



Governor's Commission on Disabilities' Legislation Committee

Monday June 16, 2008 3 – 4:30 PM

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

----- Minutes -----

Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.
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Introductions: Members and guests introduced themselves.

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

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

Tabled for RI Disability Law Center Amendments

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.

Discussion: Tabled

Tabled for Information from the Commission for Human Rights

Bob -

If I'm not mistaken, this is the bill that was introduced in response to the RI Supreme Court's ruling that the Civil Rights statute at issue had an implied one-year statute of limitations, rather than the three years that most people (including the CHR) had believed.

Our agency has supported the bill, believing that the three-year SoL enables individuals who cannot file here because a year has passed from the discriminatory act still have a means to pursue redress.

Michael D. Evora, Esq.

Executive Director RI Commission For Human Rights

Requested by Sharon

08 H-7361 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 Sponsors: Rep. Walsh & Reps. Giannini, Handy, Lewiss, Rice

Description: This act would impose a three year statute of limitations on civil actions for violating an individual's civil rights. This act would take effect upon passage.

1-1 SECTION 1. Section 42-112-2 of the General Laws in Chapter 42-112 entitled "The
 1-2 Civil Rights Act of 1990" is hereby amended to read as follows:
 1-3 42-112-2. Civil liability. -- A person whose rights under the provision of section 42-112-
 1-4 1 have been violated may commence a civil action for injunctive and other appropriate equitable
 1-5 relief, and for the award of compensatory and exemplary damages, within three (3) years after the
 1-6 occurrence of the alleged violation of this chapter. An aggrieved person who prevails in an action
 1-7 authorized by this section, in addition to other damages, is entitled to an award of the costs of the
 1-8 litigation and reasonable attorneys' fees in an amount to be fixed by the court.
 1-9 SECTION 2. This act shall take effect upon passage.

Discussion: Members discussed the bill's impact on people with disabilities

MOTION: To find beneficial/harmful 08 H-7361 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 RC/LD passed, Nay-BI, Abstain-PP

2. Consideration of Amended versions of Budget Articles	Bob Cooper, Executive Secretary	
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08 H-7390 Art. 17 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT

The Governor’s Amended Article 17 had 30 Sections, many including an exemption from the State Law requiring public hearings prior to issuing regulations, to allow for the public to comment on the effect of the proposed regulations, prior to them taking effect.

The Substitute would authorize department of human services, with the assistance of the executive office of health and human services, may propose necessary legislation during 2008 when the general assembly is not in session to the chairpersons of the house finance committee and senate finance committee which the reform the state's Medicaid Program in furtherance of the following goals:

- (a) Provide Medicaid assistance to eligible individuals;
- (b) Provide community alternatives and least restrictive options for person-centered choice and independence, as opposed to institutionalization;
- (c) Create a person-centered and opportunity-driven program;
- (d) Create a results-oriented system of coordinated care that focuses on independence and choice;
- (e) Maximize the available service options and promote accountability and transparency; and
- (f) Encourage and reward healthy outcomes and responsible choices.

If it would result in substantial new opportunities for the medical assistance program on a cost neutral basis over a period not to exceed five (5) years, then a Special Session of the General Assembly would meet to consider changes in the state Medical Assistance laws.

The Commission Supported if amended the original Article 17.

“People with chronic health conditions want to remain In their community. Individuals with disabilities should be involved in directing their own health care to the maximum extent possible. Studies have shown people who remain in familiar surroundings utilize health care services less frequent than people who reside in long term care facilities. Strengthening community and home based long term care services will provide a better quality of life and enable more people with severe impairments to work.

The Commission believes the rules and regulations need to be fully reviewed and commented on prior to taking effect to reduce the changes unintended consequences do not harm children with severe disabilities or discourage families from keeping their children at home rather than institutionalizing them due to the financial burden.”

- 1-8 [42-12.4-1. Short title. - This chapter shall be known and cited as "The Rhode Island](#)
- 1-9 [Medicaid Reform Act of 2008.](#)
- 1-10 [42-12.4-2. Legislative intent. – \(a\) It is the intent of the general assembly that Medicaid](#)
- 1-11 [shall be a sustainable, cost-effective, person-centered and opportunity-driven program utilizing](#)
- 1-12 [competitive and value-based purchasing to maximize available service options; and](#)
- 1-13 [\(b\) It is the intent of the general assembly to fundamentally redesign the Medicaid](#)
- 1-14 [Program in order to achieve a person-centered and opportunity driven program; and](#)
- 1-15 [\(c\) It is the intent of the general assembly that the Medical Assistance Program be a](#)
- 1-16 [results oriented system of coordinated care that focuses on independence and choice that](#)
- 1-17 [maximizes the available service options, promotes accountability and transparency; encourages](#)
- 1-18 [and rewards healthy outcomes and responsible choices; and promotes efficiencies through](#)

- 1-19 interdepartmental cooperation.
- 1-20 **42-12.4-3. Legislative proposals.** -- The department of human services, with the
- 1-21 assistance of the executive office of health and human services, may propose necessary
- 1-22 legislation during 2008 when the general assembly is not in session to the chairpersons of the
- 1-23 house finance committee and senate finance committee which would reform the state's Medicaid
- 1-24 Program in furtherance of the following goals:
- 1-25 (a) Provide Medicaid assistance to eligible individuals;
- 1-26 (b) Provide community alternatives and least restrictive options for person-centered
- 1-27 choice and independence, as opposed to institutionalization;
- 1-28 (c) Create a person-centered and opportunity-driven program;
- 1-29 (d) Create a results-oriented system of coordinated care that focuses on independence and
- 1-30 choice;
- 2-1 (e) Maximize the available service options and promote accountability and transparency;
- 2-2 and
- 2-3 (f) Encourage and reward healthy outcomes and responsible choices.
- 2-4 **42-12.4-4. Public hearings and recommendations.** – The chairpersons of the house
- 2-5 finance committee and senate finance committee shall hold public hearings on such proposed
- 2-6 legislation, if proposed, to find whether such legislation satisfies the goals enumerated herein and
- 2-7 would result in substantial new opportunities for the medical assistance program on a cost neutral
- 2-8 basis over a period not to exceed five (5) years. If the chairpersons of the house finance
- 2-9 committee and senate finance committee reach such finding, they shall recommend to the
- 2-10 Speaker
- 2-10 of the House of Representatives and the President of the Senate that the general assembly
- 2-11 convene in special session to consider that legislation subject to amendment and debate.
- 2-12 SECTION 2. This article shall take effect upon passage.

MOTION: To find 08 H-7390 Art. 17 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT as revised addresses the Commission's prior concerns; Commission Supports BI/SB passed, Abstained RC

08 H-7390 Art. 08 formerly 42 Sub A AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS

This article 1) eliminates the function of issuing state identification cards to elderly and disabled persons 55 and over for a nominal fee charged for cost recovery;

2) recognizes general revenue cost savings in community services objective grant funding under the aegis of the Legislature through the department of elderly affairs, 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; and

3) 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.

The Substitute deletes (2) the general revenue cost savings in community services objective grant funding under the aegis of the Legislature through the department of elderly affairs, and still requires public and private elderly housing complexes to submit satisfactory evidence of a safety and security plan for its residents to the department.

The Commission Opposed the Original Article

“The Department of Elderly Affairs does not have sufficient staff to implement the changes required by this article, in an expeditious manner. Just the matter of determining if the generic variations of brand name drugs are appropriate and safe to meet the range of needs especially of seniors requires a level of expertise beyond the department's current capacities.”

1-3 SECTION 1. Section 42-66-4.2 of the General Laws in Chapter 42-66 entitled "Elderly
1-4 Affairs Department" is hereby repealed .

1-5 ~~§ 42-66-4.2 Photo identification cards.—The department shall make available to every~~
1-6 ~~disabled person eighteen (18) years of age or older requesting one, a photo identification card at a~~
1-7 ~~cost of two dollars (\$2.00) for each card. The card shall contain a photo of the person, his or her~~
1-8 ~~address, an identification number and any other information as ordered by the director to the~~
1-9 ~~benefit of the disabled person. All funds collected shall be deposited as general revenues of the~~
1-10 ~~state.~~

1-11 SECTION 2. Sections 42-66.2-3, 42-66.2-5, 42-66.2-6, 42-66.2-7, and 42-66.2-9 of the
1-12 General Laws in Chapter 42-66.2 entitled “Pharmaceutical Assistance to the Elderly Act” are
1-13 hereby amended to read as follows:

1-14 **42-66.2-3. Definitions.** – As used in this chapter, unless the context requires otherwise:

1-15 (1) "Consumer" means any full-time resident of the state who fulfills the eligibility
1-16 requirements set forth in § 42-66.2-5. Residence for purposes of this chapter shall be in
1-17 accordance with the definitions and evidence standards set forth in § 17-1-3.1.

1-18 (2) "Contractor" means a third party or private vendor capable of administering a
1-19 program of reimbursement for prescription drugs, and drug program eligibility administrative
1-20 support as required by the director, the vendor to be determined through a competitive bid process
1-21 in which the director awards a three (3) year contract for services.

1-22 (3) "Department" means the department of elderly affairs.

1-23 (4) "Director" means the director of the department of elderly affairs.

1-24 (5) "Eligible drugs" means insulin, injectable drugs for multiple sclerosis, and shall
1-25 mean non-injectable drugs which require a physician's prescription according to federal law and
1-26 which are contained in the following American Hospital Formulary Service pharmacologic-
1-27 therapeutic classifications categories that have not been determined by the federal "Drug Efficacy
1-28 and Safety Implementation (DESI) Commission" to lack substantial evidence of effectiveness.
1-29 Eligible drugs are limited to the following classification categories: cardiac drugs, hypotensive
1-30 drugs, diuretics, anti-diabetic agents, insulin, disposable insulin syringes, vasodilators (cardiac
2-1 indications only), anticoagulants, hemorreologic agents, glaucoma drugs, drugs for the treatment of
2-2 Parkinson's disease, antilipemic drugs and oral antineoplastic drugs and drugs for the treatment of
2-3 asthma and other chronic respiratory diseases and prescription vitamin and mineral supplements
2-4 for renal patients, and drugs approved for the treatment of Alzheimer's disease, drugs used for the
2-5 treatment of depression, those drugs approved for the treatment of urinary incontinence, anti-
2-6 infectives, drugs used for the treatment of arthritis, drugs approved for the treatment of
2-7 osteoporosis, and neuraminidase inhibiting drugs indicated for the treatment of influenza A and
2-8 B.

2-9 (ii) "Additional drugs" means non-injectable drugs which require a physician's
2-10 prescription according to federal law and which are contained in the American Hospital
2-11 Formulary Service pharmacologic-therapeutic classifications categories that have not been
2-12 determined by the federal "Drug Efficacy and Safety Implementation (DESI) Commission" to
2-13 lack substantial evidence of effectiveness, which are not included in the definition of drugs as

2-14 defined in this subdivision. However, this shall not include prescription drugs used for cosmetic
2-15 purposes.

2-16 (6) "Income" for the purposes of this chapter means the sum of federal adjusted gross
2-17 income as defined in the Internal Revenue Code of the United States, 26 U.S.C. § 1 et seq., and
2-18 all nontaxable income including, but not limited to, the amount of capital gains excluded from
2-19 adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance
2-20 and relief (not including relief granted under this chapter), the gross amount of any pension or
2-21 annuity (including Railroad Retirement Act benefits, 45 U.S.C. § 231 et seq., all payments
2-22 received under the federal Social Security Act, 42 U.S.C. § 301 et seq., state unemployment
2-23 insurance laws, and veterans' disability pensions), nontaxable interest received from the federal
2-24 government or any of its instrumentalities, workers' compensation, and the gross amount of "loss
2-25 of time" insurance. It does not include gifts from nongovernmental sources, or surplus foods or
2-26 other relief in kind supplied by a public or private agency.

2-27 (7) "Pharmaceutical manufacturer" means any entity holding legal title to or possession
2-28 of a national drug code number issued by the federal food and drug administration.

2-29 (8) "Pharmacy" means a pharmacy licensed by the state of Rhode Island.

2-30 ~~(9) "Pilot program contractor" means Blue Cross and Blue Shield of Rhode Island.~~

2-31 **42-66.2-5. Persons eligible.** – (a) Persons eligible for assistance under the provisions of
2-32 this chapter include any resident of the state who is at least sixty-five (65) years of age or at least
2-33 fifty-five (55) years of age and receiving social security disability benefits. State and consumer
2-34 co-payment shares for these persons shall be determined as follows:

3-1 (1) For unmarried persons or married persons living separate and apart whose income
3-2 for the calendar year immediately preceding the year in which assistance is sought is:

3-3 (i) Less than ~~fifteen thousand nine hundred and thirty-two dollars (\$15,932)~~ nineteen
3-4 thousand three hundred forty one dollars (\$19,341) the state shall pay sixty percent (60%) of the
3-5 cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost of the
3-6 prescriptions.

3-7 (ii) More than ~~fifteen thousand nine hundred and thirty-two dollars (\$15,932)~~ nineteen
3-8 thousand three hundred forty-one dollars (\$19,341) and less than ~~twenty thousand dollars~~
3-9 ~~(\$20,000)~~, twenty four thousand two hundred and eighty dollars (\$24,280) the state shall pay
3-10 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent
3-11 (70%) of the cost of the prescriptions; and

3-12 (iii) More than ~~twenty thousand dollars (\$20,000)~~ twenty four thousand two hundred
3-13 and eighty dollars (\$24,280) and less than ~~thirty-five thousand dollars (\$35,000)~~ forty two
3-14 thousand four hundred and ninety three dollars (\$42,493), the state shall pay fifteen percent
3-15 (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the
3-16 cost of prescriptions.

3-17 (2) For married persons whose income for the calendar year immediately preceding the
3-18 year in which assistance is sought hereunder when combined with any income of the person's
3-19 spouse in the same year is:

3-20 (i) ~~Nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ Twenty four
3-21 thousand one hundred and seventy-nine dollars (\$24,179) or less, the state shall pay sixty percent
3-22 (60%) of the cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost
3-23 of the prescriptions;

3-24 (ii) More than ~~nineteen thousand nine hundred and sixteen dollars (\$19,916)~~ twenty-
3-25 four thousand one hundred and seventy-nine dollars (\$24,179) and less than ~~twenty five thousand~~

3-26 ~~dollars (\$25,000)~~ thirty thousand three hundred and fifty-two dollars (\$30,352), the state shall pay
3-27 thirty percent (30%) of the cost of the prescriptions and the consumer shall pay seventy percent
3-28 (70%) of the cost of prescriptions; and
3-29 (iii) More than ~~twenty-five thousand dollars (\$25,000)~~ thirty thousand three hundred
3-30 and fifty-two dollars (\$30,352) and less than ~~forty thousand dollars (\$40,000)~~ forty eight
3-31 thousand five hundred and sixty three dollars (\$48,563), the state shall pay fifteen percent (15%)
3-32 of the cost of prescriptions and the consumer shall pay eighty-five percent (85%) of the cost of
3-33 prescriptions.

3-34 (3) Eligibility may also be determined by using income data for the ninety (90) days
4-1 prior to application for benefits and projecting that income on an annual basis. The income levels
4-2 shall not include those sums of money expended for medical and pharmaceutical that exceed
4-3 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's
4-4 preceding ninety (90) day income computed on an annual basis.

4-5 (4) For persons on social security disability benefits who are: (i) unmarried or married
4-6 and living separate and apart with income for the calendar year immediately preceding the year in
4-7 which assistance is sought that is less than ~~thirty-seven thousand one hundred and sixty-seven~~
4-8 ~~dollars (\$37,167)~~ forty two thousand four hundred and ninety three dollars (\$42,493); or (ii)
4-9 married with income that is less than ~~forty-two thousand four hundred seventy-six dollars~~
4-10 ~~(\$42,476)~~ forty eight thousand five hundred and sixty three dollars (\$48,563) the state shall pay
4-11 fifteen percent (15%) of the cost of prescriptions and the consumer shall pay eighty-five percent
4-12 (85%) of the cost.

4-13 (b) On July 1 of each year, the maximum amount of allowable income for both
4-14 unmarried and married residents set forth in subsection (a) shall be increased by a percentage
4-15 equal to the percentage of the cost of living adjustment provided for social security recipients.

4-16 (c) No person whose prescription drug expenses are paid or reimbursable, either in
4-17 whole or in part, by any other plan of assistance or insurance is eligible for assistance under this
4-18 section, until the person's prescription drug coverage for a specific covered prescription
4-19 medication is exhausted or the specific prescription medication is not covered by the plan during
4-20 a benefit year, and as provided in subsection (d).

4-21 (d) The fact that some of a person's prescription drug expenses are paid or reimbursable
4-22 under the provisions of the federal Medicare program shall not disqualify that person, if he or she
4-23 is otherwise eligible, to receive assistance under this chapter. In those cases, the state shall pay
4-24 the eligible percentage of the cost of those prescriptions for qualified drugs for which no payment
4-25 or reimbursement is made by the federal government.

4-26 (e) Eligibility for receipt of any other benefit under any other provisions of the Rhode
4-27 Island general laws as a result of eligibility for the pharmaceutical assistance program authorized
4-28 under this section shall be limited to those persons whose income qualify them for a sixty percent
4-29 (60%) state co-payment share of the cost of prescriptions.

4-30 (f) For all additional drugs, the consumer shall pay one hundred percent (100%) of the
4-31 cost of prescriptions as set forth in § 42-66.2-4.

4-32 ~~(g) As of July 1, 2004, all new enrollees in the program whose income qualifies them~~
4-33 ~~for Transitional Assistance (135% of poverty) under the Medicare Prescription Drug,~~
4-34 ~~Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w-141], shall~~
5-1 ~~apply annually, for a Medicare prescription drug discount card, to be used in conjunction with~~
5-2 ~~benefits offered under this chapter, in order to continue to receive benefits under this chapter.~~
5-3 ~~Enrollees who joined the program prior to July 1, 2004 and who qualify for Transitional~~

5-4 ~~Assistance (135% of poverty) under the Medicare Prescription and Drug Improvement, and~~
5-5 ~~Modernization Act of 2003, Section 1860D-31 [42 U.S.C. § 1395w-141], shall, by September 30,~~
5-6 ~~2004 and continuously thereafter until such time as Medicare Part D becomes effective, make~~
5-7 ~~application for a Medicare prescription drug discount card to be used in conjunction with benefits~~
5-8 ~~offered under this chapter, in order to continue receiving benefits under this chapter.~~

5-9 (h)(g) To promote coordination of benefits between the pharmaceutical assistance
5-10 program created under this chapter and the Medicare Part D prescription drug program created in
5-11 the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, RIPAE
5-12 enrollees ~~whose income is at or below 150% of the federal poverty limit and whose resources are~~
5-13 ~~below the resource eligibility limits determined by the Centers for Medicare and Medicaid~~
5-14 ~~Services for low income assistance benefit under Medicare Part D~~ must apply for and enroll in the
5-15 Medicare Part D prescription drug program.

5-16 ~~The Rhode Island Pharmaceutical Assistance to the Elderly Program (RIPAE) is~~
5-17 ~~authorized to apply for transitional assistance with a specific drug card under the Medicare~~
5-18 ~~Prescription Drug, Improvement, and Modernization Act of 2003, Section 1860D-31 [42 U.S.C. §~~
5-19 ~~1395w-141] on behalf of applicants and eligible members under this article. RIPAE shall provide~~
5-20 ~~applicants and eligible members with prior written notice of, and the opportunity to decline, such~~
5-21 ~~automatic enrollment.~~

5-22 **42-66.2-6. Responsibilities of department of elderly affairs.** – (a) Determination of
5-23 eligibility. The department shall adopt regulations relating to the determination of eligibility of
5-24 prospective consumers and the determination and elimination of program abuse. The department
5-25 has the power to declare ineligible any consumer who abuses or misuses the established
5-26 prescription plan. The department has the power to investigate cases of suspected provider or
5-27 consumer fraud.

5-28 (b) Rebates for expenses prohibited. (1) A system of rebates or reimbursements to the
5-29 consumer for pharmaceutical expenses shall be prohibited.

5-30 (2) Subdivision (1) shall not be interpreted to exclude other consumers not participating
5-31 in the pharmaceutical assistance to the elderly program from receiving financial offers or
5-32 redeemable coupons that are available to only those who have paid for the service or product
5-33 through direct cash payment, insurance premiums, or cost sharing with an employer.

5-34 (c) Program criteria. The program includes the following criteria:

6-1 (1) Collection of the co-payment by pharmacies is mandatory;

6-2 (2) Senior citizens participating in the program are not required to maintain records of
6-3 each transaction but shall sign a receipt for eligible and additional drugs;

6-4 (3) A system of rebates or reimbursements to the consumer for pharmaceutical
6-5 expenses is prohibited;

6-6 (ii) This subdivision shall not be interpreted to exclude other consumers from receiving
6-7 financial offers or redeemable coupons that are available to only those who have paid for the
6-8 service or product through direct cash payment, insurance premiums, or cost sharing with an
6-9 employer.

6-10 (4) Prescription benefits for any single prescription may be dispensed in the amounts
6-11 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred
6-12 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day
6-13 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin
6-14 syringes are dispensed in a quantity of one hundred (100);

6-15 (5) Experimental drugs are excluded from the program;

6-16 (6) A system of mail order delivery for prescriptions is allowed under this program; and
6-17 (7) Eligible and additional drugs must be dispensed within one year of the original
6-18 prescription order.

6-19 (d) The director shall issue an eligibility card containing a program ID number and the
6-20 time period for which the card is valid.

6-21 (e) The director ~~shall institute and conduct an educational outreach program and~~ shall
6-22 provide a mechanism, within the department, to handle all public inquiries concerning the
6-23 program.

6-24 (f) The director shall establish a process, in accordance with the Administrative
6-25 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of
6-26 eligibility.

6-27 (g) The director shall forward to the contractor a list of all eligible consumers.

6-28 (h) Expenditures for multiple sclerosis drugs shall not exceed thirty thousand dollars
6-29 (\$30,000).

6-30 (i) Generic drug substitution is mandatory when there is an available generic drug
6-31 equivalent.

6-32 **42-66.2-7. Contract.** – (a) The director is authorized and shall enter into a contract with
6-33 the contractor for the effective administrative support of this program.

6-34 (b) ~~The pilot program contractor shall, under terms agreed to by the director, continue~~
7-1 ~~administrative support of the program until a competitive bid process can be implemented and a~~
7-2 ~~three (3) year contract awarded. The director shall initiate the competitive bid process by the~~
7-3 ~~issuance and advertisement of specifications and request for proposals, on or before January 1,~~
7-4 ~~1988. The contract resulting from the competitive bid process shall be awarded to become~~
7-5 ~~effective for a three (3) year period commencing no later than July 1, 1988. A competitive bid~~
7-6 ~~and contract award shall occur every three (3) years thereafter. in accordance with the state~~
7-7 ~~Medicaid authority’s competitive bid process and cycle.~~

7-8 **42-66.2-9. Annual report.** – (a) The director shall submit an annual report to the
7-9 governor, the budget officer, the chairperson of the house finance committee, the chairperson of
7-10 the senate finance committee, and the chairperson of the board of pharmacy as established by § 5-
7-11 19.1-4. The report shall contain the number of consumers eligible for the program, the number of
7-12 consumers utilizing the program, ~~an outline of and a report on the educational outreach program,~~
7-13 the number of appeals, an outline of problems encountered in the administration of the program
7-14 and suggested solutions to the problems, and any recommendations to enhance the program.

7-15 (b) The contractor shall submit an annual report to the governor, the budget officer, the
7-16 chairperson of the house finance committee, the chairperson of the senate finance committee, and
7-17 the board of pharmacy as established by § 5-19.1-4. The report shall contain financial and
7-18 utilization statistics as to drug use by therapeutic category, actuarial projections, an outline of
7-19 problems encountered in the administration of the program, and suggested solutions to the
7-20 problems and any recommendations to enhance the program.

7-21 ~~(c) The first report pursuant to this section shall be submitted on or before January 15,~~
7-22 ~~1986.~~

7-23 SECTION 3. Section 42-66.2-11 of the General Laws in Chapter 42-66.2 entitled
7-24 “Pharmaceutical Assistance to the Elderly Act” is hereby repealed.

7-25 ~~§ 42-66.2-11 Special Legislative Commission to Reconcile the Provisions of the~~
7-26 ~~Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization Act~~
7-27 ~~of 2003. — Due to the passage of the federal Medicare Prescription Drug and Modernization Act~~

7-28 ~~of 2003, some consumers of the Rhode Island Pharmaceutical Assistance for the Elderly Program~~
7-29 ~~will be eligible for federal Medicare coverage for some of their medication needs. It is the intent~~
7-30 ~~of the general assembly to study the provisions of the new federal act for Medicare prescription~~
7-31 ~~coverage and make recommendations for adjustments to the Rhode Island Pharmaceutical~~
7-32 ~~Assistance for the Elderly Program as necessary to ensure the maximum possible coverage and~~
7-33 ~~benefit to eligible consumers. The Special Legislative Commission to Reconcile the Provisions of~~
7-34 ~~the Pharmaceutical Assistance Program with the Medicare Prescription Drug and Modernization~~
8-1 ~~Act of 2003 shall be composed of ten (10) members, one of whom shall be the director of the~~
8-2 ~~department of human services, one of whom shall be the director of the department of elderly~~
8-3 ~~affairs, four (4) of whom shall be appointed from the house of representatives by the speaker of~~
8-4 ~~the house, with one of said appointees belonging to the minority leader, and four (4) of whom~~
8-5 ~~shall be appointed from the senate by the president of the senate, with one of said appointees~~
8-6 ~~belonging to the minority leader. The commission shall choose from among its member's co-~~
8-7 ~~chairpersons representing both chambers. State agencies shall make available any information~~
8-8 ~~deemed necessary by the commission to complete its task. The commission shall make its~~
8-9 ~~recommendations to the house and senate committees on finance on or before February 15, 2005.~~
8-10 SECTION 4. This article shall take effect as of July 1, 2008.

Discussion

MOTION: To find 08 H-7390 Art. 08 Sub A AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS as revised addresses the Commission’s prior concerns; Commission Supports BI/SB passed unanimously

08 H-7390 Art. 10 former 17 Sub A AN ARTICLE RELATING MEDICAL ASSISTANCE -- MANAGED CARE

Originally Article 17 of Governor's March 6th Amendment:

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 the agency’s reasons thereof.

Governor's March 6th Amendment:

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 the agency's reasons thereof.

Governor's May 6th Amendment:

SECTION 03 formerly SECTIONS 10 - 13 restores coverage up to 185% of the federal poverty level for parents or relative caretakers, restores the resource limit and the exemption for children with disabilities. It does not restore the 5% limit of annual income cost sharing. The cost sharing for families in the Katie Beckett program is contained in a new SECTION 15.

The Consumer Directed Health Care provision was moved to SECTION 04.

SECTIONS 11 & 13 are consolidated into the new SECTION 17.

The Substitute reduces the income eligibility to 175% of the federal poverty level, eliminates the resource limit entirely and retains the 5% limit of annual income cost sharing for families with incomes equal or greater than 133% of the federal poverty level. The Substitute also includes a mandate to dispense generic drugs to individuals eligible for medical assistance (Medicaid) under sections 40-8.4-4, 42-12.3-4 and 42-12.3-15. It does not contain an emergency rule making provision.

The Commission Supported original if amended

"The Commission believes the rules and regulations need to be fully reviewed and commented on prior to taking effect to reduce the changes unintended consequences do not

harm children with severe disabilities or discourage families from keeping their children at home rather than institutionalizing them due to the financial burden.”

The Commission opposed a provision originally in another Section of Article 17 which has been addressed in the Substitute, on line 5-11:

“The Commission believes the rules and regulations need to be fully reviewed and commented on prior to taking effect to reduce the changes unintended consequences do not harm adults who rely on antipsychotic drugs to maintain a stable lifestyle in the community. The physician is the appropriate person to make the determination of the most appropriate antipsychotic drug for each individual.”

The Commission opposed another provision originally in another Section of Article 17 which is now included in the Substitute, on lines 5-14 & 5-15 regarding the mandating of the use of generic drugs, see Article 08 above.

1-3 SECTION 1. Sections 40-8.4-4 and 40-8.4-12 of the General Laws in Chapter 40-8.4
1-4 entitled "Health Care For Families" are hereby amended to read as follows:

1-5 **40-8.4-4. Eligibility.** -- (a) Medical assistance for families. - There is hereby established
1-6 a category of medical assistance eligibility pursuant to section 1931 of Title XIX of the Social
1-7 Security Act, 42 U.S.C. section 1396u-1, for families whose income and resources are no greater
1-8 than the standards in effect in the aid to families with dependent children program on July 16,
1-9 1996 or such increased standards as the department may determine. The department of human
1-10 services is directed to amend the medical assistance Title XIX state plan and to submit to the U.S.
1-11 Department of Health and Human Services an amendment to the RIte Care waiver project to
1-12 provide for medical assistance coverage to families under this chapter in the same amount, scope
1-13 and duration as coverage provided to comparable groups under the waiver. The department is
1-14 further authorized and directed to submit such amendments and/or requests for waivers to the
1-15 Title XXI state plan as may be necessary to maximize federal contribution for provision of
1-16 medical assistance coverage under this chapter. However, implementation of expanded coverage
1-17 under this chapter shall not be delayed pending federal review of any Title XXI amendment or
1-18 waiver.

1-19 (b) Income. - The director of the department of human services is authorized and
1-20 directed to amend the medical assistance Title XIX state plan or RIte Care waiver to provide
1-21 medical assistance coverage through expanded income disregards or other methodology for
1-22 parents or relative caretakers whose income levels are below ~~one hundred eighty-five percent~~
1-23 ~~(185%)~~ one hundred seventy-five percent (175%) of the federal poverty level.

1-24 ~~(c) Resources.— Except as provided herein, no family or child shall be eligible for~~
1-25 ~~medical assistance coverage provided under this section if the combined value of the child's or the~~
1-26 ~~family's liquid resources exceed ten thousand dollars (\$10,000); provided, however, that this~~
1-27 ~~subsection shall not apply to:~~

1-28 ~~(1) children with disabilities who are otherwise eligible for medical assistance coverage~~
1-29 ~~as categorically needy under Section 134(a) of the Tax Equity and Fiscal Responsibility Act of~~
1-30 ~~1982 [federal P.L. 97-248] commonly known as Katie Beckett eligible, upon meeting the~~
2-1 ~~requirements established in Section 1902(e)(3) of the federal Social Security Act; and~~

2-2 ~~(2) pregnant women.~~

2-3 ~~Liquid Resources are defined as any interest(s) in property in the form of cash or other~~
2-4 ~~financial instruments or accounts which are readily convertible to cash or cash equivalents. These~~
2-5 ~~include, but are not limited to: cash, bank, credit union or other financial institution savings,~~
2-6 ~~checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds,~~

2-7 ~~mutual funds, and other similar financial instruments or accounts. These do not include~~
2-8 ~~educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or~~
2-9 ~~accounts held jointly with another adult, not including a spouse, living outside the same~~
2-10 ~~household but only to the extent the applicant/recipient family documents the funds are from~~
2-11 ~~sources owned by the other adult living outside the household, plus the proportionate share of any~~
2-12 ~~interest, dividend or capital gains thereon. The department is authorized to promulgate rules and~~
2-13 ~~regulations to determine the ownership and source of the funds in the joint account.~~

2-14 ~~(d)~~ (c) Waiver. - The department of human services is authorized and directed to apply
2-15 for and obtain appropriate waivers from the Secretary of the U.S. Department of Health and
2-16 Human Services, including, but not limited to, a waiver of the appropriate provisions of Title
2-17 XIX, to require that individuals with incomes equal to or greater than ~~one hundred fifty percent~~
2-18 ~~(150%)~~ one hundred seventy-five percent (175%) of the federal poverty level pay a share of the
2-19 costs of their medical assistance coverage provided through enrollment in either the RItE Care
2-20 Program or under the premium assistance program under section 40-8.4-12, in a manner and at an
2-21 amount consistent with comparable cost-sharing provisions under section 40-8.4-12, provided
2-22 that such cost sharing shall not exceed five percent (5%) of annual income for those with annual
2-23 income in excess of one hundred thirty-three percent (133%); and provided, further, that cost-
2-24 sharing shall not be required for pregnant women or children under age one.

2-25 **40-8.4-12. RItE Share Health Insurance Premium Assistance Program.** - (1)(a) Basic
2-26 RItE Share Health Insurance Premium Assistance Program.

2-27 (1) The department of human services is authorized and directed to amend the medical
2-28 assistance Title XIX state plan to implement the provisions of section 1906 of Title XIX of the
2-29 Social Security Act, 42 U.S.C. section 1396e, and establish the Rhode Island health insurance
2-30 premium assistance program for RItE Care eligible parents with incomes up to ~~one hundred~~
2-31 ~~eighty-five percent (185%)~~ one hundred seventy-five percent (175%) of the federal poverty level
2-32 who have access to employer-based health insurance. The state plan amendment shall require
2-33 eligible individuals with access to employer-based health insurance to enroll themselves and/or
2-34 their family in the employer-based health insurance plan as a condition of participation in the RItE
3-1 Share program under this chapter and as a condition of retaining eligibility for medical assistance
3-2 under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title 42 and/or premium assistance
3-3 under this chapter, provided that doing so meets the criteria established in section 1906 of Title
3-4 XIX for obtaining federal matching funds and the department has determined that the individual's
3-5 and/or the family's enrollment in the employer-based health insurance plan is cost-effective and
3-6 the department has determined that the employer-based health insurance plan meets the criteria
3-7 set forth in subsection (d). The department shall provide premium assistance by paying all or a
3-8 portion of the employee's cost for covering the eligible individual or his or her family under the
3-9 employer-based health insurance plan, subject to the cost sharing provisions in subsection (b),
3-10 and provided that the premium assistance is cost-effective in accordance with Title XIX, 42
3-11 U.S.C. section 1396 et seq.

3-12 ~~(2) Resources.— Except as provided herein, no family, individual, or child shall be~~
3-13 ~~eligible for medical assistance coverage provided under this section if the combined value of the~~
3-14 ~~child's or family's liquid resources exceeds ten thousand dollars (\$10,000); provided, however,~~
3-15 ~~that this subsection shall not apply to:~~

3-16 ~~(i) children with disabilities who are otherwise eligible for medical assistance coverage~~
3-17 ~~as categorically needy under Section 134(a) of the Tax Equity and Fiscal Responsibility Act of~~
3-18 ~~1982 [federal P.L. 97-248] commonly known as Katie Beckett eligible, upon meeting the~~

3-19 ~~requirements established in section 1902(e)(3) of the federal Social Security Act, and~~
3-20 ~~(ii) pregnant women.~~

3-21 (b) Individuals who can afford it shall share in the cost. - The department of human
3-22 services is authorized and directed to apply for and obtain any necessary waivers from the
3-23 secretary of the United States Department of Health and Human Services, including, but not
3-24 limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. section 1396 et seq., to
3-25 require that individuals eligible for RIte Care under this chapter or chapter 12.3 of title 42 with
3-26 incomes equal to or greater than ~~one hundred fifty percent (150%)~~ one hundred thirty-three
3-27 percent (133%) of the federal poverty level pay a share of the costs of health insurance based on
3-28 the individual's ability to pay, provided that the cost sharing shall not exceed five percent (5%) of
3-29 the individual's annual income. The department of human services shall implement the cost-
3-30 sharing by regulation, and shall consider co-payments, premium shares or other reasonable means
3-31 to do so.

3-32 (c) Current RIte Care enrollees with access to employer-based health insurance. - The
3-33 department of human services shall require any individual who receives RIte Care or whose
3-34 family receives RIte Care on the effective date of the applicable regulations adopted in
4-1 accordance with subsection (f) to enroll in an employer-based health insurance plan at the
4-2 individual's eligibility redetermination date or at an earlier date determined by the department,
4-3 provided that doing so meets the criteria established in the applicable sections of Title XIX, 42
4-4 U.S.C. section 1396 et seq., for obtaining federal matching funds and the department has
4-5 determined that the individual's and/or the family's enrollment in the employer-based health
4-6 insurance plan is cost-effective and has determined that the health insurance plan meets the
4-7 criteria in subsection (d). The insurer shall accept the enrollment of the individual and/or the
4-8 family in the employer-based health insurance plan without regard to any enrollment season
4-9 restrictions.

4-10 (d) Approval of health insurance plans for premium assistance. - The department of
4-11 human services shall adopt regulations providing for the approval of employer-based health
4-12 insurance plans for premium assistance and shall approve employer-based health insurance plans
4-13 based on these regulations. In order for an employer-based health insurance plan to gain approval,
4-14 the department must determine that the benefits offered by the employer-based health insurance
4-15 plan are substantially similar in amount, scope, and duration to the benefits provided to RIte Care
4-16 eligible persons by the RIte Care program, when the plan is evaluated in conjunction with
4-17 available supplemental benefits provided by the department. The department shall obtain and
4-18 make available to persons otherwise eligible for RIte Care as supplemental benefits those benefits
4-19 not reasonably available under employer-based health insurance plans which are required for RIte
4-20 Care eligible persons by state law or federal law or regulation.

4-21 (e) Maximization of federal contribution. - The department of human services is
4-22 authorized and directed to apply for and obtain federal approvals and waivers necessary to
4-23 maximize the federal contribution for provision of medical assistance coverage under this section.

4-24 (f) Implementation by regulation. - The department of human services is authorized and
4-25 directed to adopt regulations to ensure the establishment and implementation of the premium
4-26 assistance program in accordance with the intent and purpose of this section, the requirements of
4-27 Title XIX and any approved federal waivers.

4-28 SECTION 2. Section 40-21-1 of the General Laws in Chapter 40-21 entitled "Medical
4-29 Assistance - Prescription Drugs" is hereby amended to read as follows:

4-30 **40-21-1. Prescription drug program.** -- The department of human services is hereby

4-31 authorized and directed to amend its practices, procedures, regulations and the Rhode Island state
 4-32 plan for medical assistance (Medicaid) pursuant to title XIX of the Federal Social Security Act
 4-33 [42 U.S.C. section 1396 et seq.]to modify the prescription drug program:
 4-34 (1) To establish a preferred drug list (PDL);
 5-1 (2) To enter into supplemental rebate, discount or other agreements with pharmaceutical
 5-2 companies; and
 5-3 (3) To negotiate either state-specific supplemental rebates or to participate in a multi-
 5-4 state pooling supplemental rebate program.
 5-5 Determinations of drugs included on the PDL will be made by the State Department of
 5-6 Human Services, and a listing of such drugs shall be maintained on a public website. In making
 5-7 these determinations, the department shall consider the recommendations of the Medicaid
 5-8 Pharmaceutical and Therapeutics Committee, whose membership shall include practicing
 5-9 pharmacists and physicians, faculty members of the University of Rhode Island's College of
 5-10 Pharmacy, and consumers or consumer representatives. Drugs exempt from the PDL shall
 5-11 include: (1) antipsychotics; (2) anti-retrovirals; and (3) organ transplant medications. Physicians
 5-12 will be informed about prior authorization procedures for medications not on the PDL, and
 5-13 seventy-two (72) hour emergency supplies may be dispensed if authorizations cannot be obtained.
 5-14 [\(4\) To mandate the dispensing of generic drugs to individuals eligible for medical](#)
 5-15 [assistance \(Medicaid\) under sections 40-8.4-4, 42-12.3-4 and 42-12.3-15.](#)
 5-16 SECTION 3. This article shall take effect as of July 1, 2008.

Discussion

MOTION: To find **08 H-7390 Art. 10 Sub A AN ARTICLE RELATING TO MEDICAL ASSISTANCE -- MANAGED CARE** as revised addresses the Commission's prior concerns; Commission Supports LD/BI passed, abstained PP

3. Consideration of New Bills

Bob Cooper

08 H-8385 An Act RELATING TO EDUCATION

This act would provide that school districts would no longer have to provide transportation, school health services, certified nurse-teachers and textbooks to private school pupils. This act would take effect upon passage.

1-1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
 1-2 by adding thereto the following chapter:
 1-3 **CHAPTER 87**
 1-4 **PUBLIC EDUCATION EMERGENCY RELIEF ACT OF 2008**
 1-5 **16-87-1. Public Education Emergency Relief Act of 2008.** – (a) Findings. – The
 1-6 general assembly recognizes that the education of the state's children is critically important to the
 1-7 state's economy and future prosperity; and
 1-8 (b) There exists a budget deficit in the state of Rhode Island making additions in funding
 1-9 education aid increasingly difficult; and
 1-10 (c) State aid to education remains underfunded throughout the state; and
 1-11 (d) There continues to exist unfunded education mandates imposed by the state of Rhode
 1-12 Island on the public schools our state;
 1-13 (e) Therefore, the general assembly enacts the Public Education Emergency Relief Act of
 1-14 2008 whereby public schools in the state of Rhode Island are permitted relief from providing
 1-15 private school services, specifically, transportation services, school bus monitors, textbooks,
 1-16 nurses and crossing guards.
 1-17 2. Sections 16-21-1, 16-21-7 and 16-21-8 of the General Laws in Chapter 16-

1-18 21 entitled "Health and Safety of Pupils" are hereby amended to read as follows:

1-19 **16-21-1. ~~Transportation of public and private school pupils~~ Transportation of public**
2-1 **school pupils.** -- (a) The school committee of any town or city shall provide suitable

2-2 transportation to and from school for pupils attending public ~~and private~~ schools of elementary
2-3 and high school grades, ~~except private schools that are operated for profit~~, who reside so far from
2-4 the public ~~or private~~ school which the pupil attends as to make the pupil's regular attendance at
2-5 school impractical and for any pupil whose regular attendance would otherwise be impracticable
2-6 on account of physical disability or infirmity.

2-7 (b) For transportation provided to children enrolled in grades kindergarten through five
2-8 (5), school bus monitors, other than the school bus driver, shall be required on all school bound
2-9 and home bound routes. Variances to the requirement for a school bus monitor may be granted by
2-10 the commissioner of elementary and secondary education if he or she finds that an alternative
2-11 plan provides substantially equivalent safety for children. For the purposes of this section a
2-12 "school bus monitor" means any person sixteen (16) years of age or older.

2-13 **16-21-7. School health.** -- (a) Each community shall provide school health services for
2-14 all children attending public schools within its geographical boundaries. All schools that are
2-15 approved for the purpose of sections 16-19-1 and 16-19-2 shall have a school health program
2-16 which shall be approved by the state director of the department of health and the commissioner of
2-17 elementary and secondary education or the commissioner of higher education, as appropriate. The
2-18 program shall provide for the organized direction and supervision of a healthful school
2-19 environment, health education, and services. The program shall include and provide, within and
2-20 consistent with existing school facilities, for the administration of nursing care by certified nurse
2-21 teachers, as defined in section 16-21-8, as shall be requested, in writing, by the attending
2-22 physician of any student and authorized, in writing, by the parent or legal guardian of the student.
2-23 No instruction in the characteristics, symptoms, and the treatment of disease shall be given to any
2-24 child whose parent or guardian shall present a written statement signed by them stating that the
2-25 instructions should not be given the child because of religious beliefs.

2-26 (b) All Rhode Island elementary, middle and junior high schools that sell or distribute
2-27 beverages and snacks on their premises, including those sold through vending machines, shall be
2-28 required to offer healthier beverages effective January 1, 2007, and healthier snacks effective
2-29 January 1, 2008 as defined in chapter 21 of this title.

2-30 (c) All Rhode Island senior high schools that sell or distribute beverages and snacks on
2-31 their premises, including those sold through vending machines, shall be required to offer only
2-32 healthier beverages and snacks effective January 1, 2008 as defined in chapter 21 of this title.

2-33 (d) Schools may permit the sale of beverages and snacks that do not comply with the
2-34 above paragraph as part of school fundraising in any of the following circumstances:

3-1 (1) The items are sold by pupils of the school and the sale of those items takes place off
3-2 and away from the premises of the school.

3-3 (2) The items are sold by pupils of the school and the sale of those items takes place one
3-4 hour or more after the end of the school day.

3-5 (3) The items sold during a school sponsored pupil activity after the end of the school
3-6 day.

3-7 **16-21-8. Certified nurse-teacher.** -- (a) Each ~~school-system~~ community shall employ
3-8 certified nurse-teacher personnel certified by the state department of elementary and secondary
3-9 education in the public schools within its geographical boundaries; provided, however, that this
3-10 section shall not apply to those school districts which are currently allowed to share certified
3-11 nurse-teacher personnel by the department of elementary and secondary education. The school
3-12 health program as defined in section 16-21-7 shall only be staffed by certified personnel.

3-13 (b) Nothing in this section shall be construed to require a community to provide certified
3-14 nurse-teacher personnel to private schools within its geographical boundaries.

3-15 SECTION 3. Section 16-23-2 of the General Laws in Chapter 16-23 entitled "Textbooks"

3-16 is hereby amended to read as follows:
 3-17 **16-23-2. Loan of textbooks.** -- (a) The school committee of every community as it is
 3-18 defined in section 16-7-16 shall furnish upon request, at the expense of the community, textbooks
 3-19 to all students in public schools of the community, in grades K-12 in the fields of mathematics,
 3-20 science, modern foreign languages, English/language arts and history/social studies, appearing on
 3-21 the list of textbooks published by the commissioner of elementary and secondary education as
 3-22 provided in section 16-23-3, to all pupils of elementary and secondary school grades resident in
 3-23 the community, the textbooks to be loaned to the pupils free of charge, subject to any rules and
 3-24 regulations as to care and custody that the school committee may prescribe.
 3-25 (b) Every school committee shall also furnish at the expense of the community all other
 3-26 textbooks and school supplies used in the public schools of the community, the other textbooks
 3-27 and supplies to be loaned to the pupils of the public schools free of charge, subject to any rules
 3-28 and regulations as to care and custody that the school committee may prescribe. School books
 3-29 removed from school use may be distributed to pupils, and any textbook may become the
 3-30 property of a pupil who has completed the use of it in school, subject to rules and regulations
 3-31 prescribed by the school committee.
 3-32 (c) Nothing in this section shall be construed to forbid requiring or accepting from a
 3-33 pupil a deposit of a reasonable amount of money as a guaranty for the return of school property
 3-34 other than the books and supplies required in this section to be loaned free of charge, provided
 4-1 that the school committee shall make suitable rules and regulations for the safekeeping and return
 4-2 of deposits; and, provided, further, that in establishing schedules for deposits, the school
 4-3 committee should include provision for waiver of deposit due to financial hardship.
 4-4 SECTION 4. This act shall take effect upon passage.

Discussion: Will this act have any impact upon:
TITLE 16 Education CHAPTER 16-24 Children with Disabilities
 § 16-24-4 Transportation. – The school committee of each city and town shall provide for the transportation to and from school either within the school district or in another school district of the state for any child who has a disability in accordance with the regulations of the state board of regents for elementary and secondary education.

MOTION: To find harmful unless amend to protect special education transportation H 8385 An Act RELATING TO EDUCATION RC/BI passed, Abstained PP

4. Planning for the Public Forums **Tim Flynn**

Confirmed Public Forum Locations	Date & Time	Host	Area Covered
Barrington Public Library’s Gallery, 281 County Road, Barrington	Monday July 21 st 1:30 – 3 PM	Statewide Independent Living Council	Bristol County
Independence Square II, Independence Way, Kingston route 136 just west of the URI campus	Tuesday July 22 nd 3 – 5 PM	Rhodes to Independence	Washington (South) County
Warwick Public Library, 600 Sandy Lane, Warwick	Wednesday July 23 rd 2 – 4 PM	Ocean State Center for Independent Living	Kent County
<i>Middletown Public Library*</i>		Looking Upwards	Newport County
Cumberland Library, 1464 Diamond	Thursday July 24 th	PARI Independent	Northern RI

Confirmed Public Forum Locations	Date & Time	Host	Area Covered
Hill Road, Cumberland	10 – 11:30 AM	Living Center	
<i>RI Department of Administration Conference Room A One Capitol Hill or Meeting Street School, Providence*</i>	<i>Friday July 25th 3 – 5 PM</i>	RI Department of Health	Greater Providence

**tentative, not confirmed*

Sponsor	Donation/Service
RI Commission on the Deaf and Hard of Hearing	Interpreters for the Deaf
Office of Rehabilitation Services	Real-time Captioning
RI Public Transit Authority	After hours RIDE services

Community Provider Network of RI; In-Sight, National Multiple Sclerosis Society, RI Chapter; Neighborhood Health Plan of RI; Opportunities Unlimited for People with Differing Abilities; PAL; Paul V. Sherlock Center on Disabilities @ RIC; RI Statewide Independent Living Council

Newspapers used in 2007	Deadline for Ad for week of 7/13/08	Quote 2 column by 10 inch Display Ad
RI Newspaper Group (21 papers)	7/10/08	\$1,460.00
Kent County Daily/Hometown (6 papers)	7/09/08	\$1,014.60
Newport Daily News + NE & SC Independence	7/11/08	\$558.00
Pawtucket Times / Woonsocket Call	7/09/08	\$965.20
Providence American	7/11/08	\$310.00
Providence Journal	7/11/08	\$2,473.00
Westerly Sun	7/14/08	\$200.00
Providence en Espanol	7/01/08	\$560.00
Total		\$7,540.80
Co-sponsor Fees received		\$1,800.00
Co-sponsor Fees pledged		\$150.00
Balance Needed		(\$5,590.80)

Questions on Report: Report on Commission's Legislative Package Status	10 min.
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The Commission Position: Commission Supports this bill

Recommend Passage

08 H-7390 Art. 17 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sponsor: Rep. Watson House Calendar

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

08 H-7390 Art. 21 Sub A RELATING TO GENERAL PUBLIC ASSISTANCE - HARDSHIP Sponsor: Rep. Watson House Calendar

Total of GCD Bills Commission Supports this bill - Recommend Passage: 3

Indefinitely Postponed

08 H-7390 Art. 17 Sec. 01 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Office of Health and Human Services Sponsor: Rep. Watson House Finance Committee

08 H-7390 Art. 17 Sec. 08 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Long-Term Care Re-balancing System Reform Goal Sponsor: Rep. Watson Similar to House Finance Committee

08 H-7390 Art. 17 Sec. 09 - 10 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Family Court & the RI Training School Sponsor: Rep. Watson House Finance Committee

Total of GCD Bills Commission Supports this bill - Indefinitely Postponed: 3

In Committee

08 H-7023 AN ACT RELATING TO FAMILY COURT -- JURISDICTION Sponsor: Rep. Gemma House Finance Committee

08 S-2697 Sub A AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES Sponsor: Sen. Levesque Sub A is identical to H 7235 & S 2290 House Municipal Government Committee

Total of GCD Bills Commission Supports this bill - In Committee: 2

Continued

08 H-7235 AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES Sponsor: Rep. Kilmartin Identical to S 2290 House Municipal Government Committee

08 S-2290 AN ACT RELATING TO CITIES AND TOWNS -- ZONING ORDINANCES Sponsor: Sen. Levesque Identical to H 7235 & S 2697 Sub A Senate Housing and Municipal Government Committee

08 H-7319 AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - GOVERNMENTAL TORT LIABILITY STATE BOARDS AND COMMISSIONS Sponsor: Rep. Fox House Finance Committee

Total of GCD Bills Commission Supports this bill - Continued: 3

Total of GCD Bills Commission Supports this bill - 11

The Commission Position: Commission Opposes this bill

Withdrawn by sponsor

08 H-7390 Art. 17 Sec. 17 old Sub A 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 Sponsor: Rep. Watson House Finance Committee

08 H-7390 Art. 17 Sec. 29 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Rhode Island Assisted Housing Living Waiver Sponsor: Rep. Watson House Finance Committee

Total of GCD Bills Commission Opposes this bill - Withdrawn by sponsor: 2

Recommend Passage

08 H-7390 Art. 08 formerly 42 Sub A AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS Sponsor: Rep. Watson House Calendar

Total of GCD Bills Commission Opposes this bill - Recommend Passage: 1

Indefinitely Postponed

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

Total of GCD Bills Commission Opposes this bill - Indefinitely Postponed: 1

Total of GCD Bills Commission Opposes this bill - 4

The Commission Position: Commission Supports this bill if its amended

Recommend Passage

08 H-7390 Art. 10 former 17 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT - Medical Assistance -- Managed Care Sponsor: Rep. Watson House Calendar

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

Indefinitely Postponed

08 H-7390 Art. 17 Sec. 03 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT - Health Care for Families Sponsor: Rep. Watson House Finance

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

Continued

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

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

Total of GCD Bills Commission Supports this bill if its amended - 3

The Commission Position: Commission Opposes this bill unless its amended

Withdrawn by sponsor

08 H-7390 Art. 17 Sec. 17 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Emergency Rules and Regulations Sponsor: Rep. Watson House Finance Committee

Total of GCD Bills Commission Opposes this bill unless its amended - Withdrawn by sponsor: 1

Indefinitely Postponed

08 H-7390 Art. 17 Sec. 05 - 06 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Health Care for Elderly and Disabled Residents Sponsor: Rep. Watson House Finance Committee

08 H-7390 Art. 17 Sec. 14 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Medical Assistance- Antipsychotic Prescription Drugs Sponsor: Rep. Watson House Finance Committee

08 H-7390 Art. 17 Sec. 15 Sub A AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Cost Sharing for Disabled Children Sponsor: Rep. Watson House Finance Committee

Total of GCD Bills Commission Opposes this bill unless its amended - Indefinitely Postponed: 3

Total of GCD Bills Commission Opposes this bill unless its amended - 4

The Commission Position: Committee finds this bill Beneficial

Passed in Concurrence

08 H-7463 Sub A AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS Sponsor: Rep. Baldelli-Hunt Identical to S 2130 Sub A Senate Desk

08 S-2130 Sub A AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS Sponsor: Sen. Gallo Identical to H 7463 Sub A & similar to H 7125 House Desk

Total of GCD Bills Committee finds this bill Beneficial - Passed in Concurrence: 2

Passed and Transferred

08 S-2679 Sub A as Amended AN ACT RELATING TO BUSINESSES AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008 Sponsor: Sen. Paiva-Weed Identical to H 7409 House Health, Education, & Welfare Committee

Total of GCD Bills Committee finds this bill Beneficial - Passed and Transferred: 1

In Committee

08 S-2156 AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY Sponsor: Sen. Blais Senate Finance Committee

08 S-2194 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT Sponsor: Sen. Metts Senate Judiciary Committee

08 H-8113 AN ACT RELATING TO HUMAN SERVICES - FAMILY INDEPENDENCE ACT Sponsor: Rep. Dennigan House Finance Committee

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 Similar to H 7390 Art. 17 Sec. 08 House Finance Committee

Total of GCD Bills Committee finds this bill Beneficial - In Committee: 4

Continued

08 S-2282 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM Sponsor: Sen. Perry Similar to S 2223 Senate Health and Human Services Committee

08 H-7409 AN ACT RELATING TO BUSINESS AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008 Sponsor: Rep. Kilmartin Identical to S 2679 House Health, Education, & Welfare Committee

08 H-8249 AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY AND STATEWIDE TRANSPORTATION OF PUPILS Sponsor: Rep. Jacquard House Finance Committee

Total of GCD Bills Committee finds this bill Beneficial - Continued: 3

Total of GCD Bills Committee finds this bill Beneficial - 10

The Commission Position: Committee finds this bill Harmful

Withdrawn by sponsor

08 H-7567 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS Sponsor: Rep. Loughlin Identical to H 2133 House Health, Education, & Welfare

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

In Committee

08 S-2133 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS Sponsor: Sen. Gibbs Identical to H 7567 Senate Finance Committee

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

Continued

08 H-7206 AN ACT RELATING TO EDUCATION - - MANDATES Sponsor: Rep. Corvese House Health, Education, & Welfare Committee

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

Total of GCD Bills Committee finds this bill Harmful - 3

The Commission Position: Committee finds this bill Beneficial if amended

Recommended

08 H-7176 Sub A AN ACT RELATING TO CRIMINAL PROCEDURE -- ELDERLY VIOLENCE PREVENTION ACT Sponsor: Rep. Naughton House Judiciary Committee

Total of GCD Bills Committee finds this bill Beneficial if amended - Recommitted: 1

In Committee

08 H-7205 AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS Sponsor: Rep. Silva House Health, Education, & Welfare Committee

08 H-7384 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION Sponsor: Rep. Naughton Similar to H 7990 House Finance Committee

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

Continued

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

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

08 H-7990 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION Sponsor: Rep. Naughton Similar to H 7384 House Finance Committee

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

Total of GCD Bills Committee finds this bill Beneficial if amended - 6

The Commission Position: Neutral now that it has been amended

Indefinitely Postponed

08 H-7390 Art. 17 Sec. 12 Sub A Elderly Affairs Department - Duties of the department Sponsor: Rep. Watson House Finance Committee

08 H-7390 Art. 17 Sec. 13 Sub A Home and Community Services to the Elderly Sponsor: Rep. Watson House Finance Committee

Total of GCD Bills Neutral now that it has been amended - Indefinitely Postponed: 2

Continued

08 S-2960 AN ACT RELATING TO HEALTH AND SAFETY Sponsor: Sen. Levesque Identical to H 8271 Senate Health and Human Services Committee

08 H-8271 AN ACT RELATING TO HEALTH AND SAFETY Sponsor: Rep. Naughton Identical to S 2960 House Health, Education, & Welfare Committee

Total of GCD Bills Neutral now that it has been amended - Continued: 2

Total of GCD Bills Neutral now that it has been amended - 4

Announcements and Scheduling of Meetings		Chairperson	5 min.
Next meeting will be devoted to the final planning of the Public Forums			
Next meeting will be on:	Monday July 7 th	Starting at: 3 PM	
Adjournment:	Chairperson adjourned the meeting at 4:30 PM		
Other Information			
Observers:	Claudia Lowe, Richard Costa (GCD Fellow)		
Resource persons:	Bob Cooper, Committee Staff		