
10-13 to employment shall be the first activity in the parent's employment plan. In the case of a family
10-14 including two (2) parents, the department may develop an employment plan for any parent not
10-15 otherwise required under this chapter to enter into an employment plan if the parent so requests.

10-16 (2) The employment plan shall specify the parent's work activity and the supportive
10-17 services which will be provided by the department to enable the parent to engage in the work
10-18 activity. The employment plan shall be tailored to the individual needs for the parents to help
10-19 him/her obtain stable full-time employment. For parents with barriers to employment including,
10-20 but not limited to language, literacy, substance abuse or mental health needs, the employment
10-21 plan shall include appropriate activities to help the parent address these needs.

10-22 (i) ~~During the first twenty four (24) months of the employment plan, the~~ The parent shall
10-23 participate, for a minimum of twenty (20) hours per week for parents whose youngest child in the
10-24 home is under the age of six (6), and for a minimum of thirty (30) hours per week for parents
10-25 whose youngest child in the home is six (6) years of age or older, in one or more of the following
10-26 work activities, as appropriate, in order to help the parent obtain stable full-time paid
10-27 employment:

10-28 (A) Paid unsubsidized employment, ~~(including on the job training);~~
10-29 (B) Subsidized private or public sector employment;
10-30 ~~(B) (C)~~ (C) A community work experience in a program, which satisfies the requirements of
10-31 section 40-5.1-23;
10-32 ~~(C) A training or work readiness program approved by the department and conducted at~~
10-33 ~~a job site if the program involves supervised participation in work at the site;~~
10-34 (D) On the job training;
11-1 ~~(D) (E) During the first six (6) months of eligibility (or for a longer period if the~~
11-2 ~~department determines it necessary to prepare the parent to obtain stable full-time employment);~~
11-3 ~~successful~~ Successful participation in an approved work readiness program as defined in section
11-4 40-5.1-22;
11-5 ~~(E) (F) During the first three (3) months of eligibility (or for a longer period if the~~
11-6 ~~department determines it necessary to prepare the parent to obtain stable full-time employment);~~
11-7 ~~participation~~ Participation in an approved rapid job placement program as defined in section 40-
11-8 5.1-20;
11-9 ~~(F) A supervised individual job search, which meets the conditions set forth in section~~
11-10 ~~40-5.1-21;~~
11-11 (G) For a parent under the age of twenty (20) without a high school diploma or the
11-12 equivalent, successful participation on a full-time basis in a program to secure such diploma or
11-13 the equivalent and for a parent age twenty (20) or older, without a high school diploma or
11-14 participation in a program to secure such equivalent ;
11-15 (H) For a parent age twenty (20) or older, without basic literacy or English literacy skills,
11-16 successful participation on a full-time basis in a program that is funded and monitored by the
11-17 Rhode Island department of elementary and secondary education, office of adult education to
11-18 secure such skills; and
11-19 (I) For a parent age twenty (20) or older (and a parent under the age of twenty (20) who
11-20 has a high school degree or the equivalent or a parent under the age of twenty (20) for whom
11-21 attendance at a high school is determined to be inappropriate) successful participation in a
11-22 vocational education, skills or job training program ~~including, without limitation, a program of~~
11-23 ~~postsecondary education~~, which the department determines is likely to result in regular full-time
11-24 employment at wages sufficient to eliminate eligibility for cash assistance under the act provided,
11-25 however, that participation on a full-time basis shall not exceed twelve (12) months.
11-26 (J) For a parent age twenty (20) or older and a parent under the age of twenty (20) who
11-27 has a high school degree or equivalent, successful participation in a post-secondary education
11-28 program which the department determines is likely to result in regular full-time employment at
11-29 wages sufficient to eliminate eligibility for cash assistance under the act provide, however, that
11-30 participation on a full-time basis shall not exceed twenty-four (24) months and the parent shall
11-31 participate in a work-study program if it is available.
11-32 (K) Participation in a substance abuse or mental health treatment program when the
11-33 department determines such program is necessary for the participant to obtain stable full-time
11-34 employment.
12-1 (L) Up to ten (10) hours of activities required by a parent's department of children youth
12-2 and families service plan.
12-3 ~~(ii) Beginning with the twenty fifth (25th) month of the employment plan, the parent~~
12-4 ~~shall participate in one or more of the following work activities for at least twenty (20) hours per~~

12-5 ~~week for parents whose youngest child in the home is under the age of six (6) and thirty (30)~~
12-6 ~~hours per week for parents whose youngest child in the home is six (6) years of age or older, at~~
12-7 ~~least twenty (20) hours shall be one or more of the following activities and the balance shall be in~~
12-8 ~~activities designed to help the parent obtain or maintain unsubsidized employment or increase the~~
12-9 ~~parent's earning potential:~~
12-10 ~~(A) Paid employment (including on the job training);~~
12-11 ~~(B) A community work experience program, which satisfies the requirements of section~~
12-12 ~~40-5.1-23;~~
12-13 ~~(C) A training program approved by the department and conducted at a job site if the~~
12-14 ~~program involves supervised participation in work at the site.~~
12-15 ~~(D) A supervised individual or group job search not to exceed four (4) weeks, which~~
12-16 ~~meets the conditions set forth in section 40-5.1-21; or participation in an approved rapid job~~
12-17 ~~placement program as defined in section 40-5.1-20.~~
12-18 ~~(iii) The following parents shall be deferred from the participation requirement in~~
12-19 ~~paragraph (ii):~~
12-20 ~~(A) A parent under the age of twenty (20) without a high school diploma or the~~
12-21 ~~equivalent who is successfully participating, on a full-time basis, in a program to secure such~~
12-22 ~~diploma or the equivalent;~~
12-23 ~~(B) A single parent age twenty (20) or older, without basic literacy or English language~~
12-24 ~~skills, who: (I) is participating in a full-time program but is unable to complete a literacy or~~
12-25 ~~language skills program during the first twenty-four (24) months of his or her employment plan;~~
12-26 ~~or (II) who the department has determined is unable to secure paid employment without~~
12-27 ~~additional language or literacy skills, and who is successfully participating in a program to secure~~
12-28 ~~such skills;~~
12-29 ~~(C) A parent age twenty (20) years or older, who is successfully participating in a~~
12-30 ~~vocational education, skills or job training program including, without limitation, a program of~~
12-31 ~~postsecondary education, which the department determines is likely to result in regular full-time~~
12-32 ~~employment at wages sufficient to eliminate eligibility for cash assistance under the act;~~
12-33 ~~provided, however, that the parent began the program prior to the twenty-fifth (25th) month of his~~
12-34 ~~or her employment plan; provided, further, however, that participation shall not be deemed a~~
13-1 ~~work activity after the thirty-sixth (36th) month of the employment plan;~~
13-2 ~~(D) Upon completion of any activity in subparagraphs (A) — (C), the parent shall be~~
13-3 ~~subject to the work activity requirements of paragraph (ii).~~
13-4 ~~(iv) (ii) Paragraphs (i) and (ii) shall not apply to a single parent if (and for so long as) the~~
13-5 ~~department finds that he or she is:~~
13-6 ~~(A) Unable to comply with the employment plan because of an illness or which, on the~~
13-7 ~~basis of medical evidence, is serious enough to temporarily prevent work;~~
13-8 ~~(B) Unable to comply with the employment plan because of a physical or mental~~
13-9 ~~impairment which, on the basis of medical evidence will last for at least twelve (12) months, or~~
13-10 ~~result in death and which, either by itself or in conjunction with age, prevents work;~~
13-11 ~~(C) Unable to comply with the employment plan because of the illness or incapacity of a~~
13-12 ~~minor child or spouse who requires full-time in-home care, and for whom the person is providing~~
13-13 ~~care;~~
13-14 ~~(D) Caring for a child below the age of one for twelve (12) weeks following the birth of~~
13-15 ~~the child and provided that a parent shall not be exempt under this subsection for more than~~
13-16 ~~twelve (12) months during the sixty (60) months of the parent's eligibility for benefits; provided,~~
13-17 ~~however, that a minor parent without a high school diploma or the equivalent, and who is not~~
13-18 ~~married, shall not be exempt from subparagraph (G) for more than twelve (12) weeks from the~~
13-19 ~~birth of the child;~~
13-20 ~~(E) Sixty (60) years of age or older;~~
13-21 ~~(F) A pregnant woman in her third trimester who is an applicant for assistance or a~~

13-22 pregnant woman in her third trimester who is a recipient of assistance and has medical
13-23 documentation that she cannot work;
13-24 (G) Otherwise exempt by the department.
13-25 The department shall provide case management services to families in which the parent is
13-26 deferred from work activities to assure the health and well-being of the children, with a particular
13-27 focus on services for mothers with infants.
13-28 (iii) The department shall refer a parent who is exempt from an employment plan,
13-29 pursuant to (ii)(B) because of a permanent disability that prevents work, to the social security
13-30 administration and shall provide assistance to the parent in filing an application for disability
13-31 benefits. At each recertification for benefits, the parent shall advise the department about the
13-32 progress of his/her application for disability benefits.
13-33 (v) (A) The amount of cash assistance to which an otherwise eligible family is entitled
13-34 under the act, shall be reduced by the portion of the family's benefit attributable to any parent
14-1 who, without good cause, has failed to enter into an individual employment plan or has failed to
14-2 comply with his or her individual employment plan, as required under this chapter; provided that
14-3 the reduction shall be applied during the first six (6) months, whether or not consecutive, of such
14-4 failure or non-compliance by the parent.
14-5 (B) The department shall terminate cash assistance to a family if any parent in the family
14-6 has failed, without good cause, to enter into an individual employment plan or to comply with his
14-7 or her individual employment plan, for six (6) months, whether or not consecutive.
14-8 (C) For purposes of this paragraph (v) the benefit reduction for a family size of two (2)
14-9 shall be computed utilizing a family size of three (3).
14-10 (D) Prior to reducing or terminating benefits under this subsection, the department shall
14-11 offer the parent(s) the opportunity to participate in a conciliation process to identify and address
14-12 the reasons for the non-compliance and seek to resolve the parent's failure to comply with the
14-13 employment plan requirements. The department shall provide a simple to understand written
14-14 notice to the parent(s) describing the reason the parent is deemed to be in non-compliance, how
14-15 the parent can establish good cause for the non-compliance and inviting the parent to participate
14-16 in the conciliation process to resolve the non-compliance. The conciliation process shall not
14-17 exceed fourteen (14) days.
14-18 (E) The department shall conduct a study of families sanctioned under section (v)(A) and
14-19 (B) including families that have been terminated from cash assistance and reinstated, to benefits
14-20 and families that have been terminated from cash assistance and not reinstated, to benefits
14-21 showing why parents failed to comply with their employment plan, the impact of partial and full
14-22 sanctions in bringing parents into compliance and documenting the economic and social status of
14-23 the families terminated from the program.
14-24 (vi) (A) If the family's benefit has been reduced in accordance with paragraph (v)(A) for
14-25 less than six (6) months, whether or not consecutive, due to the parent's failure to enter into an
14-26 individual employment plan or failure to comply with the terms of his or her individual
14-27 employment plan, benefits shall be restored to the full amount beginning with the initial payment
14-28 made on the first of the month following the month in which the parent: (1) enters into an
14-29 individual employment plan and demonstrates compliance with the terms thereof; or (2)
14-30 demonstrates compliance with the terms of his or her existing individual employment plan, as
14-31 such plan may be amended by agreement of the parent and the department; provided further, that
14-32 no child shall be denied assistance because the parent is ineligible to enter into an individual
14-33 employment plan because of the limitation of subsection 40-5.1-8(d).
14-34 (B) If the family's benefit has been terminated in accordance with paragraph (v)(B) due
15-1 to the failure by one or more parents to enter into an individual employment plan or failure to
15-2 comply with the terms of his or her individual employment plan, the family may re-apply for
15-3 benefits and benefits shall be restored to the family in the full amount the family is otherwise
15-4 entitled to under this chapter beginning on the first of the month following the month in which all

15-5 parents in the family who are subject to the employment plan requirements under this chapter: (1)
15-6 enter into an individual employment plan and demonstrate compliance with the terms thereof; or
15-7 (2) demonstrate compliance with the terms of the parent's individual employment plan in effect
15-8 at the time of termination of benefits, as such plan may be amended by agreement of the parent
15-9 and the department.

15-10 (vii) (A) Notwithstanding paragraphs (i) and (ii) of this subsection, in the case of a
15-11 family consisting of two (2) parents, beginning seven (7) days following completion of the
15-12 individual employment plan(s), or as soon as practical thereafter, one parent shall be engaged in
15-13 work activities for at least thirty-five (35) hours per week during the month, not fewer than thirty
15-14 (30) hours per week of which are attributable to one or more of the following activities:

- 15-15 (I) Unsubsidized employment;
- 15-16 (II) Subsidized private sector employment;
- 15-17 (III) Subsidized public sector employment;
- 15-18 (IV) Work experience if sufficient private sector employment is not available;
- 15-19 (V) On-the-job training;
- 15-20 (VI) A supervised individual or group job search not to exceed four (4) weeks, which
15-21 meets the conditions set forth in section 40-5.1-21; or participation in an approved rapid job
15-22 placement program as defined in section 40-5.1-20;
- 15-23 (VII) Community service program;
- 15-24 (VIII) Vocational educational training (not to exceed twelve (12) months with respect to
15-25 any individual); or
- 15-26 (IX) The provision of child care services to an individual who is participating in a
15-27 community service program.

15-28 (B) Moreover, in the case of a two (2) parent family wherein one parent is engaged for
15-29 at least thirty-five (35) hours per week in the work activities specified immediately above, and if
15-30 the family requests child care assistance under this chapter, and an adult in the family is not
15-31 disabled or caring for a severely disabled child, the second parent must be engaged in work
15-32 activities during the month for not fewer than twenty (20) hours per week in one or more of the
15-33 following activities:

- 15-34 (I) Unsubsidized employment;
- 16-1 (II) Subsidized private sector employment;
- 16-2 (III) Subsidized public sector employment;
- 16-3 (IV) Work experience if sufficient private sector employment is not available;
- 16-4 (V) On-the-job training; or
- 16-5 (VI) Community service programs;
- 16-6 (viii) Paragraph (vii) shall not apply:
- 16-7 (A) To a parent who is ill and the department determines on the basis of medical
16-8 evidence that the illness is serious enough to temporarily prevent entry into employment or
16-9 engaging in the activities listed in paragraph (vii) or to provide care for his or her children; or
- 16-10 (B) To a parent who is incapacitated by a physical or mental impairment which the
16-11 department has determined on the basis of medical evidence either by itself or in conjunction with
16-12 age, prevents the individual from engaging in employment or training or providing care for his or
16-13 her children; or
- 16-14 (C) To a parent who is providing full-time in-home care to a minor child or parent who,
16-15 due to illness or incapacity, requires full-time in-home care; or
- 16-16 (D) If otherwise authorized by the department for cause.
- 16-17 (E) If, during any month, parents required to comply with paragraph (vii) fail, without
16-18 good cause to do so the parent included in the family, unless exempt pursuant to paragraph (iv),
16-19 shall be required to comply with paragraph (vii) of this subsection and shall be subject to the
16-20 penalties in paragraphs (v) and (vi), as applicable, if the parent fails to do so. Notwithstanding the
16-21 foregoing, in determining the amount of cash assistance to which a family is entitled under this

16-22 chapter, the earnings of any parent living in the same household as a family eligible for cash
16-23 assistance shall be deemed to be earned income of the family for purposes of section 40-5.1-
16-24 10(b).

16-25 (x) A parent's failure, without good cause, to accept a bona fide offer of work, including
16-26 full-time, part-time and/or temporary employment, or unpaid community service, to the extent the
16-27 offer of work is not inconsistent with the employment plan shall be deemed a failure to comply
16-28 with this section, provided that:

16-29 (A) The parent is able to perform the work offered; and
16-30 (B) Appropriate childcare, as defined in subsection (e) hereof is made available to the
16-31 parent.

16-32 (d) Childcare. - Notwithstanding any other provision of this section, no single parent, or
16-33 both parents meeting the requirements of paragraph (vii), shall be required to work to the extent
16-34 that appropriate child care is necessary for the parent to do so and the department determines that
17-1 such appropriate child care is unavailable for fiscal or other reasons. For purposes of this section
17-2 "appropriate child care" means child care which is provided by a person or organization qualified
17-3 and authorized to provide such care by the department of children, youth, and families or such
17-4 other lawful providers as determined by the department of children, youth, and families. Child
17-5 care shall be considered "necessary" under this section for any child below the age of thirteen
17-6 (13), or any children age thirteen (13) years or older who are under supervision of the family
17-7 court or who require care because of a physical or mental impairment.

17-8 (e) Work expenses. - The department shall provide an allowance for transportation costs
17-9 necessary to comply with the employment plan; provided, however, that the amount of such
17-10 reimbursement shall not exceed the sum of three dollars (\$3.00) per day.

17-11 **40-5.1-10. Income.** -- (a) In general. - Except as otherwise provided for herein, in
17-12 determining eligibility for and the amount of cash assistance to which a family is entitled under
17-13 this chapter, the income of a family includes all of the money, goods, and services received or
17-14 actually available to any member of the family.

17-15 (b) Earned income disregards. - In determining the amount of cash assistance to which a
17-16 family is entitled under this chapter, income in any month shall not include the first ~~one~~ two
17-17 hundred seventy dollars (~~\$170~~) (\$270) of gross earnings plus fifty percent (50%) of the gross
17-18 earnings of the family in excess of ~~one~~ two hundred seventy dollars (~~\$170~~) (\$270) earned during
17-19 the month.

17-20 (c) Exclusions from income. - The income of a family shall not include:

17-21 (1) The first fifty dollars (\$50.00) in child support received in any month from each non-
17-22 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty
17-23 dollars (\$50.00) per month multiplied by the number of months in which the support has been in
17-24 arrears) which are paid in any month by a non-custodial parent of a child;

17-25 (2) Earned income of any child;

17-26 (3) Income received by a family member who is receiving supplemental security income
17-27 assistance under Title XVI of the Social Security Act, 42 U.S.C. section 1381 et seq.;

17-28 (4) The value of assistance provided by state or federal government or private agencies
17-29 to meet nutritional needs including: value of USDA donated foods; value of supplemental food
17-30 assistance received under the Child Nutrition Act of 1966, as amended and the special food
17-31 service program for children under Title VII, nutrition program for the elderly, of the Older
17-32 Americans Act of 1965 as amended, and the value of food stamps;

17-33 (5) Value of certain assistance provided to undergraduate students including: any grant
17-34 or loan for an undergraduate student for educational purposes made or insured under any loan
18-1 program administered by the U.S. Commissioner of Education (or the Rhode Island board of
18-2 governors for higher education or the Rhode Island higher educational assistance authority);

18-3 (6) Foster care and adoption assistance payments;

18-4 (7) Home energy assistance funded by state or federal government or by a nonprofit

18-5 organization;

18-6 (8) Payments for supportive services or reimbursement of out-of-pocket expenses made

18-7 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE

18-8 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service

18-9 Act of 1973, 42 U.S.C. section 5000 et seq.;

18-10 (9) Payments to volunteers under VISTA;

18-11 (10) Certain payments to native Americans; payments distributed per capita to, or held in

18-12 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. section 1261 et seq., P.L. 93-

18-13 134, 25 U.S.C. section 1401 et seq., or P.L. 94-540; receipts distributed to members of certain

18-14 Indian tribes which are referred to in section 5 of P.L. 94-114, 25 U.S.C. section 459d, that

18-15 became effective October 17, 1975;

18-16 (11) The federal earned income tax credit; and

18-17 (12) The value of any state, local, or federal government rent or housing subsidy,

18-18 provided that this exclusion shall not limit the reduction in benefits provided for in section 40-

18-19 5.1-9(b).

18-20 SECTION 2. Section 40-5.1-21 of the General Laws in Chapter 40-5.1 entitled "Family

18-21 Independence Act" is hereby repealed.

18-22 ~~40-5.1-21. Supervised individual job search. -- For purposes of this chapter "supervised~~

18-23 ~~individual job search" means a schedule of job search activities, described in an employment~~

18-24 ~~plan, which an individual is to undertake under the supervision of his or her case manager or case~~

18-25 ~~management team. Unless otherwise provided by the department, such activities shall include no~~

18-26 ~~less than twenty (20) documented face-to-face contacts per month with potential employers.~~

18-27 SECTION 3. This act shall take effect upon passage.

MOTION: To find beneficial 08 H-8113 AN ACT RELATING TO HUMAN SERVICES - FAMILY INDEPENDENCE ACT AP/BI passed Aye: William R. Inlow; Arthur M. Plitt; Gwendolyn Reeve; & Rev. Gerard O. Sabourin Abstained: Sharon Brinkworth; Linda Deschenes; Liberty Goodwin; & Paula Parker

Health Care Services

Review requested by Executive Committee

08 H-7390 Art. 17 Sec. 03 - 05 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Family Court & the RI Training School}

Sponsors: Rep. Watson & Reps. Gorham, Story, Ehrhardt, and Mumford Requested by Governor In Committee House Finance Committee

Description: 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.

Governor's proposed Amendments would replace the entire original with 30 sections:

SECTION 3. Family Court & Training School - In the event a child is ordered to be detained at the training school, the family court shall conduct a probable cause hearing within seventy-two (72) hours of the child's detention (exclusive of weekends and/or holidays). At the conclusion of the probable cause hearing, the court shall order the release of the child from the training school unless the court finds that the child:

- (1) Poses a substantial risk of harm to self; or
- (2) Poses a substantial risk of harm to others; or
- (3) Has demonstrated that he or she may leave the jurisdiction of the court.

{Current law a child who is detained is entitled to a probable cause hearing within 10 days of

detention. }

If a child is in temporary detention, the family court shall commence the adjudicatory hearing within thirty (30) calendar days from whichever of the following events occurs latest: the date the petition is served on the child; or the date the child is placed in detention.

In all such cases, the family court shall conclude the adjudicatory hearing within fifteen 15 calendar days of the commencement of the hearing.

The attorney general must file an application to waive and/or certify a youth; the juvenile may be detained at the training school for a period not to exceed ninety (90) days. Then the department shall present to the family court a waiver report within forty-five (45) calendar days. At the expiration of ninety (90) days, the attorney general's petition for waiver and/or certification shall be decided and the wayward/delinquent petition shall be adjudicated.

SECTION 4 relates to Release from the Training School. - The family court shall authorize the release of the child to his or her home and/or to the care and custody of the department of children, youth and families unless the court finds that the child:

- (1) Poses a substantial risk of harm to self: or
- (2) Poses a substantial risk of harm to others: or
- (3) Has demonstrated that he or she may leave the jurisdiction of the court.

SECTION 5. Relates to Delinquent and Dependent Children. - In the event the court assigns custody of a child to the director of the department of children, youth and families, the court shall authorize the provision of suitable treatment, rehabilitation and care for each child in the least restrictive and community based setting.

MOTION: To find beneficial 08 H-7390 Art. 17 Sec. 03 - 05 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Family Court & the RI Training School} AP/LG passed, Nay-GR

Review requested by Bob

08 S-2282 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM

Sponsors: Sen. Perry & Sens. Goodwin, Levesque C, Miller, Gallo Requested by Lieutenant Governor Continued Senate Health and Human Services Committee

Description: This act would provide that those in need of long-term care and support services receive them in the least restrictive setting appropriate to their needs to avoid unnecessary institutionalization of persons during the full eligibility determination process for Medicaid community-based care. This requirement would be met by the department of human services which would direct and authorize allocation of existing Medicaid resources. This act would take effect upon passage.

- 1-1 SECTION 1. Section 40-8.9-3 of the General Laws in Chapter 40-8.9 entitled "Medical
1-2 Assistance - Long-Term Care Service and Finance Reform" is hereby amended to read as
1-3 follows:
1-4 **40-8.9-3. Least restrictive setting requirement.** -- (a) Beginning on July 1, 2007, the
1-5 department of human services is directed ~~to recommend the allocation of~~ and authorized to
1-6 allocate existing Medicaid resources as needed to ensure that those in need of long-term care and
1-7 support services receive them in the least restrictive setting appropriate to their needs beginning
1-8 on July 1, 2009 ~~and preferences~~. The department is ~~hereby authorized~~ mandated to utilize
1-9 screening and expedited services criteria, to avoid unnecessary institutionalization of persons
1-10 during the full eligibility determination process for Medicaid community based care.
1-11 The screening criteria shall include clinical measures, safety criteria and estimated cost to
1-12 determine whether the long-term care needs of a Medicaid eligible person can be appropriately

1-13 [met utilizing Medicaid community based care. If a determination is made that the Medicaid](#)
 1-14 [eligible person's long-term care needs can be appropriately met utilizing Medicaid community](#)
 1-15 [based care then the Medicaid eligible person shall be deemed eligible for Medicaid community](#)
 1-16 [based care and shall not be deemed eligible for institutional care until such time as a subsequent](#)
 1-17 [determination is made that the long-term care needs of the person can only be met in an](#)
 1-18 [institutional setting, at which time the Medicaid eligible person shall be approved for institutional](#)
 2-1 [care.](#)
 2-2 [\(b\) The department is hereby authorized and directed to promulgate regulations](#)
 2-3 [consistent with the requirements of this section no later than March 1, 2009. These regulations](#)
 2-4 [shall include financial eligibility criteria that allow for consideration of an allowance for](#)
 2-5 [community housing costs.](#)
 2-6 [\(c\) The department is hereby authorized and directed to make amendments to the state](#)
 2-7 [Medicaid plan including the utilization of self directed personal assistance care enumerated in](#)
 2-8 [section 1519\(j\) of title XIX of the United States Code.](#)
 2-9 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 08 S-2282 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM BI/GR passed unanimously

08 S-2640, 08 S-2682 & 08 H-7915 ACTS RELATING TO TAXATION - PERSONAL INCOME TAX

Sponsors: Sen. Perry & Sens. Tassoni, Pichardo, Sosnowski, Miller In Committee Senate Finance Committee

Sponsors: Sen. Miller Continued Senate Health and Human Services Committee

Sponsors: Rep. Kennedy & Reps. Pacheco, Segal, Church, Serpa Scheduled for hearing and/or consideration House Corporations Committee 4/9/2008 @ Rise in rm 203

Description: This act would amend the personal income tax law to require Individual health insurance coverage for individuals not covered by group insurance or government health care plans. This act would take effect upon passage.

08 S-2686 AN ACT RELATING TO TAXATION -- THE HEALTHY RHODE ISLAND REFORM ACT OF 2008--PART V--EXPANDING HEALTHCARE COVERAGE

Sponsors: Sen. Perry & Sens. Tassoni, Pichardo, Sosnowski, Miller Requested by the Lieutenant Governor Continued Senate Health and Human Services Committee

Description: This act would mandate that individuals over 18 years of age whose AGI is 400% of the federal poverty level obtain and maintain health coverage and indicate so on his/her income tax. If he/she has no coverage, a loss of one personal exemption will be imposed. This act would take effect upon passage.

Took no position

3. Consideration of Amended versions of Bills

08 S-2223 Sub A as Amended AN ACT RELATING TO HUMAN SERVICES – MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM

Sponsors: Sen. Perry & Sens. Miller, Levesque C, Paiva-Weed, Gibbs, Introduced on 2/6/2008

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.

Substitute as amended would mandate fifty percent of the Medicaid long-term care funding be utilized on home and community based care. The substitute does not contain any of the original version's changes to RIGL 40-8.9-3 Least restrictive setting requirement, 40-8.9-4 Unified long-term care budget, 40-8.9-5 Administration and regulations, 40-8.9-6 Reporting, and 40-8.5-1 Categorically needy medical assistance coverage.

Committee finds this bill Beneficial

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

- 2-27 efficient utilization of services to enhance the capacity of each of its component parts. Attaining
- 2-28 system-wide reform of the magnitude set forth herein will require significant changes in the
- 2-29 organization, financing and delivery of services that must be implemented incrementally.
- 2-30 [On or before July 1, 2012, the department of human services shall reach the goal of](#)
- 2-31 [allocating a minimum of fifty percent \(50%\) of Medicaid long-term care funding be utilized by](#)
- 2-32 [nursing homes and fifty percent \(50%\) on home and community based care by the state of Rhode](#)
- 2-33 [Island.](#)
- 2-34 [The department of human services shall prioritize increased investments in home and](#)
- 3-1 [community based care. The office will also work to maintain the integrity and funding of current](#)
- 3-2 [programs and investments that will help Rhode Island reach this goal.](#)
- 3-3 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 08 S-2223 Sub A as Amended AN ACT RELATING TO HUMAN SERVICES – MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM BI/AP passed unanimously

Questions on Report:	10 min.
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Report on Commission’s Legislative Package Status (mailed with the agenda)

The Commission Position: Commission Supports these bills

Continued

Last Action on: 2/13/2008

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.

Last Action on: 3/10/2008

08 H-7390 Art. 20 AN ARTICLE RELATING TO HUMAN SERVICES - HEALTH ACCOUNT Sponsor: Rep. Watson House Finance Committee

Description: 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.

08 H-7390 Art. 21 RELATING TO GENERAL PUBLIC ASSISTANCE - HARDSHIP Sponsor: Rep. Watson House Finance Committee

Description: This article renews the annual authorization for benefits and the expenditure ceiling for the General Public Assistance Hardship program.

Last Action on: 4/3/2008

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.

Total of GCD Bills Commission Supports these bills - Continued: 4

In Committee

Last Action on: 1/2/2008

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 passage

Last Action on: 1/31/2008

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: 2/26/2008

08 S-2697 AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES Sponsor: Sen. Levesque Similar 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 these bills - In Committee: 3

Total of GCD Bills Commission Supports these bills - 7

The Commission Position: Commission Opposes these bills

Continued

Last Action on: 2/28/2008

08 H-7390 Art. 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS Sponsor: Rep. Watson House Finance Committee

Description: 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.

Last Action on: 3/3/2008

08 H-7390 Art. 09 AN ARTICLE RELATING TO EDUCATION AID Sponsor: Rep. Watson House Finance Committee

Description: 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.

Total of GCD Bills Commission Opposes these bills - Continued: 2

In Committee

Last Action on: 3/10/2008

08 H-7390 Art. 17 Sec. 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND

MEDICAID REFORM ACT {Long Term Home Health Care - Alternative to Placement in a Skilled Nursing or Intermediate Care Facility}

Description: Governor's proposed Amendments would replace the entire original with 30 sections: SECTION 17. Relating to Long Term Home Health Care - Alternative to Placement in a Skilled Nursing or Intermediate Care Facility. Eliminates the comprehensive assessment of the medical, social, and environmental needs assessment that currently must be performed at least every one hundred eighty-(180) days by the department of human services.

08 H-7390 Art. 17 Sec. 29 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Rhode Island Assisted Housing Living Waiver}

Governor's proposed Amendments would replace the entire original with 30 sections: SECTION 29. Rhode Island Assisted Housing Living Waiver - Additional assisted living waiver request. - The executive office of health and human services and/or the department of human services are authorized to obtain any necessary waivers and/or state plan amendments to bring medical assistance recipients who have been admitted to nursing homes back into the community and to help more medical assistance recipients remain in the community, as they require long-term care, thereby resulting in improved health, quality of life and more cost effective care.

The executive office of the health and human services and the human service agencies as defined in 42-7.2-2 are authorized and directed to adopt rules and regulations to ensure the establishment and implementation of this section.

The current Rhode Island Assisted Housing Living Waiver Act sections 42-66.8- 1 Legislative findings, 42-66.8-2 Purpose - Assisted living waiver request, 42-66.8-3 Definitions, 42-66.8-4 Provision of service, 42-66.8-5 Duties of director of human services, 42-66.8-6 Evaluation of assisted living waiver demonstration, and 42-66.7 Additional assisted living waiver request, would be repealed upon the approval of the necessary waivers and/or state plan amendments from the secretary of the United States Department of Health and Human Services.

Total of GCD Bills Commission Opposes these bills - In Committee: 2

Total of GCD Bills Commission Opposes these bills - 4

The Commission Position: Commission Supports this bill if its amended

In Committee

Last Action on: 1/22/2008

08 H-7162 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND HUMAN SERVICES Sponsor: Rep. Costantino House Finance Committee

Description: 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.

Total of GCD Bills Commission Supports this bill if its amended - In Committee: 1

Total of GCD Bills Commission Supports this bill if its amended - 1

The Commission Position: Commission Opposes these bills unless its amended

In Committee

Last Action on: 3/10/2008

08 H-7390 Art. 17 Sec. 10 - 11 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Katie Becket}

Description: Governor's proposed Amendments would replace the entire original with 30 sections:

SECTION 10 Relating to Health Care for Families - Eligibility. - Lowers the income eligibility limits for parents or relative caretakers whose income levels are equal to or up to one hundred thirty three (133%) below of the federal poverty level. {Current law is up to one hundred eighty five percent}. The resource limit of \$10,000 section is repealed, including the exemption to that limit for children with disabilities who are otherwise eligible for medical assistance coverage as categorically needy, commonly known as Katie Beckett eligible. The 5% limit of annual income cost sharing is repealed. Katie Beckett eligible families would be required to take financial responsibility for a share of the cost of the medical assistance coverage based on the family's ability to pay.

The department would be authorized to require that eligible children/families contribute to the cost of the care by premium sharing, cost sharing, the establishment of consumer directed accounts or any other reasonable means in accordance with approved provisions of appropriate waivers and/or state plan amendments in accordance with rules and regulations promulgated by the department of human services.

Consumer Directed Health Care. The department of human services would be authorized to apply for and obtain appropriate waivers to create consumer directed health care accounts to increase and encourage personal responsibility, wellness and healthy decision-making.

SECTION 11. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of

08 H-7390 Art. 17 Sec. 12 - 13 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Rite Share Health Insurance Premium Assistance Program}

Description: Governor's proposed Amendments would replace the entire original with 30 sections:

SECTION 12. Relating to Rite Share Health Insurance Premium Assistance Program. - Lowers the income eligibility for the Rhode Island health insurance premium assistance program for Rite Care eligible parents with incomes up to one hundred thirty three (133%) of the federal poverty level who have access to employer-based health insurance. {Current law is up to one hundred eighty five percent (185%)} The resource limit of \$10,000 section is repealed, including the exemption to that limit for children with disabilities who are otherwise eligible for medical assistance coverage as categorically needy, commonly known as Katie Beckett eligible. The 5% limit of annual income cost sharing is repealed.

Katie Beckett eligible families would be required to take financial responsibility for a share of the cost of the medical assistance coverage based on the family's ability to pay.

The department would be authorized to require that eligible children families contribute to the cost of the care by premium sharing, cost sharing, the establishment of consumer directed accounts or any other reasonable means in accordance with approved provisions of appropriate waivers and/or state plan amendments in accordance with rules and regulations promulgated by the department of human services.

Employers who are also approved Medicaid providers and all vendors doing business with the state of Rhode Island shall make available in a timely manner to the department at the department's request, documents describing the health insurance or health benefits offered by the employer, including but not limited to a Certificate of Coverage or a Summary of Benefits and employee obligations. The Employer shall accept the enrollment of the individual and/or the family in the employer based health insurance plan without regard to any seasonal enrollment restrictions, including open enrollment restrictions, without regard to the impact on the member's wages. This is known as "pay in lieu of

benefits."

SECTION 13. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of

08 H-7390 Art. 17 Sec. 14 - 16 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Health Care for Elderly and Disabled Residents}

Description: Governor's proposed Amendments would replace the entire original with 30 sections: SECTION 14. Relating to Health Care for Elderly and Disabled Residents Act - Categorically needy medical assistance coverage. - The section providing for a voluntary (opt out) managed health care delivery system, including a primary care case management model would be repealed.

SECTION 15. Relating to Health Care for Elderly and Disabled Residents Act - Managed health care delivery systems. - Creates for all medical assistance recipients, including the elderly and all individuals with disabilities, a system of health care delivery for all medical assistance recipients, through a mandatory managed care health systems. "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary care. For purposes of Medical Assistance, managed care is also defined as to include a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Those medical assistance recipients who have third party medical coverage or insurance may be exempt from mandatory managed care in accordance with rules and regulations promulgated by the department of human services through the rule making process. The department is further authorized to redesign benefit packages for medical assistance recipients subject to the appropriate federal approval of all necessary waivers and state plan amendments.

SECTION 16. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of

08 H-7390 Art. 17 Sec. 18 - 19 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Medical Assistance- Antipsychotic Prescription Drugs}

Description: Governor's proposed Amendments would replace the entire original with 30 sections: SECTION 18. Relates to Medical Assistance-Prescription Drugs - Prescription drug program. - Eliminates antipsychotic drugs from the preferred drug list.

SECTION 19. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of

08 H-7390 Art. 17 Sec. 23 - 24 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Elderly Affairs Department - Duties of the department}

Description: Governor's proposed Amendments would replace the entire original with 30 sections: SECTION 23. Relating to Elderly Affairs Department - Duties of the department. - (1) Expands the authority of the department to investigate reports of elder exploitation, or self-neglect {Current laws limits of abuse, and neglect}. (2) eliminates the requirement that rules and regulations to provide and coordinate the delivery of in-home services to the elderly, must be proposed by the in home services

commission. (3) Authorizes the department to include a passenger cost sharing as part of the elderly/disabled transportation program.

SECTION 24 . Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

08 H-7390 Art. 17 Sec. 25 - 28 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT {Home and Community Services to the Elderly}

Description: Governor's proposed Amendments would replace the entire original with 30 sections:

SECTION 25. Relating to Home and Community Services to the Elderly - Definitions. - The Department of Health would license Adult day service providers {Current law it's the Department of Elderly Affairs}. The definitions of:

"Case management agency" would be changed to mean a community-based agency designated by the department of elderly affairs to provide care coordination for home and community care clients, rather than case management services;

"Home and community care services" would be changed to mean arranging for providing directly the client or providing through contract services such as home health aid/homemaker services and such other services that may required for a client to remain in the community and as defined by department regulation through the rulemaking process, rather than arranging for adult day services.

"Assisted living residences" would be changes to mean a publicly or privately operated residence that is a licensed Health care facility. {Current law to be repealed defines assistive living residences as providing personal assistance to meet the resident's changing-needs and preferences, lodging, and meals to two (2) or more adults who are unrelated to the licensee or administrator}.

"Respite care services" would be changes to remove the limitation to only services provided by an agency funded by the department of elderly affairs to provide respite care services.

"Shared living program" would be changed to mean a privately owned residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community, a program that is designed to respect the unique character of each individual, promotes self-reliance and the freedom to make choices, and fosters dignity, autonomy and personal safety. Services may be provided in-home or host home residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community including but not limited to lodging and meals. This program is designed to provide the opportunity for the provision of an inter generational multidisciplinary supports to preserve and strengthen families.

SECTION 26. Relating to Home and Community Services to the Elderly - Services available. - The term case-management is replaced by care coordination.

SECTION 27. Relating to Home and Community Services to the Elderly - Persons eligible. - The eligibility requirements would be changed to no longer require the person to meet an institutional level of care, instead the required level of care would be defined in department rules. The level of retain cash and/or liquid resources would be changed from not exceeding four thousand dollars (\$4,000) for an individual and six thousand dollars (\$6,000) for a married couple, to a level defined in department rules. The income level would be changed from not exceeding the income eligibility for the Rhode Island pharmaceutical assistance to the elderly-program, to a level defined in department rules.

SECTION 28. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-

35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of

Total of GCD Bills Commission Opposes these bills unless its amended - In Committee: 6

Total of GCD Bills Commission Opposes these bills unless its amended - 6

The Commission Position: Committee finds these bills Beneficial

In Committee

Last Action on: 1/31/2008

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 these bills Beneficial - In Committee: 2

Recommend Passage

Last Action on: 4/9/2008

08 S-2223 Sub A as Amended AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM Sponsor: Sen. Perry Senate Desk

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.

Substitute as amended would mandate fifty percent of the Medicaid long-term care funding be utilized on home and community based care. The substitute does not contain any of the original version's changes to RIGL 40-8.9-3. Least restrictive setting requirement, 40-8.9-4. Unified long-term care budget, 40-8.9-5. Administration and regulations, 40-8.9-6. Reporting, and 40-8.5-1. Categorically needy medical assistance coverage.

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

Total of GCD Bills Committee finds these bills Beneficial - 3

The Commission Position: Committee finds this bill Harmful

Continued

Last Action on: 4/2/2008

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.

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

In Committee

Last Action on: 1/30/2008

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: 1

Withdrawn by sponsor

Last Action on: 3/5/2008

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 these bills Harmful - 3

The Commission Position: Committee finds these bills Beneficial if amended

Continued

Last Action on: 3/12/2008

08 H-7098 AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC CHEMICALS IN CHILDREN'S PRODUCTS Sponsor: Rep. Rice House Health, Education, & Welfare Committee

Description: 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.

Last Action on: 3/26/2008

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: 4/3/2008

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.

Total of GCD Bills Committee finds these bills Beneficial if amended - Continued: 3

In Committee

Last Action on: 1/23/2008

08 H-7205 AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS Sponsor: Rep. Silva

House Health, Education, & Welfare Committee

Description: 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.

Last Action on: /6/2008

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 these bills Beneficial if amended - In Committee: 2

Total of GCD Bills Committee finds these bills Beneficial if amended – 5

Announcements and Scheduling of Meetings	Chairperson	5 min.
Next meeting will be on:	Monday May 12, 2008	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at [Insert time]	

Other Information

Observers:	
Resource persons:	Bob Cooper, Committee Staff