



Governor's Commission on Disabilities' Legislation Committee

Tuesday 13, 2009 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair.); Jeanne Behie; Sharon Brinkworth; Rosemary C. Carmody; Liberty Goodwin; William R. Inlow; Arthur M. Plitt & Linda Ward		
Absent:	Kate McCarthy-Barnett (Vice Chair.); Raymond Bandusky; Linda Deschenes; Elaina Goldstein; Susan Hurd; Katherine Lowe; Paula Parker; Gwendolyn; Reeve Rev. Gerard O. Sabourin; & Janet Spinelli		
----- Minutes -----			
Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.	
Introductions: Chair called the meeting to order at 3:12 PM.			
MOTION: To accept the minutes of the previous meeting as presented AP/RC passed, BI Nay			
Action Items:	Discussion Leader:	Time:	
1. Drafting of Wheelchair Accessible Taxicab Bill	Bob Cooper, Executive Secretary	30 min	
Discussion: The Commission's original 2007 bill contained the following provision			
SECTION 1. Section 39-14-10 of the General Laws in Chapter 39-14 entitled "Taxicabs and limited public motor vehicles" is hereby amended to read as follows:			
39-14-10. Repealed. <u>Wheelchair Accessible Taxicabs –</u>			
<u>Any certificate holder authorized for 25 or more vehicles for hire and purchases or leases a new vehicle (the solicitation for the vehicle being made after January 1, 2010) shall ensure that the new vehicle is a wheelchair accessible taxicab (applies only to ground transportation service providers that furnish taxicab service). Once two percent but not less than one vehicle is a wheelchair accessible taxicab, additional purchases or leases of new vehicles will not have to be wheelchair accessible taxicabs.</u>			
SECTION 2. This act shall take effect on January 1, 2010.			
MOTION: To direct the staff to arrange for the introduction of a Wheelchair Accessible Taxicab bill, containing the language above. AP/SB passed unanimously			
2. Consideration of 09-H 5019 Making Revised Appropriations for the Support of the State for the Fiscal Year Ending June 30, 2009	Tim Flynn	50 min.	
Article 2 Relating to Gubernatorial Authority			
This article provides the Governor with the authority needed to manage through the economic crisis.			

It includes four discrete items, restoring the Governor's power to reduce or suspend appropriations for the purpose of maintaining a balance budget; authorizing the Governor to make recommendation on the legislative and judicial budgets; authorizing inter-fund borrowings to the General Fund beyond the close of the fiscal year; authorizing inter-fund transfers to the Employment Security Fund during FY 2009 and FY 2010, and providing for emergency rules and regulations in order to achieve budgetary savings in FY 2009 or FY 2010.

35-13 SECTION 1. Chapter 35-3 of the General Laws in entitled "State Budget" is hereby
35-14 amended by adding thereto the following section:

35-15 35-3-16. Reduction or suspension of appropriations to maintain balanced budget. --

35-16 Based upon revenue estimates adopted by the revenue estimating conference and at any time
35-17 during the fiscal year , if it is indicated that actual revenue receipts or resources will not equal the
35-18 original estimates upon which appropriations were based, or if the state budget officer projects
35-19 that spending for caseload costs as estimated by the caseload estimating conference, will result in
35-20 expenditures exceeding appropriations, the governor, for the purpose of maintaining a balanced
35-21 budget, shall have the power to reduce or suspend appropriations for any or all departments or
35-22 subdivisions thereof, excepting the general assembly, legislative agencies, and legislative
35-23 committees and commissions, and shall have the power to reduce the payment of aid to local
35-24 governments that is appropriated within line items contained in department budgets. At least ten
35-25 (10) business days prior to taking any such action, the governor shall thereupon notify, in writing,
35-26 the speaker of the house, the president of the senate, and the chairpersons of the house and senate
35-27 finance committees. Said writing shall state specifically the action to be taken and shall state the
35-28 specific reasons which necessitated such action.

37-4 SECTION 3. Any rule or regulation promulgated by an agency or department that is
37-5 deemed necessary or advisable to achieve budgetary savings during fiscal years 2009 or 2010
37-6 shall be effective immediately as an emergency rule upon the agency's or department's filing
37-7 thereof with the secretary of state, as it is hereby found that the current fiscal crisis in this state
37-8 has caused an imminent peril to the public health, safety, and welfare. As such, agencies or
37-9 departments are hereby exempted from the requirements of §§ 42-35-3(b) relating to agency
37-10 findings of imminent peril to public health, safety and welfare and the filing of statements of the
37-11 agency's reasons thereof.

**MOTION: To find harmful 09-H 5019 Article 2 Relating to Gubernatorial Authority
LW/RC passed unanimously**

Article 22 Relating to Transportation of Pupils

This article amends Sections 16-21-1, 16-21.1-7 and 16-21.1-8 to require that effective upon the implementation of the statewide system of transportation for special needs students and the eventual implementation the transportation system for all students, each school committee must utilize the statewide transportation system unless it fulfills its transportation obligations primarily through the use of district-owned buses and district employees in which case it may continue to do so. This article also adds Section 16-21.1-9 to provide that management and oversight of the statewide transportation system shall be the responsibility of the department of elementary and secondary education. Should the department of elementary and secondary education deem outsourcing of the management function to be more efficient, an outside consultant will be retained. Analysis of data under this proposal reveals that approximately \$3.5 - \$5.0M in savings will be achieved during the initial phase of this project and additional savings of \$8.0 - \$10.0M will accrue as this is applied

statewide, both in-district and out-of-district.

Additionally, an amendment to Section 16-21-1 adds subsection (c) which requires districts entering into transportation contracts pending implementation of the statewide transportation system to ensure that such contracts permit eventual participation in the statewide transportation system without penalty to the district. This article will allow districts to achieve cost savings through shared transportation services. **Note that if this Article and Article 18 are both enacted, then Section B of this Article needs to be repealed.**

84-28 SECTION 1. Section 16-21-1 of the General Laws in Chapter 16-21 entitled
84-29 “Transportation of public and private school pupils” is hereby amended to read as follows:
84-30 **16-21-1. Transportation of public and private school pupils. --** (a) The school
84-31 committee of any town or city shall provide suitable transportation to and from school for pupils
84-32 attending public and private schools of elementary and high school grades, except private schools
84-33 that are operated for profit, who reside so far from the public or private school which the pupil
84-34 attends as to make the pupil's regular attendance at school impractical and for any pupil whose
85-1 regular attendance would otherwise be impracticable on account of physical disability or
85-2 infirmity.

85-3 (b) For transportation provided to children enrolled in grades kindergarten through five
85-4 (5), school bus monitors, other than the school bus driver, shall be required on all school bound
85-5 and home bound routes. Variances to the requirement for a school bus monitor may be granted by
85-6 the commissioner of elementary and secondary education if he or she finds that an alternative
85-7 plan provides substantially equivalent safety for children. For the purposes of this section a
85-8 "school bus monitor" means any person sixteen (16) years of age or older.

85-9 (c) No school committee shall negotiate, extend, or renew any transportation contract
85-10 unless such contract enables the district to participate in the statewide transportation system,
85-11 without penalty to the district, upon implementation of the statewide transportation system
85-12 described in to RIGL sections 16-21.1-7 and 16-21.1-8. Notice of the implementation of the
85-13 statewide transportation system for in-district transportation shall be provided in writing by the
85-14 department of elementary and secondary education to the superintendent of each district upon
85-15 implementation. Upon implementation of the statewide system of transportation for all students,
85-16 each school committee shall purchase transportation services for their own resident students by
85-17 accessing the statewide system on a fee-for-service basis for each student; provided, however,
85-18 that any school committee that fulfills its transportation obligations primarily through the use of
85-19 district-owned buses and district employees may continue to do so.

85-20 SECTION 2. Sections 16-21.1-7 and 16-21.1-8 of the General Laws in Chapter 16-21.1
85-21 entitled “Transportation of School Pupils Beyond City and Town Limits” are hereby amended to
85-22 read as follows:

85-23 **16-21.1-7. Statewide transportation of students with special needs. --** Notwithstanding
85-24 the regional structure created in this chapter, and pursuant to the obligation of school committees
85-25 to transport children with special needs to and from school either within the school district or in
85-26 another school district of the state created by section 16-24-4, the department of elementary and
85-27 secondary education, in collaboration with the office of statewide planning of the department of
85-28 administration, and the Rhode Island public transit authority shall develop a plan for the creation
85-29 and implementation of a statewide system of transportation of students with special needs to and
85-30 from school. The statewide school transportation system for children with special needs shall be
85-31 provided through a competitive request for proposals to which vendors of transportation services
85-32 may respond. Effective upon the implementation of this statewide system of transportation for

85-33 students with special needs, each school committee ~~may~~ shall purchase the transportation services
85-34 for their own resident students with special needs by accessing this integrated statewide system of
86-1 transportation for children with special needs on a fee-for-service basis for each child; provided,
86-2 however, that any school committee that fulfills its transportation obligations primarily through
86-3 the use of district-owned buses and district employees may continue to do so. The goal of the
86-4 statewide system of transportation for students with special needs shall be the reduction of
86-5 duplication of cost and routes in transporting children from the various cities and towns to the
86-6 same special education program providers using different buses from each city and town, the
86-7 improvement of services to children through the development of shorter ride times and more
86-8 efficient routes of travel, and the reduction of cost to local school committees through achieving
86-9 efficiency in eliminating the need for each school district to contract for and provide these
86-10 specialized transportation services separately. The department of elementary and secondary
86-11 education shall submit a report of their findings and plans to the general assembly by March 30,
86-12 2008.

86-13 **16-21.1-8. Statewide transportation system for all students to be established.-**

86-14 Notwithstanding the regional structure created in this chapter, the department of elementary and
86-15 secondary education, in collaboration with the office of statewide planning of the department of
86-16 administration, and the Rhode Island public transit authority shall conduct a comprehensive study
86-17 of all current transportation services for students in Rhode Island school districts in order to
86-18 develop a plan for the creation and implementation of a statewide system of transportation of all
86-19 students to and from school. The statewide school transportation system for all students shall be
86-20 provided through a competitive request for proposals to which vendors of transportation services
86-21 may respond. Effective upon the implementation of this statewide system of transportation for all
86-22 students, each school committee ~~may~~ shall purchase the transportation services for their own
86-23 resident students by accessing this integrated statewide system of transportation on a fee-for-
86-24 service basis for each child; provided, however, that any school committee that fulfills its
86-25 transportation obligations primarily through the use of district-owned buses and district
86-26 employees may continue to do so. The goals of the statewide system of transportation for all
86-27 students shall be the reduction of duplication of cost and routes in transporting children from the
86-28 various cities and towns using different buses within and between each city and town, the
86-29 improvement of services to children through the development of shorter ride times and more
86-30 efficient routes of travel, and the reduction of cost to local school committees through achieving
86-31 efficiency in eliminating the need for each school district to contract for and provide these
86-32 transportation services separately. The comprehensive study of all current transportation services
86-33 for students in Rhode Island school districts and development of a plan for a statewide system of
86-34 transportation of all students to and from school shall be completed, with a report to the general
87-1 assembly by March 30, 2008.

87-2 SECTION 3. Chapter 16-21.1 of the General Laws entitled “Transportation of School
87-3 Pupils Beyond City and Town Limits” is hereby amended by adding hereto the following section:

87-4 **16-21.1-9. Oversight of statewide transportation system. -- Upon implementation of**
87-5 **the statewide system of transportation, the department of elementary and secondary education**
87-6 **shall manage and oversee the system in collaboration with the office of statewide planning at the**
87-7 **department of administration, and the Rhode Island public transit authority. Should outsourcing**
87-8 **of this function be deemed more efficient, management of the system may be delegated to an**
87-9 **outside consultant through a competitive request for proposals.**

87-10 SECTION 4. This article shall take effect upon passage.

Potential MOTION: To find beneficial 09-H 5019 Article 22 Relating to Transportation of Pupils AP/JB passed unanimously

Article 23 Relating to Health and Safety of Pupils – School Nurses

This article amends section 16-21-7 to require the board of regents to develop policies, procedures, and regulations to ensure a healthful school environment section and maintains the requirement that schools have nurses while section 16-21-8 repeals the need for school nurses to be certified as teachers.

87-14 SECTION 1. Section 16-21-7 of the General Laws in Chapter 16-21 entitled “Health and
87-15 Safety of Pupils” is hereby amended to read as follows:

87-16 **16-21-7. School health program.** -- (a) All schools that are approved for the purposes of
87-17 16-19-1 and 16-19-2 shall have a school health program which shall be approved by the state
87-18 director of the department of health and the commissioner of elementary and secondary education
87-19 or the commissioner of higher education, as appropriate. The program shall provide for the
87-20 organized direction and supervision of a healthful school environment, health education, and
87-21 services. The program shall include and provide, within and consistent with existing school
87-22 facilities, for the administration of nursing care by certified nurses ~~teachers, as defined in 16-21-~~
87-23 ~~8,~~ as shall be requested, in writing, by the attending physician of any student and authorized, in
87-24 writing, by the parent or legal guardian of the student. No instruction in the characteristics,
87-25 symptoms, and the treatment of disease shall be given to any child whose parent or guardian shall
87-26 present a written statement signed by them stating that the instructions should not be given the
87-27 child because of religious beliefs. The board of regents for elementary and secondary education
87-28 shall develop such policies, procedures and regulations, deemed necessary, to ensure all students,
87-29 enrolled in public school districts, charter schools and regional educational collaboratives, are
87-30 guaranteed a healthful school environment, receive a comprehensive health education, and
87-31 receive the benefit of all other related health care services.

87-32 (b) All Rhode Island elementary, middle and junior high schools that sell or distribute
87-33 beverages and snacks on their premises, including those sold through vending machines, shall be
87-34 required to offer healthier beverages effective January 1, 2007, and healthier snacks effective
88-1 January 1, 2008 as defined in chapter 21 of this title.

88-2 (c) All Rhode Island senior high schools that sell or distribute beverages and snacks on
88-3 their premises, including those sold through vending machines, shall be required to offer only
88-4 healthier beverages and snacks effective January 1, 2008 as defined in chapter 21 of this title.

88-5 (d) Schools may permit the sale of beverages and snacks that do not comply with the
88-6 above paragraph as part of school fundraising in any of the following circumstances:

88-7 (1) The items are sold by pupils of the school and the sale of those items takes place off
88-8 and away from the premises of the school.

88-9 (2) The items are sold by pupils of the school and the sale of those items takes place one
88-10 hour or more after the end of the school day.

88-11 (3) The items sold during a school sponsored pupil activity after the end of the school
88-12 day.

88-13 SECTION 2. Section 16-21-8 of the General Laws in Chapter 16-21 entitled “Health and
88-14 Safety of Pupils” is hereby repealed:

88-15 ~~**16-21-8. Certified nurse teacher.** -- Each school system shall employ certified nurse-~~
88-16 ~~teacher personnel certified by the state department of elementary and secondary education;~~
88-17 ~~provided, however, that this section shall not apply to those school districts which are currently~~
88-18 ~~allowed to share certified nurse teacher personnel by the department of elementary and secondary~~

88-19 ~~education. The school health program as defined in § 16-21-7 shall only be staffed by certified~~
88-20 ~~personnel.~~
88-21 SECTION 3. This article shall take effect upon passage.

Potential MOTION: To find beneficial 09-H 5019 Article 23 Relating to Health and Safety of Pupils – School Nurses JB/SB passed Abstain LG

Article 32 Relating To Pension Reform

This article sets minimum retirement age of 59 for state employees and teachers, and eliminates cost of living adjustments for state employees, teachers, judges and state police who retire after April 1, 2009. It also modifies wage base for the pension benefit calculation for state police to be comparable to other state employees. It provides that public employees who receive a disability pension after April 1, 2009 in accordance with 36-10-14 will either receive 66 2/3% or 50% of their allowance depending on a finding by the retirement board of whether the individual is entirely disabled from further employment; This article also authorizes the transfers to the Employee Retirement System from State and Local governments be made from February 1, 2009 to June 30, 2009 at 25 percent of the rate that was determined by the actuary in June 2008.

119-16 **36-10-14. Retirement for accidental disability.** -- (a) Medical examination of an active
119-17 member for accidental disability and investigation of all statements and certificates by him or her
119-18 or in his or her behalf in connection therewith shall be made upon the application of the head of
119-19 the department in which the member is employed or upon application of the member, or of a
119-20 person acting in his or her behalf, stating that the member is physically or mentally incapacitated
119-21 for the performance of service as a natural and proximate result of an accident while in the
119-22 performance of duty, and certify the definite time, place, and conditions of the duty performed by
119-23 the member resulting in the alleged disability, and that the alleged disability is not the result of
119-24 willful negligence or misconduct on the part of the member, and is not the result of age or length
119-25 of service, and that the member should, therefore, be retired.
119-26 (b) The application shall be made within five (5) years of the alleged accident from
119-27 which the injury has resulted in the members present disability and shall be accompanied by an
119-28 accident report and a physicians report certifying to the disability; provided that if the member
119-29 was able to return to his or her employment and subsequently reinjures or aggravates the same
119-30 injury, the application shall be made within the later of five (5) years of the alleged accident or
119-31 three (3) years of the reinjury or aggravation. The application may also state that the member is
119-32 permanently and totally disabled from any employment.
119-33 (c) If a medical examination conducted by three (3) physicians engaged by the
119-34 retirement board and such investigation as the retirement board may desire to make shall show
120-1 that the member is physically or mentally incapacitated for the performance of service as a
120-2 natural and proximate result of an accident, while in the performance of duty, and that the
120-3 disability is not the result of willful negligence or misconduct on the part of the member, and is
120-4 not the result of age or length of service, and that the member has not attained the age of sixty-
120-5 five (65), and that the member should be retired, the physicians who conducted the examination
120-6 shall so certify to the retirement board stating the time, place, and conditions of service performed
120-7 by the member resulting in the disability and the retirement board may grant the member an
120-8 accidental disability benefit.
120-9 (d) The retirement board shall establish uniform eligibility requirements, standards, and
120-10 criteria for accidental disability which shall apply to all members who make application for
120-11 accidental disability benefits.
120-12 **36-10-15. Amount of accidental disability benefit.** -- (a) Upon retirement for accidental

120-13 disability under § 36-10-14, a member shall receive a maximum benefit which shall be equal to
120-14 sixty-six and two-thirds percent (66 2/3%) of his or her annual compensation at the time of his or
120-15 her retirement, subject to the provisions of § 36-10-31. Upon retirement for accidental disability
120-16 incurred on or after April 1, 2009, if the member has been found to be permanently and totally
120-17 disabled from service but has not been found by the board to be permanently and totally disabled
120-18 from any employment as a result of his/her accidental disability, a member shall receive a
120-19 retirement allowance equal to fifty percent (50%) of the rate of the member's compensation at the
120-20 date of the member's retirement subject to the provisions of § 36-10-31. The retiree shall, as a
120-21 condition of continued receipt of a disability retirement allowance, on or before a date fixed by
120-22 the retirement board, annually under penalties of perjury provide the board with such affidavits
120-23 and accurate evidence of earnings, employment and gainful activity as the board may require,
120-24 including, but not limited to, joint and/or individual tax returns. The employee shall be credited
120-25 with service for his/her period of disability and, upon reaching the earlier of age fifty-nine (59)
120-26 with twenty-nine (29) years of service or age sixty-five (65) with ten (10) years of service, his/her
120-27 retirement shall convert to a retirement on service allowance set forth in this chapter.

120-28 (b) Upon retirement for accidental disability that has been found by the board to be
120-29 permanently and totally disabling from any employment, a member receives a retirement
120-30 allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's
120-31 compensation at the date of the member's retirement subject to the provisions of § 36-10-31. The
120-32 retirement board shall apply the terms of subsection 28-33-17(b) in determining total disability.

124-31 **16-16-16. Retirement for accidental disability.** -- (a) Medical examination of an active
124-32 teacher for accidental disability, and investigation of all statements and certificates by him or her
124-33 or in his or her behalf in connection with the accidental disability, shall be made upon the
124-34 application of the head of the department in which the teacher is employed or upon application of
125-1 the teacher, or of a person acting in his or her behalf, stating that the teacher is physically or
125-2 mentally incapacitated for the performance of service as a natural and proximate result of an
125-3 accident, while in the performance of duty, and certify the definite time, place, and conditions of
125-4 the duty performed by the teacher resulting in the alleged disability, and that the alleged disability
125-5 is not the result of willful negligence or misconduct on the part of the teacher, and is not the result
125-6 of age or length of service, and that the teacher should, therefore, be retired.

125-7 (b) The application shall be made within five (5) years of the alleged accident from which
125-8 the injury has resulted in the teacher's present disability, and shall be accompanied by an accident
125-9 report and a physician's report certifying to the disability; provided, that, if the teacher was able to
125-10 return to his or her employment and subsequently reinjures or aggravates the same injury, the
125-11 application shall be made within the later of five (5) years of the alleged accident or three (3)
125-12 years of the reinjury or aggravation. The application may also state that the member is
125-13 permanently and totally disabled from any employment.

125-14 (c) If a medical examination conducted by three (3) physicians engaged by the retirement
125-15 board, and any investigation that the retirement board may desire to make, shall show that the
125-16 teacher is physically or mentally incapacitated for the performance of service as a natural and
125-17 proximate result of an accident, while in the performance of duty, and that the disability is not the
125-18 result of willful negligence or misconduct on the part of the teacher, and is not the result of age or
125-19 length of service, and that the teacher has not attained the age of sixty-five (65) years, and that the
125-20 teacher should be retired, the physicians who conducted the examination shall so certify to the
125-21 retirement board stating the time, place, and conditions of service performed by the teacher

125-22 resulting in the disability, and the retirement board may grant the teacher an accidental disability
125-23 benefit.

125-24 (d) The retirement board shall establish uniform eligibility requirements, standards, and
125-25 criteria for accidental disability which shall apply to all members who make application for
125-26 accidental disability benefits.

125-27 **16-16-17. Amount of accidental disability benefit.** -- (a) Upon retirement for accidental
125-28 disability under § 16-16-16 a teacher shall receive a maximum benefit that shall be equal to sixty-
125-29 six and two-thirds percent (66 2/3%) of his or her annual compensation at the time of his or her
125-30 retirement, subject to the provisions of § 16-16-20. Upon retirement for accidental disability
125-31 incurred on or after April 1, 2009, if the member has been found to be permanently and totally
125-32 disabled from service but has not been found by the board to be permanently and totally disabled
125-33 from any employment as a result of his/her accidental disability, a member shall receive a
125-34 retirement allowance equal to fifty percent (50%) of the rate of the member's compensation at the
126-1 date of the member's retirement subject to the provisions of § 36-16-20. The retiree shall, as a
126-2 condition of continued receipt of a disability retirement allowance, on or before a date fixed by
126-3 the retirement board, annually under penalties of perjury provide the board with such affidavits
126-4 and accurate evidence of earnings, employment and gainful activity as the board may require,
126-5 including, but not limited to, joint and/or individual tax returns. The employee shall be credited
126-6 with service for his/her period of disability and, upon reaching the earlier of age fifty-nine (59)
126-7 with twenty-nine (29) years of service or age sixty-five (65) with ten (10) years of service, his/her
126-8 retirement shall convert to a retirement on service allowance set forth in this chapter.

126-9 (b) Upon retirement for accidental disability that has been found by the board to be
126-10 permanently and totally disabling from any employment, a member receives a retirement
126-11 allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's
126-12 compensation at the date of the member's retirement subject to the provisions of § 16-16-20. The
126-13 retirement board shall apply the terms of subsection 28-33-17(b) in determining total disability.

MOTION: To take no position on Article 32 Relating To Pension Reform RC/LW
passed unanimously

Article 36 Relating to Medical Assistance for Disabled Children

This article adds section 48-8--30 of the RIGL authorizing the Department of Human Services to seek waivers and /or state plan amendments permitting the state to alter the requirements of the Katie Beckett option to: (1) require families of children who receive services the to contribute to the cost of coverage based on the ability to pay; and (2) develop consumer directed care options.

137-25 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby
137-26 amended by adding thereto the following section:

137-27 **40-8-30. Cost sharing for disabled children --** The department of human services
137-28 authorized to apply for and obtain appropriate waivers and/or state plan amendments from the
137-29 Secretary of the United States Department of Health and Human Services for the purpose of
137-30 requiring that families of children with disabilities who are otherwise eligible for medical
137-31 assistance coverage as categorically needy under Section 134(a) of the Tax Equity and Fiscal
137-32 Responsibility Act of 1982 [federal P.L. 97-248], commonly known as "Katie Beckett" eligible,
137-33 upon meeting the requirements established in Section 1902(e)(3) of the federal Social Security
137-34 Act, will be required to take financial responsibility for a share of the cost of the medical
138-1 assistance coverage based on the family's ability to pay. The department is authorized to
138-2 establish a cost sharing schedule based on a percentage of household income and require that
138-3 eligible children/ families contribute to the cost of the care by premium sharing, cost sharing,

138-4 participation in a consumer directed model based upon an individualized service budget, or any
 138-5 combination of those methods, or any other reasonable means in accordance with approved
 138-6 provisions of appropriate waivers and/or state plan amendments from the secretary of the United
 138-7 States Department of Health and Human Services and in accordance with rules and regulations
 138-8 promulgated by the department of human services.
 138-9 SECTION 2. This article shall effect upon passage.

MOTION: To find harmful 09-H 5019 Article 36 Relating to Medical Assistance for Disabled Children AP/LW passed unanimously

Article 38 Relating to Medical Assistance - Out of State Hospitals

This article amends sections 48-8-13.1 of the RIGL and would reduce the reimbursement rates paid to out of state hospitals under the Medical Assistance Program.

140-8 SECTION 1. Section 40-8-13.1 of the General Laws in Chapter 40-8 entitled
 140-9 "Medical Assistance" is hereby amended to read as follows:
 140-10 **40-8-13.1. Reimbursement for out-of-state hospital services.** -- (a) The department
 140-11 of human services is hereby authorized and directed to amend, effective July 1, 1995, its
 140-12 regulations, fee schedules and the Rhode Island state plan for medical assistance (Medicaid)
 140-13 pursuant to Title XIX of the federal Social Security Act to provide for reimbursement to out-of-
 140-14 state hospitals for services provided to eligible recipients in accordance with this section.
 140-15 (b) Authorized inpatient hospital services shall be reimbursed at a rate equal to fifty
 140-16 percent (50%) of the out-of-state hospital's customary charge(s) for such services to Title XIX
 140-17 recipients in that state; provided, however, that in-patient hospital organ transplant services shall
 140-18 be reimbursed at sixty-one percent (61%) of the out-of-state hospital's customary charge(s) for
 140-19 such organ transplant services to Title XIX recipients in that state. Authorized outpatient hospital
 140-20 services (other than laboratory services) shall be reimbursed at a rate equal to fifty-three percent
 140-21 (53%) of the out-of-state hospital's customary charge(s) for such services to Title XIX recipients
 140-22 in that state; outpatient laboratory services shall be reimbursed at the Medicare allowable rate.
 140-23 (c) The department may periodically adjust the inpatient and/or outpatient service
 140-24 reimbursement rate(s) based upon a medical care cost index to be determined by the department.
 140-25 (d) Notwithstanding any provision of the law to the contrary, the department will
 140-26 reimburse out of state hospitals for services incurred on or after March 1, 2009 at rates
 140-27 determined by the department and in accordance with federal regulations.
 140-28 SECTION 2. This article shall take effect upon passage.

Tabled for additional information on types of long term care services, until next month's meeting.

Announcements and Scheduling of Meetings	Tim Flynn	5 min.
<p>Update on the Medicaid Global Waiver: Friday's hearing contained a number of "surprises". 1. It was already too late to stop the implementation of the Global Waiver, since the deadline for the General Assembly to enact a repeal of the authority to pursue the Global Waiver is Jan. 18th;</p> <ul style="list-style-type: none"> ▪ a bill would have to pass both houses of the General Assembly, ▪ be sent to the Governor, and ▪ he would then have 6 days (not counting Sunday) to veto any repeal; and ▪ then both Houses would have to override his veto. <p>It was not possible to accomplish all that prior to the 18th.</p>		

2. The Center for Medicare and Medicaid will issue the formal authorization, prior to Jan. 20th.
3. Once the Global Waiver takes effect, the existing home and community based waivers, RIteCare, the DD Waiver, etc. terminate!
4. When the State ends the Global Waiver, it will have to reapply through the traditional method (18 - 24 months processing time) to reinstate any of the pre-Global waivers!
5. Chairperson Costantino said there will be legislation incorporating protections into the implementation process, such as the ones we suggested.

On Monday:

1. Rep. Costantino made it clear that the General Assembly would be enacting procedures to require the Department seek permission the General Assembly's to make any category II (benefits) or III (eligibility or substantial) changes to Medicaid program, prior to submitting them to the Center for Medicare and Medicaid.
2. Director Alexander reported that each month the DHS director will meet with the 4 department directors and the Medicaid director would hold monthly meeting with providers. He made no reference to meeting with consumer representatives.

Below is a list of some of the existing state boards that might represent consumers:

1. Advisory Council on the Blind
2. Commission on the Deaf and Hard of Hearing
3. Developmental Disabilities Council
4. Governor's Commission on Disabilities
5. Governor's Council on Behavioral Health
6. Home and Community Care Advisory Committee
7. Interagency Coordinating Council (Early Intervention)
8. Interagency Coordinating Council on Environmental Lead
9. Interagency Transition Council (youth to adult)
10. Long-Term Care Coordinating Council
11. Permanent Advisory Commission on Traumatic Brain Injuries
12. RI Council on Assistive Technology
13. Statewide Independent Living Council
14. Stroke Task Force

Next meeting will be on:	Monday February 9th	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:20 PM	
Resource persons:	Bob Cooper, Committee Staff	