



Governor's Commission on Disabilities Legislation Committee

Monday March 15, 2010 1 – 2:30 PM

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Attendees:	Linda Ward (Chair.); Bill Inlow (Vice Chair.); Sharon Brinkworth; Rosemary C. Carmody; Liberty Goodwin; Jean Lawlor; & Sarah Everhart Skeels		
Absent:	Ray Bandusky; Jeanne Behie; Rebecca Boss; Erin Casey; Julie DeRosa; Linda Deschenes; Timothy Flynn; Elaina Goldstein; Laura Jones; Maureen Maignet; Kate McCarthy-Barnett; Paula Parker; Arthur M. Plitt; Gwendolyn Reeve; & Msgr. Gerard O. Sabourin & Theresa Thielke		
----- Minutes -----			
Call to Order and Acceptance of the Minutes		Linda Ward, Chairperson	5 min.
Introductions: Chair called to order at 1:07 PM			
Tabled Minutes from the Last Meeting.			
A) The Commission's Legislative Package		Bob Cooper, Executive Secretary	10 min.
Item	Action to Date	Status in the House	Status in the Senate
1. Monitor and respond to implementation of 09 H 5983 Article 05 Sec. 01 the crisis intervention services for abused non-elderly adults (18-64) with severe impaired	Drafted and arranged for introduction: "An Act Relating to Criminal Offenses - Adult Crisis Intervention - Center and Protective Services"	Representative Naughton 10 H 7369 referred to the House Finance Committee	Senator McCaffrey 10 S 2206 referred to the Senate Health and Human Services Committee
2. John J. MacDonald Jr. Transportation Initiative [accessible taxicabs]	Drafted and arranged for introduction: "An Act Relating to Wheelchair Accessible Transportation"	Speaker Pro-Tempore Coderre 10 H 7498 the House Corporations Committee heard testimony 3/09	Sen. Walaska 10 S 2674 referred to the Senate Finance Committee
3. Maintain the existing RIPTA/RIde service		Need to testify at RIPTA Budget Hearing	Need to testify at RIPTA Budget Hearing
4. Monitor and respond to Medicaid Reform proposals to ensure maintenance of the current services to individuals with severe disabilities	Drafted: "An Act Relating to Health Care Assistance for Working People with Disabilities"	Contacted Representative Naughton, waiting for a reply	Contacted Senator Blais, waiting for a reply

Item	Action to Date	Status in the House	Status in the Senate
5. Mandate pedestrian crosswalks have curb cuts on both sides	Drafted and arranged for introduction: “An Act Relating To Highways -Accessible Crosswalks”	Representative Kennedy 10 H 7300 Tim testified at the House Municipal Government Committee hearing	Senator Tassoni 10 S 2133 referred to the Senate Housing and Municipal Government Committee
6. Increase home modification funding		Need to testify at DHS Budget Hearing	Need to testify at DHS Budget Hearing
7. Ensure implementation of the Disability Business Enterprise program	Drafted an amendment to: “10 S 2189 An Act Relating To Public Property And Works -- Minority Business Enterprise”		
8. Mandate that mill conversions into apartments or condos have a minimum of one unit/federal formula designated as accessible and affordable	Need to propose regulatory changes with the RI Housing Resource Commission		
9. Mandate affordable, accessible units for people with chemical sensitivities – including inside the apartment laundry and other washing machines	Need to propose regulatory changes with the RI Housing Resource Commission		
10. Increase permanent supportive housing and other community services for people with behavioral health concerns		Need to testify on H 7730 Rhode Island Housing Resources Act Of 1998 in House Finance Committee	Need to testify at Neighborhood Opportunities Hearing
11. Address the workers’ compensation liability for the person w/ the disability who employs in-home care services	Need to explore impact with Independent Living Centers, Medicaid & EOHHS		

B. Tabled for More Information

10 min.

1. 10 H 7397 ARTICLE 20 GBA 05 RELATING TO MEDICAL ASSISTANCE

Linda Ward

This article would provide a framework for the procurement and/or reprocurement of Medicaid managed care contracts for elderly and disabled residents (including those for managed long-term care) in FY 2011. Managed care systems may also include services and supports that optimize the health and independence of recipients who are determined to need Medicaid funded long-term care under § 40-8.10 {Long Term Care Service Reform for Medicaid Eligible Individuals} or to be at risk for such care under applicable rules and regulations. The department would be authorized to obtain any approval for category II or III changes. Those category II or III changes would include authorization to extend managed care to cover long-term care services and supports. This article would also authorize selective contracting for non-emergency transportation for Medicaid recipients. This article would take effect upon passage.

The Governor's Amendment: Article 20 sets forth statutory changes that will facilitate the reprocurement of contracts for Medicaid managed care services in FY 2011. The success of this initiative is dependent upon the full participation of hospitals since hospital payments represent more than half of capitation-based expenditures. This requires that specific, binding contractual language relating to the hospitals be included in the associated

legislation.

Also necessary is a change to the present "lesser of" language related to the Medicaid managed care payment rates to replace CMS national trends with the CMS Prospective Payment System Hospital Input Price Index in order to limit the scope of potential influences on rate determination.

The reasons for modifying the current language are as follows:

- (1) To achieve the intended effect, it has been determined that this legislation must include specific language stipulating that acceptance of the managed care payments on the part of the hospitals shall be considered payment in full.
- (2) The language must also include implications if a hospital refuses to accept a Medicaid managed care payment as payment in full. The proposed amendment mandates that acceptance of payment in full be a condition of a hospital's participation in the Medicaid program.
- (3) Previously, the legislation required that the Medicaid managed care payments not exceed national Medicaid hospital care expenditure trend(s), as measured annually by CMS. The Department proposes amending this requirement to be based upon the annual CMS Prospective Payment System (IPPS) Hospital Input Price Index (HIPI). It is the Department's opinion, that it is more appropriate to use the HIPI rather than the national trends. The national trends are influenced by three factors: Medicaid caseload, utilization, and price. In order to limit influence solely to price, use of the HIPI is more appropriate.

Ann Martino from the Executive Office of Health & Human Services explained the purpose of the Budget Article and answered members' questions.

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ARTICLE 20

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RELATING TO MEDICAL ASSISTANCE

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SECTION 1. Sections 40-8-13.4 and 40-8-29 of the General Laws in Chapter 40-8 entitled "Medical Assistance" are hereby amended to read as follows:

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40-8-13.4. Rate methodology for payment for in state and out of state hospital

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services. -- (a) The department of human services shall implement a new methodology for payment for in state and out of state hospital services in order to ensure access to and the provision of high quality and cost-effective hospital care to its eligible recipients.

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(b) In order to improve efficiency and cost effectiveness, the department of human services shall:

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(1)(A) With respect to inpatient services: ~~Implement~~ for persons in fee for service

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Medicaid, which is non-managed care, implement a new payment methodology for inpatient

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services utilizing the Diagnosis Related Groups (DRG) method of payment, which is, a patient

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classification method which provides a means of relating payment to the hospitals to the type of

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patients cared for by the hospitals. It is understood that a payment method based on Diagnosis

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Related Groups may include cost outlier payments and other specific exceptions.

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(B) With respect to inpatient services for persons enrolled in Medicaid managed care

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plans, (i) require that Medicaid managed care payment rates to any hospital, in aggregate on a

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case mix adjusted basis (adjusting payment for a beneficiary's condition and needs), shall not

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exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care payment trend(s)

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between each hospital and health plan shall not exceed national Medicaid hospital care

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expenditure trend(s), as measured annually by the Center for Medicare and Medicaid Services

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(CMS) and using calendar year 2009 as a base year.

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(2)(A) With respect to outpatient services: ~~Notwithstanding~~ and notwithstanding any

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provisions of the law to the contrary, for persons enrolled in fee for service Medicaid, the

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department will reimburse hospitals for outpatient services using a rate methodology determined

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by the department and in accordance with federal regulations.

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(B) With respect to outpatient services and notwithstanding any provisions of law to the

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contrary, for persons enrolled in Medicaid managed care plans, the department shall: (i) require

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that Medicaid managed care payment rates to any hospital, in aggregate on a case mix adjusted

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basis shall not exceed that hospital's Medicaid payment rates; and (ii) Medicaid managed care

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payment trend(s) between each hospital and health plan shall not exceed national Medicaid

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hospital care expenditure trend(s), as measured annually by CMS and using calendar year 2009 as

2-4 [a base year.](#)

2-5 (c) It is intended that payment utilizing the Diagnosis Related Groups method shall
2-6 reward hospitals for providing the most efficient care, and provide the department the opportunity
2-7 to conduct value based purchasing of inpatient care.

2-8 (d) The director of the department of human services and/or the secretary of executive
2-9 office of health and human services is hereby authorized to promulgate such rules and regulations
2-10 consistent with this chapter, and to establish fiscal procedures he or she deems necessary for the
2-11 proper implementation and administration of this chapter in order to provide payment to hospitals
2-12 using the Diagnosis Related Group payment methodology. Furthermore, amendment of the
2-13 Rhode Island state plan for medical assistance (Medicaid) pursuant to Title XIX of the federal
2-14 Social Security Act is hereby authorized to provide for payment to hospitals for services provided
2-15 to eligible recipients in accordance with this chapter.

2-16 (e) The department shall comply with all public notice requirements necessary to
2-17 implement these rate changes.

2-18 (f) As a condition of participation in the DRG methodology for payment of hospital
2-19 services, every hospital shall submit year-end settlement reports to the department within one
2-20 year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit
2-21 a year-end settlement report as required by this section, the department shall withhold financial
2-22 cycle payments due by any state agency with respect to this hospital by not more than ten percent
2-23 (10%) until said report is submitted.

2-24 (g) The provisions of this section shall be effective upon implementation of the
2-25 amendments and new payment methodology pursuant to this section and section 40-8-13.3, which
2-26 shall in any event be no later than March 30, 2010, at which time the provisions of §§ 40-8-13.2,
2-27 27-19-14, 27-19-15 and 27-19-16 shall be repealed in their entirety.

2-28 **40-8-29. Selective contracting.** -- (a) Notwithstanding any other provision of state law,
2-29 the department of human services is authorized to utilize selective contracting with prior general
2-30 assembly approval for the purpose of purchasing for Medicaid recipients shared living provider
2-31 services, durable medical equipment and supplies, [non-emergency transportation](#), and any other
2-32 Medicaid services, when appropriate, in order to assure that all service expenditures under this
2-33 chapter have the maximum benefit of competition, and afford Rhode Islanders the overall best
2-34 value, optimal quality, and the most cost-effective care possible. Beneficiaries will be limited to
3-1 using the services/products of only those providers determined in a competitive bidding process
3-2 to meet the standards for best quality, performance and price set by the department in accordance
3-3 with applicable federal and state laws.

3-4 (b) For purposes of this section "selective contracting" shall mean the process for
3-5 choosing providers to serve Medicaid beneficiaries based on their ability to deliver the best
3-6 quality products or services, at the best value or price.

3-7 (c) To ensure all services allowable for Medicare reimbursement for beneficiaries who
3-8 are dually eligible, selective contractors must be willing and able to accept Medicare.

3-9 SECTION 2. Section 40-8.5-1.1 of the General Laws in Chapter 40-8.5 entitled "The
3-10 Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

3-11 **40-8.5-1.1. Managed health care delivery systems.** -- (a) To ensure that all medical
3-12 assistance beneficiaries, including the elderly and all individuals with disabilities, have access to
3-13 quality and affordable health care, the department of human services is authorized to implement
3-14 mandatory managed care health systems.

3-15 (b) "Managed care" is defined as systems that: integrate an efficient financing
3-16 mechanism with quality service delivery; provides a "medical home" to assure appropriate care
3-17 and deter unnecessary services; and place emphasis on preventive and primary care. For purposes
3-18 of Medical Assistance, managed care systems are also defined to include a primary care case
3-19 management model in which ancillary services are provided under the direction of a physician in
3-20 a practice that meets standards established by the department of human services. [Managed care
3-21 systems may also include services and supports that optimize the health and independence of
3-22 recipients who are determined to need Medicaid funded long-term care under § 40-8.10 or to be
3-23 at risk for such care under applicable rules and regulations promulgated by the department.](#) ~~Those~~

3-24 Any medical assistance recipients who have third-party medical coverage or insurance may be
3-25 provided such services through an entity certified by or in a contractual arrangement with the
3-26 department or, as deemed appropriate, exempt from mandatory managed care in accordance with
3-27 rules and regulations promulgated by the department of human services. The department is
3-28 further authorized to redesign benefit packages for medical assistance beneficiaries subject to
3-29 appropriate federal approval.

3-30 (c) ~~The~~ In accordance with § 42-12.4-7, the department is authorized to obtain any
3-31 approval through waiver(s), category II or III changes, and/or state plan amendments, from the
3-32 secretary of the United States department of health and human services, that are necessary to
3-33 implement mandatory managed health care delivery systems for all medical assistance recipients,
3-34 including the primary case management model in which ancillary services are provided under the
4-1 direction of a physician in a practice that meets standards established by the department of human
4-2 services. The waiver(s), category II or III changes, and/or state plan amendments shall include the
4-3 authorization to ~~exempt~~ extend managed care to cover long-term care services and supports.
4-4 Such authorization shall also include, as deemed appropriate, exempting certain beneficiaries
4-5 with third-party medical coverage or insurance from mandatory managed care in accordance with
4-6 rules and regulations promulgated by the department of human services.

4-7 (d) To ensure the delivery of timely and appropriate services to persons who become
4-8 eligible for Medicaid by virtue of their eligibility for a U.S. social security administration
4-9 program, the department of human services is authorized to seek any and all data sharing
4-10 agreements or other agreements with the social security administration as may be necessary to
4-11 receive timely and accurate diagnostic data and clinical assessments. Such information shall be
4-12 used exclusively for the purpose of service planning, and shall be held and exchanged in
4-13 accordance with all applicable state and federal medical record confidentiality laws and
4-14 regulations.

4-15 SECTION 3. This article shall take effect upon passage.

**MOTION: To recommend the Finance Cmtes should hold for further study 10 H 7397
Article 20 Relating to Medical Assistance RC/SES passed, BI recused, SB abstained**

**2. 10 H 7260 AN ACT RELATING TO INSURANCE–AUTISM SPECTRUM
DISORDERS**

Linda Ward

Rep. Palumbo, House Corporations Committee

This act would require coverage for the diagnosis and treatment of autism spectrum disorders (any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders

(DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not Otherwise Specified). Every individual or group health insurance contract, plan, or policy delivered, issued for delivery or renewed in this state shall provide coverage for the diagnosis and treatment of autism spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute, issue, mend, adjust, or renew coverage to an individual solely because the individual is diagnosed with one of the autism spectrum disorders or has received treatment for autism spectrum disorders. This act would take effect upon passage.

Asked Autism Project and Autism Society of America, RI Chapter for their comments, no reply.

1-1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness
1-2 Insurance Policies" is hereby amended by adding thereto the following section:

1-3 **27-18-71. Mandatory coverage for diagnosis and treatment of autism spectrum**
1-4 **disorders. – (a) As used in this section:**

1-5 (1) "Applied behavior analysis" means the design, implementation and evaluation of
1-6 environmental modifications, using behavioral stimuli and consequences, to produce socially
1-7 significant improvement in human behavior, including the use of direct observation,
1-8 measurement, and functional analysis of the relationship between environment and behavior.

1-9 (2) "Autism services provider" means any person, entity, or group that provides treatment
1-10 of autism spectrum disorders.

1-11 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as
1-12 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
1-13 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not
1-14 Otherwise Specified.

1-15 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,
1-16 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

1-17 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance
1-18 services and treatment programs, including applied behavioral analysis, that are necessary to
1-19 develop, maintain, and restore, to the maximum extent practicable, the functioning of an
2-1 individual.

2-2 (6) "Health insurance policy" means any group health policy or contract issued by an
2-3 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

2-4 (7) "Medically necessary" means reasonably expected to do the following:

2-5 (i) Prevent the onset of an illness, condition, injury or disability;

2-6 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,
2-7 condition, injury or disability; or

2-8 (iii) Assist to achieve or maintain maximum functional capacity in performing daily
2-9 activities, taking into account both the functional capacity of the individual and the functional
2-10 capacities that are appropriate for individuals of the same age.

2-11 (8) "Pharmacy care" means medications prescribed by a licensed physician and any
2-12 health-related services deemed medically necessary to determine the need or effectiveness of the
2-13 medications.

2-14 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist
2-15 licensed in the state in which the psychiatrist practices.

2-16 (10) "Psychological care" means direct or consultative services provided by a
2-17 psychologist licensed in the state in which the psychologist practices.

2-18 (11) "Therapeutic care" means services provided by licensed or certified speech
2-19 therapists, occupational therapists, or physical therapists.

2-20 (12) "Treatment for autism spectrum disorders" will include the following care
2-21 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum
2-22 disorders by a licensed physician or a licensed psychologist who determines the care to be
2-23 medically necessary:

2-24 (i) Habilitative or rehabilitative care;

2-25 (ii) Pharmacy care;

2-26 (iii) Psychiatric care;

2-27 (iv) Psychological care; and

2-28 (v) Therapeutic care.

2-29 (b)(1) Every individual or group health insurance contract, plan, or policy delivered,
2-30 issued for delivery or renewed in this state shall provide coverage for the diagnosis and treatment
2-31 of autism spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute,
2-32 issue, mend, adjust, or renew coverage to an individual solely because the individual is diagnosed
2-33 with one of the autism spectrum disorders or has received treatment for autism spectrum
2-34 disorders.

3-1 (2) The coverage required under this section shall not be subject to dollar limits,
3-2 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,
3-3 deductibles, or coinsurance provisions that apply to physical illness generally under the health
3-4 insurance policy.

3-5 (3) Coverage under this section shall not be subject to any limits on the number of visits
3-6 an individual may make to an autism services provider.

3-7 (4) This section shall not be construed as limiting benefits that are otherwise available to
3-8 an individual under a health insurance policy.

3-9 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
3-10 Corporations" is hereby amended by adding thereto the following section:
3-11 **27-19-62. Mandatory coverage for diagnosis and treatment of autism spectrum**

3-12 **disorders.** – (a) As used in this section:

3-13 (1) "Applied behavior analysis" means the design, implementation and evaluation of

3-14 environmental modifications, using behavioral stimuli and consequences, to produce socially

3-15 significant improvement in human behavior, including the use of direct observation,

3-16 measurement, and functional analysis of the relationship between environment and behavior.

3-17 (2) "Autism services provider" means any person, entity, or group that provides treatment

3-18 of autism spectrum disorders.

3-19 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as

3-20 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders

3-21 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not

3-22 Otherwise Specified.

3-23 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,

3-24 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

3-25 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance

3-26 services and treatment programs, including applied behavioral analysis, that are necessary to

3-27 develop, maintain, and restore, to the maximum extent practicable, the functioning of an

3-28 individual.

3-29 (6) "Health insurance policy" means any group health policy or contract issued by an

3-30 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

3-31 (7) "Medically necessary" means reasonably expected to do the following:

3-32 (i) Prevent the onset of an illness, condition, injury or disability;

3-33 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,

3-34 condition, injury or disability; or

4-1 (iii) Assist to achieve or maintain maximum functional capacity in performing daily

4-2 activities, taking into account both the functional capacity of the individual and the functional

4-3 capacities that are appropriate for individuals of the same age.

4-4 (8) "Pharmacy care" means medications prescribed by a licensed physician and any

4-5 health-related services deemed medically necessary to determine the need or effectiveness of the

4-6 medications.

4-7 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist

4-8 licensed in the state in which the psychiatrist practices.

4-9 (10) "Psychological care" means direct or consultative services provided by a

4-10 psychologist licensed in the state in which the psychologist practices.

4-11 (11) "Therapeutic care" means services provided by licensed or certified speech

4-12 therapists, occupational therapists, or physical therapists.

4-13 (12) "Treatment for autism spectrum disorders" will include the following care

4-14 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum

4-15 disorders by a licensed physician or a licensed psychologist who determines the care to be

4-16 medically necessary:

4-17 (i) Habilitative or rehabilitative care;

4-18 (ii) Pharmacy care;

4-19 (iii) Psychiatric care;

4-20 (iv) Psychological care; and

4-21 (v) Therapeutic care.

4-22 (b)(1) Every individual or group health insurance contract, plan, or policy, including any

4-23 nonprofit hospital service contract plan or policy delivered, issued for delivery or renewed in this

4-24 state shall provide coverage for the diagnosis and treatment of autism spectrum disorders. No

4-25 insurer shall terminate coverage, or refuse to deliver, execute, issue, mend, adjust, or renew

4-26 coverage to an individual solely because the individual is diagnosed with one of the autism

4-27 spectrum disorders or has received treatment for autism spectrum disorders.

4-28 (2) The coverage required under this section shall not be subject to dollar limits,

4-29 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,

4-30 deductibles, or coinsurance provisions that apply to physical illness generally under the health

4-31 insurance policy.

4-32 (3) Coverage under this section shall not be subject to any limits on the number of visits
4-33 an individual may make to an autism services provider.

4-34 (4) This section shall not be construed as limiting benefits that are otherwise available to
5-1 an individual under a health insurance policy.

5-2 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
5-3 Corporations" is hereby amended by adding thereto the following sections:

5-4 **27-20-57. Mandatory coverage for diagnosis and treatment of autism spectrum**
5-5 **disorders.** – (a) As used in this section:

5-6 (1) "Applied behavior analysis" means the design, implementation and evaluation of
5-7 environmental modifications, using behavioral stimuli and consequences, to produce socially
5-8 significant improvement in human behavior, including the use of direct observation,
5-9 measurement, and functional analysis of the relationship between environment and behavior.

5-10 (2) "Autism services provider" means any person, entity, or group that provides treatment
5-11 of autism spectrum disorders.

5-12 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as
5-13 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
5-14 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not
5-15 Otherwise Specified.

5-16 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,
5-17 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.

5-18 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance
5-19 services and treatment programs, including applied behavioral analysis, that are necessary to
5-20 develop, maintain, and restore, to the maximum extent practicable, the functioning of an
5-21 individual.

5-22 (6) "Health insurance policy" means any group health policy or contract issued by an
5-23 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.

5-24 (7) "Medically necessary" means reasonably expected to do the following:

5-25 (i) Prevent the onset of an illness, condition, injury or disability;
5-26 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,
5-27 condition, injury or disability; or
5-28 (iii) Assist to achieve or maintain maximum functional capacity in performing daily
5-29 activities, taking into account both the functional capacity of the individual and the functional
5-30 capacities that are appropriate for individuals of the same age.

5-31 (8) "Pharmacy care" means medications prescribed by a licensed physician and any
5-32 health-related services deemed medically necessary to determine the need or effectiveness of the
5-33 medications.

5-34 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist
6-1 licensed in the state in which the psychiatrist practices.

6-2 (10) "Psychological care" means direct or consultative services provided by a
6-3 psychologist licensed in the state in which the psychologist practices.

6-4 (11) "Therapeutic care" means services provided by licensed or certified speech
6-5 therapists, occupational therapists, or physical therapists.

6-6 (12) "Treatment for autism spectrum disorders" will include the following care
6-7 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum
6-8 disorders by a licensed physician or a licensed psychologist who determines the care to be
6-9 medically necessary:

6-10 (i) Habilitative or rehabilitative care;
6-11 (ii) Pharmacy care;
6-12 (iii) Psychiatric care;
6-13 (iv) Psychological care; and
6-14 (v) Therapeutic care.

6-15 (b)(1) Any nonprofit medical service contract, plan, or policy delivered, issued for
6-16 delivery or renewed in this state shall provide coverage for the diagnosis and treatment of autism
6-17 spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute, issue,

6-18 mend, adjust, or renew coverage to an individual solely because the individual is diagnosed with
6-19 one of the autism spectrum disorders or has received treatment for autism spectrum disorders.
6-20 (2) The coverage required under this section shall not be subject to dollar limits,
6-21 deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,
6-22 deductibles, or coinsurance provisions that apply to physical illness generally under the health
6-23 insurance policy.
6-24 (3) Coverage under this section shall not be subject to any limits on the number of visits
6-25 an individual may make to an autism services provider.
6-26 (4) This section shall not be construed as limiting benefits that are otherwise available to
6-27 an individual under a health insurance policy.
6-28 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
6-29 Organizations" is hereby amended by adding thereto the following section:
6-30 **27-41-75. Mandatory coverage for diagnosis and treatment of autism spectrum**
6-31 **disorders.** – (a) As used in this section:
6-32 (1) "Applied behavior analysis" means the design, implementation and evaluation of
6-33 environmental modifications, using behavioral stimuli and consequences, to produce socially
6-34 significant improvement in human behavior, including the use of direct observation,
7-1 measurement, and functional analysis of the relationship between environment and behavior.
7-2 (2) "Autism services provider" means any person, entity, or group that provides treatment
7-3 of autism spectrum disorders.
7-4 (3) "Autism spectrum disorders" means any of the pervasive developmental disorders as
7-5 defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders
7-6 (DSM), including Autistic Disorder, Asperger's Disorder, and Pervasive Developmental Not
7-7 Otherwise Specified.
7-8 (4) "Diagnosis of autism spectrum disorders" means medically necessary assessment,
7-9 evaluations, or tests to diagnose whether an individual has one of the autism spectrum disorders.
7-10 (5) "Habilitative or rehabilitative care" means professional counseling, and guidance
7-11 services and treatment programs, including applied behavioral analysis, that are necessary to
7-12 develop, maintain, and restore, to the maximum extent practicable, the functioning of an
7-13 individual.
7-14 (6) "Health insurance policy" means any group health policy or contract issued by an
7-15 insurance entity subject to chapters 18, 19, 20 and 41 of title 27 of the general laws.
7-16 (7) "Medically necessary" means reasonably expected to do the following:
7-17 (i) Prevent the onset of an illness, condition, injury or disability;
7-18 (ii) Reduce or ameliorate the physical, mental or developmental effects of an illness,
7-19 condition, injury or disability; or
7-20 (iii) Assist to achieve or maintain maximum functional capacity in performing daily
7-21 activities, taking into account both the functional capacity of the individual and the functional
7-22 capacities that are appropriate for individuals of the same age.
7-23 (8) "Pharmacy care" means medications prescribed by a licensed physician and any
7-24 health-related services deemed medically necessary to determine the need or effectiveness of the
7-25 medications.
7-26 (9) "Psychiatric care" means direct or consultative services provided by a psychiatrist
7-27 licensed in the state in which the psychiatrist practices.
7-28 (10) "Psychological care" means direct or consultative services provided by a
7-29 psychologist licensed in the state in which the psychologist practices.
7-30 (11) "Therapeutic care" means services provided by licensed or certified speech
7-31 therapists, occupational therapists, or physical therapists.
7-32 (12) "Treatment for autism spectrum disorders" will include the following care
7-33 prescribed, provided, or ordered for an individual diagnosed with one of the autism spectrum
7-34 disorders by a licensed physician or a licensed psychologist who determines the care to be
8-1 medically necessary:
8-2 (i) Habilitative or rehabilitative care;
8-3 (ii) Pharmacy care;

- 8-4 [\(iii\) Psychiatric care;](#)
- 8-5 [\(iv\) Psychological care; and](#)
- 8-6 [\(v\) Therapeutic care.](#)
- 8-7 [\(b\)\(1\) Every health maintenance organization contract, plan, or policy delivered, issued](#)
- 8-8 [for delivery or renewed in this state shall provide coverage for the diagnosis and treatment of](#)
- 8-9 [autism spectrum disorders. No insurer shall terminate coverage, or refuse to deliver, execute,](#)
- 8-10 [issue, mend, adjust, or renew coverage to an individual solely because the individual is diagnosed](#)
- 8-11 [with one of the autism spectrum disorders or has received treatment for autism spectrum](#)
- 8-12 [disorders.](#)
- 8-13 [\(2\) The coverage required under this section shall not be subject to dollar limits,](#)
- 8-14 [deductibles, or coinsurance provisions that are less favorable to an insured than the dollar limits,](#)
- 8-15 [deductibles, or coinsurance provisions that apply to physical illness generally under the health](#)
- 8-16 [insurance policy.](#)
- 8-17 [\(3\) Coverage under this section shall not be subject to any limits on the number of visits](#)
- 8-18 [an individual may make to an autism services provider.](#)
- 8-19 [\(4\) This section shall not be construed as limiting benefits that are otherwise available to](#)
- 8-20 [an individual under a health insurance policy.](#)
- 8-21 SECTION 5. This act shall take effect upon passage.

No position taken

3. 10 H 7074 /S 2671 ACTS RELATING TO MILITARY AFFAIRS AND DEFENSE

Liberty Goodwin

Rep. Carter, House Finance Committee

This act would establish an Ocean State Youth ChalleNGe Academy for at-risk youth through a cooperative agreement between the Rhode Island national guard and the Rhode Island adjutant general. “At-risk youth” means a person who is at least sixteen (16) years old but less than twenty (20) years of age and who has “quit”, been suspended or expelled from school, is habitually truant, or is otherwise habitually disruptive in school and/or is unemployed or underemployed. This act would take effect upon passage.

1-1 SECTION 1. Title 30 of the General Laws entitled "Military Affairs and Defense" is

1-2 hereby amended by adding thereto the following chapter:

CHAPTER 34

RHODE ISLAND NATIONAL GUARD

OCEAN STATE YOUTH CHALLENGE ACADEMY PROGRAM ACT

1-6 **30-34-1. Short Title.** – This chapter shall be known and may be cited as “The Rhode

1-7 Island National Guard Ocean State Youth ChalleNGe Academy Act”.

1-8 **30-34-2. Definitions.** – As used in this chapter:

1-9 [\(a\) “At-risk youth” means a person who is at least sixteen \(16\) years old but less than](#)

1-10 [twenty \(20\) years of age and who has “quit”, been suspended or expelled from school, is](#)

1-11 [habitually truant, or is otherwise habitually disruptive in school and/or is unemployed or](#)

1-12 [underemployed.](#)

1-13 [\(b\) “GED” means a certificate that demonstrates that a person has passed a battery of](#)

1-14 [tests given at a testing center, authorized by the commissioner of education, that are designed to](#)

1-15 [measure the major outcomes and concepts generally associated with four \(4\) years of high school](#)

1-16 [education.](#)

1-17 [\(c\) “Program” means the Ocean State Youth ChalleNGe Academy Program.](#)

1-18 **30-34-3. Authorization.** – The office of adjutant general is hereby authorized to operate

1-19 [a Youth ChalleNGe Academy program through the use of National Guard facilities and](#)

2-1 [equipment for the purpose of providing at-risk youth with a program to help them obtain a GED,](#)

2-2 [and/or high school diploma, increase their employment potential, and enhance their education and](#)

2-3 [life skills.](#)

2-4 [The office of the adjutant general is hereby authorized to establish forty-seven \(47\) state](#)

2-5 [positions to support the new program. The Ocean State Youth ChalleNGe Academy employees](#)

2-6 [will be hired in accordance with the program start-up timeline established by the national guard](#)

2-7 [bureau.](#)

2-8 **30-34-4. Costs.** – The state of Rhode Island intends to enter into a cooperative agreement
 2-9 to establish the Ocean State Youth ChalleNGe Academy; provided, the cooperative agreement
 2-10 specifies that the national guard bureau will provide a seventy-five percent/twenty-five percent
 2-11 (75%/25%) federal/state matching fund requirement. The state match will not exceed twenty-five
 2-12 percent (25%).
 2-13 **30-34-5. Criteria and conditions of program.** – The program shall comply with the
 2-14 criteria and conditions specified in a cooperative agreement entered into between the chief of the
 2-15 national guard bureau and the adjutant general of the state of Rhode Island.
 2-16 **30-34-6. Program Management and Resource Utilization.** –
 2-17 (a) The adjutant general shall appoint, in writing, a program manager for the Ocean State
 2-18 Youth ChalleNGe Academy.
 2-19 (b) The program manager is directed and authorized to apply for federal monies that may
 2-20 be available to the state for the implementation and operation of the program.
 2-21 (c) The adjutant general of the state of Rhode Island is authorized to accept, on behalf of
 2-22 the state, any gifts, grants, or donations from any private or public source for the purpose of
 2-23 implementing this chapter unless the gift, grant, or donation is subject to conditions that are
 2-24 inconsistent with this chapter or any other law of the state.
 2-25 (d) The adjutant general is directed to establish a restricted receipt account to facilitate
 2-26 the state’s financial management of this program.
 2-27 (e) All private and public monies received through gifts, grants, or donations shall be
 2-28 transmitted to the general treasurer, who shall credit the same amount received to the Ocean State
 2-29 Youth ChalleNGE Academy program restricted receipt account.
 2-30 (f) The funds credited to this account are to be utilized for the sole purpose of resourcing
 2-31 direct and indirect costs associated with the implementation and administration of this program
 2-32 without regard to state or federal fiscal year limitations.
 2-33 (g) All investment earnings derived from the deposit and investment of monies in the
 2-34 fund shall be credited to the program’s restricted receipt account.
 3-1 (h) Any funds not expended by the end of the state fiscal year, in any given year, shall
 3-2 remain in the account and shall not be transferred or revert to the general fund at the end of any
 3-3 fiscal year.
 3-4 (i) The Rhode Island national guard may receive federal funding to implement, conduct
 3-5 and administer this program. The adjutant general and the United States property and fiscal
 3-6 officer for Rhode Island will ensure that the expenditure of any funds received comply with
 3-7 appropriate federal laws, regulations and policies. In the event that the Rhode Island national
 3-8 guard does not receive federal funds in any given federal fiscal year, the Rhode Island national
 3-9 guard is not authorized to conduct this program.
 3-10 SECTION 2. This act shall take effect upon passage.

No position taken	
4. 10 S 2015/H 7633 ACTS RELATING TO EDUCATION	Liberty Goodwin
Sen. Maselli, Senate Finance Committee	
This act would allow school districts that participate in the Northern Rhode Island Education Collaborative and do not have its own vocational technical program to send students to William E. Davies Vocational High School. This act would take effect upon passage.	
Representation from RI Department of Education Office of Diverse Learners Vanessa Cooley &/or Ken Swanson, did not attend.	

1-1 SECTION 1. Chapter 16-3 of the General Laws entitled "Establishment of Regional
 1-2 School Districts" is hereby amended by adding thereto the following section:
 1-3 **16-3-7.3. Transfer of Northern Rhode Island Educational Collaborative School**
 1-4 **Districts.** – Any school district that participates in the Northern Rhode Island Educational
 1-5 Collaborative, with the exception of communities that currently have their own vocational
 1-6 technical programs, shall be eligible to send its students to William E. Davies Vocational High
 1-7 School. Enrollment shall be limited to no more than five tenths of one percent (.5%) in excess of
 1-8 the 2008-2009 vocational technical program enrollment as a percentage of the high school

1-9 [enrollment for the respective school district. No enrollment date shall be before July 1, 2011.](#)

1-10 SECTION 2. This act shall take effect upon passage.

No position taken

C. Consideration of New Bills

Review Team Members

30 min.

The Review Teams Members:

1. Budget: Tim Flynn, Arthur Plitt, Linda Ward, and Bill Inlow
2. Civil Rights: Tim Flynn, Jean Lawlor, Julie DeRosa, Liberty Goodwin, Linda Ward, and Bill Inlow
3. Disability Prevention: Gwen Reeve, Sharon Brinkworth, Sarah Everhart Skeels, Theresa Thaelke, Linda Ward, and Bill Inlow
4. Employment: Elaina Goldstein, Rory Carmody, Linda Deschenes, Jeanne Behie, Liberty Goodwin, Laura Jones, Linda Ward, and Bill Inlow
5. Medicaid: Elaina Goldstein, Paula Parker, Linda Ward, and Bill Inlow
6. Health Care Insurance: Elaina Goldstein, Liberty Goodwin, Theresa Thaelke, Linda Ward, and Bill Inlow
7. Professional Standards: Liberty Goodwin, Gwen Reeve, Theresa Thaelke, Linda Ward, and Bill Inlow
8. Housing: Julie DeRosa, Sharon Brinkworth, Jeanne Behie, Liberty Goodwin, Linda Ward, and Bill Inlow
9. Human Services: Rebecca Boss, Rory Carmody, Tim Flynn, Elaina Goldstein, Paula Parker, Sarah Everhart Skeels, Linda Ward, and Bill Inlow
10. Special Education: Jeanne Behie, Linda Deschenes, Liberty Goodwin, Arthur Plitt, Msgr. Sabourin, Linda Ward, and Bill Inlow
11. Transportation: Gwen Reeve, Jean Lawlor, Jeanne Behie, Linda Ward, and Bill Inlow

Members who haven't joined a team:

Ray Bandusky, Erin Casey, Kate McCarthy-Barnett, Maureen Maigret

Civil Rights

5. 10 S 2287 AN ACT RELATING TO HUMAN SERVICES--RIGHTS OF BLIND AND DEAF PERSONS

**Linda Ward
Jean Lawlor**

Sen. Walaska Senate Health and Human Services Committee

This act would require movie theaters with ten or more screens to provide captioning on at least one screen for persons who are deaf or hard-of-hearing, and provide audio descriptions for persons who are blind or visually impaired. This act would take effect on January 1, 2011.

Linda Ward's Comments & Recommendation: equal access for all disabilities – **beneficial**

Jean Lawlor's Comments & Recommendation: Move to find **beneficial**

1-1 SECTION 1. Section 40-9.1-1 of the General Laws in Chapter 40-9.1 entitled "Equal
 1-2 Rights of Blind and Deaf Persons to Public Facilities" is hereby amended to read as follows:
 1-3 **40-9.1-1. Declaration of policy.** -- It is the policy of this state that:
 1-4 (a) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
 1-5 disabled have the same rights as the able-bodied to the full and free use of the streets, highways,
 1-6 walkways, public buildings, public facilities and other public places.
 1-7 (b) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
 1-8 disabled are entitled to full and equal accommodations, advantages, facilities and privileges on
 1-9 any public conveyance operated on land or water or in the air, or any stations and terminals
 1-10 thereof, not limited to taxis, airplanes, motor vehicles, railroad trains, motor buses, street cars,
 1-11 boats and in any educational institution, not limited to any kindergarten, primary and secondary
 1-12 school, trade or business school, high school, academy, college and university, and in places of
 1-13 public resort, accommodation, assemblage or amusement, not limited to hotels, lodging places,
 1-14 restaurants, theater and in all other places to which the general public is invited, subject only to
 1-15 the conditions and limitations established by law and applicable alike to all persons.

1-16 (c) Persons who are blind, visually impaired, deaf, hard-of-hearing and otherwise
1-17 disabled persons shall be entitled to rent, lease or purchase, as other members of the general
1-18 public, any housing accommodations offered for rent, lease or other compensation in this state,
1-19 subject to the conditions and limitations established by law and applicable alike to all persons.

2-1 (d) Movie theaters with ten (10) or more screens are required to provide captioning on at
2-2 least one of their screens for persons who are deaf or hard of hearing and to provide audio
2-3 descriptions for persons who are blind or visually impaired as set forth in regulations established
2-4 and promulgated by the office of attorney general with assistance from the Rhode Island
2-5 commission on the deaf and hard-of- hearing.

2-6 SECTION 2. This act shall take effect on January 1, 2011.

MOTION: To find beneficial 10 S 2287 An Act Relating to Human Services--Rights of Blind and Deaf Persons SES/RC passed unanimously

6. 10 H 7518 AN ACT RELATING TO ELECTIONS - MAIL BALLOTS

**Linda Ward
Liberty Goodwin**

Rep. Rice A, House Judiciary Committee

This act would make several revisions to the mail balloting election statutes including allowing all voters to vote by mail ballot, a permanent absentee voting option, removal of witness/notary requirements and shortening of certain deadlines. This act would take effect upon passage.

Linda Ward's Comments & Recommendation: Expands option of mail ballots to all – **beneficial**

Liberty Goodwin's Comments & Recommendation: This bill would simplify the process and ease requirements for voting by mail. It includes provision for registering just once for permanent mail voter status rather than having to do so each election. It provides for a stamped return envelope option. I think this would make voting easier for disabled Rhode Islanders – **beneficial**

1-1 SECTION 1. Sections 17-20-1, 17-20-1.1, 17-20-2, 17-20-2.1, 17-20-2.2, 17-20-6, 17-
1-2 20-6.1, 17-20-8, 17-20-9, 17-20-10, 17-20-13, 17-20-14, 17-20-14.1, 17-20-14.2, 17-20-21, 17-
1-3 20-23, 17-20-24.1, 17-20-25, 17-20-26, 17-20-29, 17-20-30 and 17-20-34 of the General Laws in
1-4 Chapter 17-20 entitled "Mail Ballots" are hereby amended to read as follows:

1-5 **17-20-1. Voting by mail ballot. --** The electors of this state ~~who, for any of the reasons~~
1-6 ~~set forth in section 17-20-2, being otherwise qualified to vote, are unable to vote in person,~~ shall
1-7 have the right to vote, in the manner and time provided by this chapter, in all general and special
1-8 elections and primaries, including presidential primaries in this state for electors of president and
1-9 vice-president of the United States, United States senators in congress, representatives in
1-10 congress, general officers of the state, senators and representatives in the general assembly for the
1-11 respective districts in which the elector is duly qualified to vote, and for any other officers whose
1-12 names appear on the state ballot and for any city, town, ward, or district officers whose names
1-13 appear on the respective city or town ballots in the ward or district of the city or town in which
1-14 the elector is duly qualified to vote, and also to approve or reject any proposition of amendment
1-15 to the Constitution or other propositions appearing on the state, city, or town ballot.

1-16 **17-20-1.1. Declaration of policy. --** Those electors who ~~are unable to vote in person at~~
1-17 ~~the polls for the reasons set forth in section 17-20-2~~ choose to cast a mail ballot are entitled to
1-18 vote in a manner which reasonably guarantees the secrecy of their ballots. The procedures set
1-19 forth in this chapter are designed to promote the effective exercise of their rights while
2-1 safeguarding those voters who utilize the mail ballot process from harassment, intimidation, and
2-2 invasion of privacy. ~~The procedures are intended to prevent misuse of the electoral system by~~
2-3 ~~persons who are not eligible to vote by mail ballot.~~ The provisions of this chapter shall be
2-4 interpreted to effectuate the policies set forth in this section.

2-5 **17-20-2. Eligibility for mail ballots. --** Any otherwise qualified elector may vote by mail
2-6 ballot ~~in the following circumstances:~~

2-7 ~~(1) An elector who will be absent from the state on the day of election during the entire~~
2-8 ~~period of time when the polls are to be open;~~

2-9 ~~(2) An elector who will be absent from the city or town of his or her voting residence on~~
2-10 ~~the day of election during the entire period of time when the polls are to be open due to the~~
2-11 ~~elector's status as a student or the spouse of a student at an institution of higher learning located~~

- 2-12 within this state;
- 2-13 ~~(3) An elector who is incapacitated to the extent that it would be an undue hardship to~~
- 2-14 ~~vote at the polls because of illness, or mental or physical disability, blindness, or serious~~
- 2-15 ~~impairment of mobility;~~
- 2-16 ~~(4) An elector who is forbidden by the tenets of his or her religious faith from engaging~~
- 2-17 ~~in secular activity, including voting, on the day of election;~~
- 2-18 ~~(5) An elector who is confined in any hospital, convalescent home, nursing home, rest~~
- 2-19 ~~home, or similar institution, public or private;~~
- 2-20 ~~(6) An elector who is being detained while awaiting trial or is being imprisoned for any~~
- 2-21 ~~cause, other than final conviction of a felony, and by reason of that detention or imprisonment is~~
- 2-22 ~~unable to vote at the polls;~~
- 2-23 ~~(7) An elector who will be temporarily absent from the state because of employment or~~
- 2-24 ~~service intimately connected with military operations or who is a spouse or legal dependent~~
- 2-25 ~~residing with that person;~~
- 2-26 ~~(8) An elector who is employed by the state board of elections, elections division of the~~
- 2-27 ~~secretary of state, a member of the staff of a local canvassing authority, or a poll worker assigned~~
- 2-28 ~~to work on Election Day outside of their voting district.~~

2-29 **17-20-2.1. Requirements for validity of mail ballots.** -- (a) Any legally qualified elector

2-30 of this state whose name appears upon the official voting list of the city, town, or district of the

2-31 city or town where the elector is qualified, and who desires to avail himself or herself of the right

2-32 granted to him or her by the Constitution and declared in this chapter, may obtain from the local

2-33 board in the city or town an affidavit form prepared by the secretary of state as prescribed in this

2-34 section, setting forth the elector's application for a mail ballot. In addition to board offices, mail

3-1 ballot applications may be made available at public locations including, but not limited to, other

3-2 government agencies that service the public, and locations where voter registration forms are

3-3 made available.

3-4 (b) Whenever any person is unable to sign his or her name because of physical

3-5 incapacity or otherwise, that person shall make his or her mark "X".

3-6 (c) ~~The~~ In order to be processed for the next upcoming election, the application, when

3-7 duly executed, shall be delivered in person or by mail so that it is received by the local board not

3-8 later than four o'clock (4:00) p.m. on the ~~twenty-first (21st)~~ seventh (7th) day before the day of

3-9 any election referred to in section 17-20-1. Applications delivered after this time up until the

3-10 election shall be processed as if received on the day after the next election.

3-11 (d) In addition to those requirements set forth elsewhere in this chapter, a mail ballot, in

3-12 order to be valid, must have been cast in conformance with the following procedures:

3-13 (1) ~~All applications for mail ballots pursuant to section 17-20-2(1) must state under oath~~

3-14 ~~that the elector will be absent from the state on the day of election during the entire period of time~~

3-15 ~~the polls are to be open. All applications for mail ballot made pursuant to said subdivision must~~

3-16 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~

3-17 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be mailed to the elector at an address~~

3-18 ~~outside the state of Rhode Island to be provided by the elector on the application or sent to the~~

3-19 ~~board of canvassers in the city or town where the elector maintains his or her voting residence. In~~

3-20 ~~order to be valid, all ballots mailed to the elector outside of the state must be voted outside of the~~

3-21 ~~state of Rhode Island and the signature of the elector notarized by a person authorized by law to~~

3-22 ~~administer oaths in the state or country where signed or where the elector voted, or before two (2)~~

3-23 ~~witnesses who shall set forth their addresses on the form, and must be mailed from outside of the~~

3-24 ~~state of Rhode Island. In order to be valid, all ballots sent to the elector at the board of canvassers~~

3-25 ~~must be voted in private at the board, and the signature of the elector witnessed by a pair of~~

3-26 ~~supervisors, appointed in conformance with this chapter, who shall return the completed ballot to~~

3-27 ~~the board of elections for certification. Provided, however, that any Any elector qualifying under~~

3-28 ~~section 17-20-2(1) or 17-20-2(7) who is outside the continental United States, shall additionally~~

3-29 ~~be entitled to apply for a mail ballot and to vote such ballot through facsimile, upon request made~~

3-30 ~~to the secretary of state in writing containing the elector's facsimile number, or internet service~~

3-31 provider number from which the transmission originated, and the application to be used shall be

3-32 that prescribed by section 17-20-13. The secretary of state shall establish procedures to protect
3-33 the anonymity of any votes submitted by facsimile in the same manner as ballots submitted
3-34 through the mail.

4-1 ~~(2) All applications for mail ballots pursuant to section 17-20-2(2) must state, under~~
4-2 ~~oath, the institution of higher learning at which the elector or spouse of the elector is a student.~~
4-3 ~~All applications for mail ballot made pursuant to said subdivision must be notarized or witnessed~~
4-4 ~~by two (2) persons who shall sign their names and affix their addresses. All mail ballots issued~~
4-5 ~~pursuant to said subdivision shall be sent to the elector at the address of the institution of higher~~
4-6 ~~learning provided by the elector on the application or to the elector at his or her voting residence.~~
4-7 ~~The signature of the elector on ballots being sent to the elector at their institution of higher~~
4-8 ~~learning must be notarized or witnessed by two (2) persons who shall sign their names and affix~~
4-9 ~~their addresses.~~

4-10 ~~(3) All applications for mail ballots pursuant to section 17-20-2(3) must be notarized or~~
4-11 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-12 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at his or her voting~~
4-13 ~~residence. The signature of the elector on ballots being sent to the elector pursuant to this~~
4-14 ~~subdivision does not need to be notarized or witnessed.~~

4-15 ~~(4) All applications for mail ballots pursuant to section 17-20-2(4) must be notarized or~~
4-16 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-17 ~~ballots issued pursuant to said subdivision shall be sent to the elector at his or her voting~~
4-18 ~~residence. The signature of the elector on the ballots being sent to the elector must be notarized or~~
4-19 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

4-20 ~~(5) All applications for mail ballots pursuant to section 17-20-2(5) must state under oath~~
4-21 ~~the name and location of the hospital, convalescent home, nursing home, or similar institution~~
4-22 ~~where the elector is confined. All applications for mail ballots pursuant to said subdivision must~~
4-23 ~~be notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
4-24 ~~All mail ballots issued pursuant to said subdivision shall be delivered to the elector at the~~
4-25 ~~hospital, convalescent home, nursing home, or similar institution where the elector is confined;~~
4-26 ~~and the ballots shall be voted and witnessed in conformance with the provisions of section 17-20-~~
4-27 ~~14.~~

4-28 ~~(6) All applications for mail ballots pursuant to section 17-20-2(6) must be notarized or~~
4-29 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
4-30 ~~ballots issued pursuant to said subdivision shall be mailed to the elector at the elector's place of~~
4-31 ~~confinement. The signature of the elector on ballots being sent to the elector must be notarized or~~
4-32 ~~witnessed by two (2) persons who shall sign their names and affix their addresses.~~

4-33 ~~(7) All applications for mail ballots made pursuant to section 17-20-2(7) do not need to~~
4-34 ~~be witnessed or notarized. All mail ballots issued pursuant to said subdivision shall be mailed to~~
5-1 ~~the elector at an address outside the state of Rhode Island to be provided by the elector on the~~
5-2 ~~application, or sent to the board of canvassers in the city or town where the elector maintains his~~
5-3 ~~or her voting residence. The signature of the elector on ballots being sent to the elector pursuant~~
5-4 ~~to this subdivision does not need to be notarized or witnessed.~~

5-5 ~~(8) All applications for mail ballots pursuant to section 17-20-2(8) must be notarized or~~
5-6 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
5-7 ~~ballots issued pursuant to said subdivision to an elector who is employed by the state board of~~
5-8 ~~elections shall be mailed or delivered to the elector at the state board of elections. All mail ballots~~
5-9 ~~issued pursuant to said subdivision to a member of the staff of the elections division of the office~~
5-10 ~~of the secretary of state shall be mailed or delivered to the elector at the state board of elections.~~
5-11 ~~All mail ballots issued pursuant to said subdivision to a member of the staff of a local canvassing~~
5-12 ~~authority shall be mailed or delivered to the elector at his or her local board of canvassers. All~~
5-13 ~~mail ballots issued pursuant to said subdivision to a poll worker assigned to work election day~~
5-14 ~~outside of their voting district shall be mailed or delivered to the elector at his or her local board~~
5-15 ~~of canvassers. All ballots being sent to the elector pursuant to this subdivision must be voted in~~
5-16 ~~private at the state board or the local board, as the case may be, and the signature of the elector~~
5-17 ~~witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

5-18 (e) Any person knowingly and willfully making a false application or certification, or
5-19 knowingly and willfully aiding and abetting in the making of a false application or certification,
5-20 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

5-21 **17-20-2.2. Requirements for validity of emergency mail ballots.** -- (a) Any legally
5-22 qualified elector of this state whose name appears upon the official voting list of the town or
5-23 district of the city or town where the elector is so qualified, who on account of circumstances
5-24 manifested ~~twenty (20)~~ seven (7) days or less prior to any election becomes ~~eligible to vote by~~
5-25 ~~mail ballot according to this chapter,~~ unable to vote at their polling place on election day, may
5-26 obtain from the local board an application for an emergency mail ballot.

5-27 (b) The emergency mail ballot application, when duly executed, shall be delivered ~~in~~
5-28 ~~person or by mail so that it shall be received by~~ to the local board not later than four o'clock
5-29 (4:00) p.m. on the ~~last day preceding the date~~ of the election. The emergency ballot issued by the
5-30 local board pursuant to an application for an emergency ballot may be delivered to the voter by a
5-31 person of their choosing, provided that the person possesses signed, written authorization to so
5-32 deliver the ballot from the applicant. No person shall be allowed to deliver emergency ballots to
5-33 more than two (2) electors in a single election.

5-34 (c) The elector shall execute the emergency mail ballot application in accordance with
6-1 the requirements of this chapter, which application shall contain a certificate setting forth the
6-2 facts relating to the circumstances necessitating the application.

6-3 ~~(d) In addition to those requirements set forth elsewhere in this chapter, an emergency~~
6-4 ~~mail ballot, in order to be valid, must have been cast in conformance with the following~~
6-5 ~~procedures:~~

6-6 ~~(1) All applications for emergency mail ballots pursuant to section 17-20-2(1) must be~~
6-7 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.~~
6-8 ~~All mail ballots issued pursuant to section 17-20-2(1) shall be cast at the board of canvassers in~~
6-9 ~~the city or town where the elector maintains his or her voting residence or mailed by the office of~~
6-10 ~~the secretary of state to the elector at an address outside the state of Rhode Island to be provided~~
6-11 ~~by the elector on the application. In order to be valid, all ballots mailed to the elector out of state~~
6-12 ~~must be voted outside the state of Rhode Island and the signature of the elector notarized by a~~
6-13 ~~person authorized by law to administer oaths in the state or country where signed or where the~~
6-14 ~~elector voted, or before two (2) witnesses who shall set forth their addresses on the form, and~~
6-15 ~~must be mailed from outside the state of Rhode Island. In order to be valid, all ballots cast by the~~
6-16 ~~elector at the board of canvassers must be voted in private at the board and the signature of the~~
6-17 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter, who shall~~
6-18 ~~return the completed ballot to the board of elections for certification.~~

6-19 ~~(2) All applications for emergency mail ballots pursuant to section 17-20-2(2) must state~~
6-20 ~~under oath the institution of higher learning at which the elector or spouse of the elector is a~~
6-21 ~~student. All applications for mail ballot made pursuant to this subdivision must be notarized or~~
6-22 ~~witnessed by two (2) persons who shall sign their names and affix their addresses. All mail~~
6-23 ~~ballots issued pursuant to this subdivision shall be cast at the board of canvassers in the city or~~
6-24 ~~town where the elector maintains his or her voting residence, or mailed by the office of the~~
6-25 ~~secretary of state to the elector at the address of the institution of higher learning provided by the~~
6-26 ~~elector on the application. Ballots being cast at the local board of canvassers must be voted in~~
6-27 ~~private and the signature of the elector witnessed by a pair of supervisors, appointed in~~
6-28 ~~conformance with this chapter, who shall return the completed ballot to the board of elections for~~
6-29 ~~certification. The signature of the elector on ballots being sent to the elector at their institution of~~
6-30 ~~higher learning must be notarized or witnessed by two (2) persons who shall sign their names and~~
6-31 ~~affix their addresses.~~

6-32 ~~(3) All applications for emergency mail ballots pursuant to section 17-20-2(3) must be~~
6-33 ~~notarized or witnessed by two (2) persons who shall sign their names and affix their addresses~~
6-34 ~~and must be accompanied by a certificate from a licensed physician or a Christian Science~~
7-1 ~~practitioner setting forth the location of his or her medical offices or the Christian Science~~
7-2 ~~practitioner's office, the date when that physician last examined the elector, or in the case of a~~
7-3 ~~Christian Science practitioner, when the practitioner last treated the elector, and attesting that the~~

7-4 illness, disability, blindness or serious impairment of mobility did not manifest itself until twenty
7-5 (20) days or less prior to the date of the election and as a result it would be an undue hardship for
7-6 the elector to vote at the polls based upon a physical examination performed by that physician or
7-7 an observation by that Christian Science practitioner. The state board of elections shall prepare
7-8 forms for physicians and practitioners to use in making the certification required in this
7-9 subdivision and shall distribute the forms prior to each general election to those physicians
7-10 licensed to practice medicine in this state and, upon request, to any other persons and at any other
7-11 times as necessary. The forms shall also be made available at each board of canvassers. It shall
7-12 not be required that a physician or practitioner use the form in certifying the illness, disability,
7-13 blindness or serious impairment of mobility of a voter as long as the certification provided
7-14 contains all of the required information. Any physician knowingly and willfully making a false
7-15 certification, and any person knowingly and willfully aiding and abetting in the making of a false
7-16 certification, shall be guilty of a felony. All mail ballots issued pursuant to section 17-20-2(3)
7-17 shall be mailed to the elector at his or her voting residence by the office of the secretary of state,
7-18 or delivered by the local board to a person presenting written authorization from the elector to
7-19 receive the ballots, or cast in private at the local board of canvassers. The signature of the elector
7-20 on ballots being cast pursuant to this subdivision does not need to be notarized or witnessed.

7-21 (4) All applications for emergency mail ballots pursuant to section 17-20-2(4) must be
7-22 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
7-23 All mail ballots issued pursuant to this subdivision shall be mailed to the elector at his or her
7-24 voting residence by the office of the secretary of state, or cast by the elector at the board of
7-25 canvassers in the city or town where he or she resides. Ballots being cast at the local board of
7-26 canvassers must be voted in private at the board and the signature of the elector witnessed by a
7-27 pair of supervisors, appointed in conformance with this chapter, who shall return the completed
7-28 ballot to the board of elections for certification. The signature of the elector on ballots being sent
7-29 to the elector at his or her voting residence must be notarized or witnessed by two (2) persons
7-30 who shall sign their names and affix their signatures.

7-31 (5) All applications for emergency mail ballots pursuant to section 17-20-2(5) must state
7-32 under oath the name and location of the hospital, convalescent home, nursing home, or similar
7-33 institution where the elector is confined. All applications for mail ballots pursuant to this
7-34 subdivision must be notarized or witnessed by two (2) persons who shall sign their names and
8-1 affix their addresses. All mail ballots issued pursuant to this subdivision shall be delivered to the
8-2 elector by the bi-partisan pair of supervisors, appointed in conformance with this chapter, and
8-3 shall be voted and witnessed in conformance with the provisions of section 17-20-14.

8-4 (6) All applications for emergency mail ballots pursuant to section 17-20-2(6) must be
8-5 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
8-6 All mail ballots issued pursuant to this subdivision shall be mailed by the office of the secretary
8-7 of state to the elector at the elector's place of confinement, or delivered to a person presenting
8-8 written authorization from the elector to receive the ballot. The signature of the elector on ballots
8-9 being sent to the elector must be notarized or witnessed by two (2) persons who shall sign their
8-10 names and affix their addresses.

8-11 (7) All applications for emergency mail ballots made pursuant to section 17-20-2(7) do
8-12 not need to be witnessed or notarized. All mail ballots issued pursuant to this subdivision shall be
8-13 mailed by the office of the secretary of state to the elector at an address outside the state of Rhode
8-14 Island to be provided by the elector on the application, or cast at the board of canvassers in the
8-15 city or town where the elector maintains his or her voting residence. The signature of the elector
8-16 on ballots being sent to the elector pursuant to this subdivision does not need to be notarized or
8-17 witnessed.

8-18 (8) All applications for emergency mail ballots pursuant to section 17-20-2(8) must be
8-19 notarized or witnessed by two (2) persons who shall sign their names and affix their addresses.
8-20 All mail ballots issued pursuant to this subdivision to an elector who is employed by the state
8-21 board of elections shall be mailed or delivered by the office of the secretary of state to the elector
8-22 at the state board of elections. All mail ballots issued pursuant to this subdivision to a member of
8-23 the staff of the elections division of the office of the secretary of state shall be mailed or delivered

8-24 ~~to the elector at the state board of elections. All mail ballots issued pursuant to this subdivision to~~
8-25 ~~a member of the staff of a local canvassing authority shall be cast by the elector at his or her local~~
8-26 ~~board of canvassers. All mail ballots issued pursuant to this subdivision to a poll worker assigned~~
8-27 ~~to work election day outside of their voting district shall be cast by the elector at his or her local~~
8-28 ~~board of canvassers. All ballots being sent to the elector pursuant to this subdivision must be~~
8-29 ~~voted in private at the state board or the local board, as the case may be, and the signature of the~~
8-30 ~~elector witnessed by a pair of supervisors, appointed in conformance with this chapter.~~

8-31 (e) The secretary of state shall provide each of the several boards of canvassers with a
8-32 sufficient number of mail ballots for their voting districts so that the local boards may provide the
8-33 appropriate ballot or ballots to the applicants. It shall be the duty of each board of canvassers to
8-34 process each emergency ballot application in accordance with this chapter, and it shall be the duty
9-1 of each board to return to the secretary of state any ballots not issued immediately after each
9-2 election.

9-3 (f) Any person knowingly and willfully making a false application or certification, or
9-4 knowingly and willfully aiding and abetting in the making of a false application or certification,
9-5 shall be guilty of a felony and shall be subject to the penalties provided for in section 17-26-1.

9-6 **17-20-6. Alternative methods of voting.** -- Any qualified elector who is a member of the
9-7 armed forces or of the merchant marine of the United States, or who is absent from the state in the
9-8 performance of "services intimately connected with military operations" as defined in section 17-
9-9 20-3(c), and any qualified elector of this state exempt from registration under section 17-20-4,
9-10 shall have the right to vote at his or her option during the period of his or her service and for two
9-11 (2) years thereafter by any one of the following methods:

9-12 (1) ~~If the person is present within the state on the day of any election, that person~~ The
9-13 voter shall have the right to vote in the manner prescribed in chapter 19 of this title, subject to any
9-14 other provisions of this chapter.

9-15 (2) ~~If the person is absent from the state on the day of any election, that person~~ The voter
9-16 has the right to vote by absentee ballot in accordance with the provisions of this chapter, ~~upon~~
9-17 ~~compliance with its provisions.~~

9-18 (3) (i) The elector may cast an official ~~federal absentee ballot~~ federal write-in absentee
9-19 ballot "FWAB" in accordance with the laws of the United States.

9-20 (ii) The elector may use the "FWAB" to cast a vote for each federal, state and local
9-21 office for which he or she is entitled to vote in a general, primary or special election.

9-22 (4) The elector may also cast an official state blank ballot issued by the office of the
9-23 secretary of state in accordance with this chapter.

9-24 **17-20-6.1. Alternative methods of voting by citizens covered by the Uniformed and**
9-25 **Overseas Citizens Absentee Voting Act (UOCAVA) and other citizens residing outside the**
9-26 **United States.** -- (a) It is the intent and purpose that the provisions set forth in this section are
9-27 designed to facilitate the federal mandate of the Uniformed and Overseas Citizens Absentee
9-28 Voting Act (UOCAVA), 42 U.S.C. section 1973ff et seq.

9-29 (b) The Federal Post Card Application (FPCA) may be used as a request for an absentee
9-30 ballot by:

9-31 (1) A member of the armed forces who is absent from the state by reason of being in
9-32 active service;

9-33 (2) Any person absent from the state in performance of "services intimately connected
9-34 with military operations" as defined in section 17-20-3(d);

10-1 (3) Any person who is employed outside of the United States as defined in section 17-
10-2 20-3(c); and

10-3 (4) Any person who does not qualify under subparagraph (1), (2), or (3) above, but who
10-4 is a citizen of the United States and absent from the state and residing outside the United States as
10-5 described in chapter 21.1 of title 17.

10-6 (c) The single FPCA card shall permit the person to request an absentee ballot for each
10-7 primary and election through the next two (2) regularly scheduled general elections for federal
10-8 office in which the voter is eligible to vote.

10-9 (d) The FPCA card must be received by the local board of canvassers where the person

10-10 last maintains his/her residence for voting purposes within the time frame for applying for
10-11 absentee ballots as set forth in this title.

10-12 (e) If the FPCA, when used in accordance with this section, is sent by the voter through
10-13 electronic transmission, it must be sent to the secretary of state and it must be received by the
10-14 secretary of state by the deadline for applying for absentee ballots as set forth in this title. The
10-15 secretary of state shall then forward the FPCA to the appropriate local authority who shall
10-16 immediately certify and return the FPCA to the secretary of state with the notation that the
10-17 corresponding ballots shall be sent by mail and electronic transmission. The secretary of state
10-18 shall transmit ballots only to the facsimile number provided by the Federal Voter Assistance
10-19 Program. The ballots sent by electronic transmission shall be returned to the state board by
10-20 electronic transmission. These ballots will be counted at the state board in accordance with rules
10-21 and regulations promulgated by the state board.

10-22 ~~(f) The voter's signature on the FPCA does not need to be witnessed or notarized, when~~
10-23 ~~the FPCA is submitted as provided in this section.~~

10-24 ~~(g) If a voter is casting a mail ballot received through the use of the FPCA card as~~
10-25 ~~provided in this section, the voter's signature does not need to be witnessed or notarized on the~~
10-26 ~~certifying envelope used for the return of the voted mail ballot.~~

10-27 **17-20-8. Application for ballot.** -- (a) Whenever any person is unable to sign his or her
10-28 name because of physical incapacity or otherwise, that person shall make his or her mark "X".

10-29 (b) Notwithstanding any other provision of this chapter as to time and manner thereof, it
10-30 shall be the duty of the applicant to cause the mail ballot application or the emergency mail ballot
10-31 application, as the case may be, to be processed by the local board so that the applicant may
10-32 receive the ballot, cast it, and cause delivery thereof to be made to the state board not later than
10-33 nine o'clock (9:00) p.m. on the date of election.

10-34 (c) The local board shall maintain a separate list of names and addresses of all
11-1 applicants, ~~and their subscribing witnesses and a copy of the list shall be made available for~~
11-2 ~~inspection to any person upon request.~~ The list shall include the date on which the application
11-3 was made, the date mail ballots were sent or delivered, the date the ballots were returned for
11-4 every individual on the list, and shall indicate if the voter has requested permanent mail voter
11-5 status or if they have requested a mail ballot for a single election. If a mail ballot is not returned
11-6 by the voter or if it is rejected, that fact shall be noted on the list. The list shall be updated at least
11-7 twice per week, and shall be available to the public in the same manner as voter registration lists,
11-8 except that in the period between the time that mail ballots are sent to voters and election day the
11-9 list shall be updated daily and shall be available to the public in electronic format in addition to
11-10 being available in the same manner as voter registration lists.

11-11 (d) A voter whose name appears on the list as a permanent vote by mail voter shall
11-12 remain on the list and shall be mailed a mail ballot for each election.

11-13 (e) A permanent vote by mail voter shall be deleted from the list if:

11-14 (1) The eligible voter notifies the designated election official that he or she no longer
11-15 wishes to vote by mail ballot.

11-16 (2) The mail ballot sent to the (voter/elector) is returned as undeliverable.

11-17 (3) The elector has been designated "inactive".

11-18 ~~(f)(d)~~ Any person knowingly and willfully making a false application or certification or
11-19 knowingly and willfully aiding and abetting in the making of a false application or certification
11-20 shall be guilty of a felony.

11-21 **17-20-9. Application by permanently disabled or incapacitated voters.** -- (a) A voter
11-22 ~~who is indefinitely confined because of physical illness or infirmity or is disabled for an~~
11-23 ~~indefinite period may, by signing an affidavit to that effect, request that an absentee mail~~ ballot
11-24 ~~application be sent to him or her automatically for every election. The affidavit form and~~
11-25 ~~instructions shall be prescribed by the secretary of state, and furnished upon request to any elector~~
11-26 ~~by each local board of canvassers. The envelope containing the absentee ballot application shall~~
11-27 ~~be clearly marked as not forwardable. The request shall be made by checking the appropriate box~~
11-28 ~~designating a choice to register as a permanent mail voter on the mail ballot application form.~~ If
11-29 any elector is no longer ~~indefinitely confined,~~ wishes to receive a mail ballot, he or she shall

11-30 notify the clerk of the local board of canvassers of this fact. ~~The clerk shall remove the name of~~
11-31 ~~any voter from the mailing list established under this section upon receipt of reliable information~~
11-32 ~~that a voter no longer qualifies for the service. The voter shall be notified of the action within five~~
11-33 ~~(5) days after the board takes the action.~~

11-34 (b) A voter who is indefinitely confined because of physical illness or infirmity or is
12-1 disabled for an indefinite period may, by signing an affidavit to that effect, request that a stamped
12-2 return envelope be included with their mail ballot at each election. The affidavit form and
12-3 instructions shall be prescribed by the secretary of state, and furnished upon request to any elector
12-4 by each local board of canvassers.

12-5 ~~(1)(b)~~ The affidavit form and instructions prescribed in this ~~section~~ subsection (b) shall
12-6 be mailed to the applicant along with a stamped return envelope addressed to the local boards of
12-7 canvassers.

12-8 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

12-9 **Mailing address. --** (a) Upon receipt of the application, the local board shall immediately
12-10 examine it and determine whether it complies with each of the requirements set forth by this
12-11 chapter and compare the signature on the ballot application with the signature contained on the
12-12 original registration card, except as may be otherwise provided by law, to satisfy itself that the
12-13 applicant is a qualified voter. Upon determining that it does meet each requirement of this chapter
12-14 and that the signature appears to be the same, the local board shall mark the application
12-15 "accepted" and record in the space provided on the ballot application the senatorial,
12-16 representative, and voting district in which the applicant should vote.

12-17 (b) The local board shall also record the city or town code and district information in the
12-18 mailing label section of the mail ballot application. The local board shall also print or type the
12-19 name of the elector and the complete mailing address in that section. If the local board does not
12-20 accept the application, the local board shall return the application to the elector, together with a
12-21 form prescribed by the secretary of state, specifying the reason or reasons for the return of the
12-22 application.

12-23 (c) Not later than 4:00 p.m. on the ~~eighteenth (18th)~~ sixth (6th) day before the day of any
12-24 election referred to in this chapter or within ~~seven (7)~~ five (5) days of receipt by the local board,
12-25 whichever occurs first, the local board shall certify the applications to the secretary of state
12-26 through the CVRS system as this procedure is prescribed by the secretary of state. Upon the
12-27 certification of a mail ballot application to the secretary of state, the local board shall enter on the
12-28 voting list the fact that a mail ballot application for the voter has been certified and shall cause the
12-29 delivery of the certified mail ballot applications together with the signed certified listing thereof
12-30 in sealed packages to the state board of elections.

12-31 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
12-32 issue and mail, by first class mail, postage prepaid, a mail ballot to each eligible voter who has
12-33 been certified. With respect to voters who have applied for these mail ballots under the provisions
12-34 of ~~section 17-20-2(3)~~ subsection 17-20-9(b), the secretary of state shall include with the mail
13-1 ballots a stamped return envelope addressed: "Board of Elections, 50 Branch Avenue,
13-2 Providence, Rhode Island 02904-2790".

13-3 (2) The secretary of state shall include on the mail ballot envelope a numerical or
13-4 alphabetical code designating the city or town where the voter resides. The secretary of state shall
13-5 immediately thereafter indicate on the voter's record that the secretary of state has sent mail
13-6 ballots provided, that this mark shall serve solely to indicate that a mail ballot has been issued and
13-7 shall not be construed as voting in the election.

13-8 (e) ~~Prior~~ On or before the date the initial mail ballots are distributed to voters by the
13-9 secretary of state prior to each election, the secretary of state shall ~~also~~ furnish to ~~the chairperson~~
13-10 ~~of the state committee of each political party~~ members of the public upon request a list in
13-11 electronic and printed format of the names and residence addresses of all persons to whom mail
13-12 ballots have been issued. Such list shall also indicate whether each voter's mail ballot has been
13-13 returned. ~~The secretary of state shall also furnish to a candidate for political office upon request a~~
13-14 ~~list of the names and residence addresses of all persons to whom mail ballots have been issued~~
13-15 ~~within his or her district.~~

13-16 (f) [Deleted by P.L. 2005, ch. 167, section 2.]
 13-17 (g) If a ballot is returned to the secretary of state by the postal service as undeliverable,
 13-18 the secretary of state shall consult with the appropriate local board to determine the accuracy of
 13-19 the mailing address, and the secretary of state shall be required to re-mail the ballot to the voter
 13-20 using the corrected address provided by the local board. If the local board is unable to provide a
 13-21 different address than that to which the ballot was originally mailed, the ballot shall be reissued
 13-22 by the secretary of state to the board of canvassers in the city or town where the voter resides
 13-23 utilizing the numerical or alphabetical code established in subsection (d) of this section. The
 13-24 board shall consult the United States Postal Service Change of Address Directory to determine if
 13-25 an alternative address exists for the voter. The board shall then attempt to notify the voter at his or
 13-26 her place of residence, at the alternative address provided for receiving the ballot, that the ballot
 13-27 has been returned as undeliverable. The ballot must be voted and witnessed in accordance with
 13-28 the provisions of this chapter.

13-29 (h) The acceptance of a mail ballot application by the board of canvassers and the
 13-30 issuance of a mail ballot by the secretary of state shall not create any presumption as to the
 13-31 accuracy of the information provided by the applicant or as to the applicant's compliance with the
 13-32 provisions of this chapter. Any inaccuracy in the provided information or irregularity in the
 13-33 application may be raised as a challenge to the ballot before the board of elections at the time of
 13-34 certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

14-1 ~~(i) Upon the request of any candidate for public office and upon a showing of good cause~~
 14-2 ~~or upon its own motion, the board of elections shall make inquiry into the legitimacy of the~~
 14-3 ~~certifications issued pursuant to section 17-20-2.2(3) by any physician or practitioner who issues~~
 14-4 ~~more than fifty (50) certifications in any one election or by any physician or practitioner who the~~
 14-5 ~~board has reason to believe has made a false certification. The inquiry shall include a~~
 14-6 ~~determination as to whether the physician or practitioner conducted an examination of the~~
 14-7 ~~electors he or she certified as ill or disabled to determine whether it would be an undue hardship~~
 14-8 ~~on them to go to the polls. The provisions of chapter 37.3 of title 5 shall not apply to any~~
 14-9 ~~proceeding before the state board of elections conducted pursuant to this title. The boards of~~
 14-10 ~~canvassers shall immediately notify the board of elections of any physician who has issued more~~
 14-11 ~~than twenty-five (25) certifications in their city or town in the same election.~~

14-12 (i) Within ~~two (2)~~ one business ~~days~~ day of receipt by the local board, the board shall
 14-13 certify emergency mail ballot applications and shall cause the delivery of the emergency mail
 14-14 ballot applications, and certification sheet in sealed packages to the state board of elections.

14-15 **17-20-13. Form of application. --** The application to be subscribed by the voters before
 14-16 receiving a mail ballot shall, in addition to those directions that may be printed, stamped, or
 14-17 written on it by authority of the secretary of state, be in substantially the following form:

14-18 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS APPLICATION
 14-19 OF VOTER FOR BALLOT FOR ELECTION ON _____

14-20 (COMPLETE HIGHLIGHTED SECTIONS)

14-21 NOTE - THIS APPLICATION MUST BE RECEIVED BY THE BOARD OF
 14-22 CANVASSERS OF YOUR CITY OR TOWN NOT LATER THAN 4:00 P.M

14-23 ON _____

14-24 BOX A VOTING ADDRESS (PRINT OR TYPE)

14-25 NAME _____

14-26 VOTING ADDRESS _____

14-27 CITY/TOWN _____ STATE RI ZIP CODE _____

14-28 DATE OF BIRTH _____ PHONE # _____

14-29 BOX B Mailing address if different than voting address (PRINT OR TYPE)

14-30 NAME OF INSTITUTION (IF APPLICABLE) _____

14-31 ADDRESS _____

14-32 ADDRESS _____

14-33 CITY/TOWN _____ STATE _____ ZIP CODE _____

14-34 FACSIMILE NUMBER (if applicable) _____

15-1 ~~I CERTIFY THAT I AM ELIGIBLE FOR A MAIL BALLOT ON THE FOLLOWING~~

15-2 ~~BASIS; (CHECK ONE ONLY) (-) 1. I will be absent from the state on the date of the election~~
15-3 ~~during the entire period of time when the polls are to be open. Provide an out-of-state mailing~~
15-4 ~~address in BOX B above or the ballot will be mailed to the local board of canvassers. (-) 2. I will~~
15-5 ~~be absent from the city or town of my voting residence during the entire period of time when the~~
15-6 ~~polls are to be open because of my status as a student, or spouse of a student, at an institution of~~
15-7 ~~higher learning within the state of Rhode Island. Complete BOX B above with your the entire~~
15-8 ~~address to which you would like your ballot mailed or the ballot will be mailed to the address in~~
15-9 ~~BOX A.~~

15-10 ~~() Check here if you would prefer to automatically receive a mail ballot for all future~~
15-11 ~~elections.~~

15-12 ~~Indicate name of institution _____~~

15-13 ~~(-) 3. I am Are you incapacitated to such an extent that it would be an undue hardship to~~
15-14 ~~vote at the polls because of illness, mental or physical disability, blindness or a serious~~
15-15 ~~impairment of mobility. ~~Ballot will be mailed to address in BOX A. () YES () NO~~ (-) 4. I belong~~
15-16 ~~to a religion whose tenets forbid secular activity, including voting, on the day of election. Ballot~~
15-17 ~~will be mailed to address in BOX A.~~

15-18 ~~5. I am confined in a hospital, convalescent home, nursing home, rest home, or similar~~
15-19 ~~institution. Complete BOX B above. (-) 6. I am detained while awaiting trial or imprisoned for a~~
15-20 ~~cause other than final conviction of a felony. Complete BOX B above. (-) 7. I am employed or in~~
15-21 ~~service intimately connected with military operations or because I am a spouse or dependent of~~
15-22 ~~such person. Complete BOX B above or the ballot will be mailed to the local board of canvassers.~~
15-23 ~~(-) 8. I am employed by the (a)(-) state board of elections, (b)(-) elections division of the secretary~~
15-24 ~~of state, (c)(-) a member of the staff of a local canvassing authority, (d)(-) or a poll worker~~
15-25 ~~assigned to work election day outside of their voting district.~~

15-26 I declare, under penalty of perjury, that all of the information I have provided on this
15-27 form is true and correct to the best of my knowledge. I further state that I am not a qualified voter
15-28 of any other city or town or state and have not claimed and do not intend to claim the right to vote
15-29 in any other city or town or state.

15-30 If unable to sign name because of physical incapacity or otherwise, applicant shall make
15-31 his or her mark "X".

15-32 SIGNATURE IN FULL _____

15-33 ~~This application must either be sworn to before a notary public OR before two (2)~~
15-34 ~~witnesses who must sign their names and affix their addresses. No witness or notary is necessary~~
16-1 ~~if checking category No. 7. WITNESSES: Name=rf Address=rf Name=rf Address=rf OR~~
16-2 ~~NOTARY: (If executed outside of RI by a notary public, attest in manner authorized by law of~~
16-3 ~~places where taken.) Sworn to (or affirmed) before me, this _____ day of _____,~~
16-4 ~~20____. Notary Public=rf My Commission Expires: _____~~

16-5 **17-20-14. Voting from hospitals and convalescent homes -- Penalty for interference.**

16-6 ~~-- (a) The state board of elections shall appoint as many bipartisan pairs of supervisors as are~~
16-7 ~~necessary whose duty it shall be to attend each hospital, rest home, nursing home and~~
16-8 ~~convalescent home, or similar types of personal care facility in the state within twenty (20) days~~
16-9 ~~prior to the election. They shall supervise the casting of votes by persons using mail ballots at a~~
16-10 ~~place that preserves their secrecy ~~and shall take acknowledgments or serve as witnesses~~, and~~
16-11 ~~jointly provide assistance, if requested, to assure proper marking, sealing, and mailing of ballots~~
16-12 ~~as voted. ~~Every mail ballot cast by a patient in a hospital or convalescent home within this state~~~~
16-13 ~~~~must be witnessed by the state supervisors~~. It shall be the duty of the person or persons in charge~~
16-14 ~~of hospitals, rest homes, nursing homes and convalescent homes, or similar types of personal care~~
16-15 ~~facility to allow the state supervisors to perform their duties as set forth in this section at all~~
16-16 ~~reasonable times. Every person who willfully hinders the state supervisors in performing their~~
16-17 ~~duties as set forth in this section shall be guilty of a misdemeanor.~~

16-18 (b) It shall be the responsibility of the state board of elections to provide all bipartisan
16-19 pairs of supervisors with an official identification card. All bipartisan pairs of supervisors will be
16-20 required to have in their possession their identification card when conducting official business.

16-21 (c) Any person who deliberately misrepresents themselves as an official of the board of

16-22 elections, or who deceives, coerces, or interferes with a voter casting a ballot, shall be subject to
16-23 prosecution under section 17-20-30.

16-24 **17-20-14.1. Mail ballots -- Local supervision. --** Each local board shall be authorized to
16-25 appoint one or more bipartisan pairs of supervisors in the manner that other bipartisan pairs of
16-26 supervisors are appointed for each election, whose duty it shall be to attend each person who
16-27 makes an application for a mail ballot under sections 17-20-2.1 and 17-20-2.2, who does not fall
16-28 under the provisions of section 17-20-14, and who requests that a bipartisan pair of supervisors be
16-29 sent by the board of canvassers to that person's place of residence for the purpose of supervising
16-30 or assisting the mail voter in casting his or her vote. The bipartisan pairs of supervisors shall
16-31 supervise the casting of votes by persons using the mail ballot at a place that preserves their
16-32 secrecy ~~and shall take acknowledgments or serve as witnesses~~, and jointly provide assistance, if
16-33 requested, to assure proper marking, sealing, and mailing of ballots as voted. The failure or
16-34 neglect of any local board to appoint these bipartisan pairs, or the failure or neglect of any pair to
17-1 attend any place at which a mail voter's ballot may be used, or the marking, sealing, or mailing of
17-2 ballots in the absence of any pair, shall not invalidate any ballot.

17-3 **17-20-14.2. Voting from board of canvassers. --** The state board of elections shall
17-4 appoint as many pairs of supervisors as are necessary whose duty it shall be to attend each board
17-5 of canvassers in the state on each of the six (6) business days prior to the election, on election
17-6 day, and on any additional days that the state board shall direct to supervise the casting of votes
17-7 by persons using mail ballots at a place that preserves their secrecy ~~and to take acknowledgments~~
17-8 ~~or serve as witnesses~~, and jointly provide assistance, if requested, to assure proper marking,
17-9 sealing, and mailing of ballots as voted. The pairs appointed by the board of elections shall be
17-10 "bipartisan", as defined in this title, unless the persons are members or employees of the boards of
17-11 canvassers of the cities and towns. The state board of elections may, in its discretion, appoint
17-12 members and employees of the boards of canvassers of the cities and towns to the pairs of
17-13 supervisors provided for in this section. Every mail ballot cast at a board of canvassers must be
17-14 witnessed by the state supervisors. Every person who willfully hinders the state supervisors in
17-15 performing their duties as set forth in this section shall be guilty of a misdemeanor.

17-16 **17-20-21. Certifying envelopes. --** The secretary of state shall cause to be prepared and
17-17 printed and shall furnish with each mail ballot an envelope for sealing up and certifying the ballot
17-18 when returned. The envelope shall be printed in substantially the following form:

17-19 "After marking ballot or ballots, fold and enclose in this envelope and seal it. ~~Certify to~~
17-20 ~~statement hereon.~~ Certify the ballot by signing your name in the place provided on the
17-21 certification envelope. Enclose in envelope addressed to board of elections, which must receive
17-22 the envelope not later than nine o'clock (9:00) p.m. the day of election."

17-23 Date of Election: _____ City/Town of: _____

17-24 Certificate of Voter

17-25 I _____, certify under penalty of perjury
17-26 Print Name of Voter

17-28 that I am a resident of the state of Rhode Island and a qualified voter of the state residing
17-29 at _____

17-30 Street and number, if any)

17-31 in the city or town of _____ and ~~that I am eligible to cast a~~

17-32 ~~mail ballot for the reason set forth in my application and that~~ I have not qualified to vote
17-33 elsewhere than as set forth on this envelope, nor do I intend to vote for any of the candidates,
17-34 amendments or propositions named in the enclosed ballot elsewhere or in any other manner.

18-1 Voter must sign full name here: (If unable to sign name because of physical incapacity or
18-2 otherwise, voter shall make his or her mark "(X)").

18-3 ~~Before me the _____ day of _____, 20_____, at~~

18-4 ~~_____ (city or town), county of _____, state of~~

18-5 ~~_____, personally appeared the above named voter, to me known and known~~
18-6 ~~by me to be the person who affixed his or her signature to this ballot envelope.~~

18-7 ~~_____ Notary Public Notary must also print~~

18-8 his or her name Witness: _____ =rf (Signature) (Residence) =forme

18-9 ~~Note: Mail ballots must either be sworn to before a notary public or before two (2)~~

18-10 ~~witnesses who must sign their names and addresses. If the voter is incapacitated because of~~

18-11 ~~illness, mental or physical disability, blindness or a serious mobility impairment and checked~~

18-12 ~~subdivision (3) on the mail ballot application, no notarization or witnesses are necessary.~~

18-13 **17-20-23. Marking and certification of ballot. --** (a) A voter desiring to vote for all
18-14 candidates of one political party for national and state, or city or town, offices, shall fill in the
18-15 appropriate space next to the designation of that party upon the appropriate ballot. A voter casting
18-16 a straight party vote may also individually vote for candidates and, in doing so, the straight party
18-17 vote will not be counted for that office and the individual vote, or votes in the case where more
18-18 than one candidate will be elected for an office, will override the straight party vote for that
18-19 office.

18-20 (b) A voter may omit to mark as provided in subsection (a) of this section and may vote
18-21 for the candidates of the voter's choice by making a mark in the space provided opposite their
18-22 respective names.

18-23 (c) In case a voter desires to vote upon a question submitted to the vote of the electors of
18-24 the state, the voter shall mark in the appropriate space associated with the answer that the voter
18-25 desires to give.

18-26 (d) The voter shall mark the ballot ~~in the presence of two (2) witnesses or some officer~~
18-27 ~~authorized by the law of the place where marked to administer oaths; provided, that electors~~
18-28 ~~casting their ballot pursuant to section 17-20-2(3) or (7) do not need to have their ballot witnessed~~
18-29 ~~or notarized. Except as otherwise provided for by this chapter, the voter shall not allow the~~
18-30 ~~official or witnesses to see how he or she marks the ballot and the official or witnesses shall hold~~
18-31 ~~no communication with the voter, nor the voter with the official or witnesses, as to how the voter~~
18-32 ~~is to vote.~~ Thereafter, the voter shall enclose and seal the ballot in the envelope provided for it.

18-33 The voter shall then execute ~~before the official or witnesses~~ the certification on the envelope. The
18-34 voter shall then enclose and seal the certified envelope with the ballot in the envelope addressed
19-1 to the state board and cause the envelope to be delivered to the state board on or before election
19-2 day.

19-3 (e) These ballots shall be counted only if received within the time limited by this chapter.

19-4 (f) There shall be a space provided on the general election ballot to allow the voter to
19-5 write in the names of persons not in nomination by any party as provided for in sections 17-19-31
19-6 and 17-20-24.

19-7 **17-20-24.1. Irregularities in obtaining and casting mail ballots. --** The requirements
19-8 set forth by this chapter controlling mail ballot eligibility and the procedure by which mail ballots
19-9 are obtained and cast shall be strictly applied to assure the integrity of the electoral system. No
19-10 mail ballot which was not obtained and/or cast in material conformance with the provisions of
19-11 this title shall be certified by the board of elections. ~~Notwithstanding the provisions of section 34-~~
19-12 ~~12-3 to the contrary, any mail ballot application or mail ballot certification notarized by a person~~
19-13 ~~who is not in fact a notary public or other officer authorized to administer oaths and take~~
19-14 ~~acknowledgements shall be void.~~ Nothing in this chapter shall be construed to require the
19-15 disqualification of a ballot merely because the elector did not sign the elector's full name as it is
19-16 listed on the voter registration list, but omitted or included a middle initial or name, abbreviated a
19-17 first and/or middle name, or made a similar omission or inclusion, as long as the board of
19-18 elections can reasonably determine the identity of the voter.

19-19 **17-20-25. Return of unused ballots. --** ~~Every voter who has received a mail ballot and~~
19-20 ~~has not cast it shall nevertheless return the unvoted ballot and its uncertified enclosing envelope~~
19-21 ~~to the state board or local board with a statement that the voter is not using the mail ballot, before~~
19-22 ~~nine o'clock (9:00) p.m. on election day.~~

19-23 **17-20-26. Opening and counting of ballots. --** (a) (1) Beginning prior to and continuing
19-24 on election day the state board, upon receipt of mail ballots, shall keep the ballots in a safe and
19-25 secure place which shall be separate and apart from the general public area, and shall:

19-26 (i) Open the outer envelope and attach the matching ballot application to the inner
19-27 certifying envelope;

19-28 (ii) Beginning fourteen (14) days prior to and continuing on election day, proceed to
19-29 certify the mail ballots.

19-30 (2) Notice of these sessions shall be given to the public by announcements in newspapers
19-31 of general circulation published at least twenty-four (24) hours before the commencing of any
19-32 session. All candidates for state and federal office, as well as all state party chairpersons, shall be
19-33 given notice by telephone or otherwise of the day on which ballots effecting that candidate's
19-34 district will be certified; provided, that failure to effect the notice shall in no way invalidate the
20-1 ballots.

20-2 (b) This processing shall be done within a railed space in the room in which it takes
20-3 place, and the board shall admit within the railed space, in accordance with those rules that the
20-4 board shall adopt, to witness the processing and certification of the ballots, the interested voter or
20-5 the voter's representative, the candidates, or at least one representative of each candidate for
20-6 whom votes are at the time being processed, and an equal number of representatives of each
20-7 political party. These representatives shall be authorized in writing by the voter, the candidate, or
20-8 the chairperson of the state committee of the political party, respectively, as the case may be. The
20-9 board shall also, in accordance with these rules, admit representatives of the press and
20-10 newscasting agencies and any other persons that it deems proper.

20-11 (c) At these sessions, and before certifying any ballot, the state board shall:

20-12 (1) Determine the city or town, in which the voter cast his or her ballot and classify
20-13 accordingly; and

20-14 (2) Compare the name, residence, and signature of the voter with the name, residence,
20-15 and signature on the ballot application for mail ballots and satisfy itself that both signatures are
20-16 identical.

20-17 (d) If upon completion of the certification of a mail ballot no objection has been raised
20-18 against the certification of the ballot, the outer envelope shall be discarded. However, if an
20-19 objection has been raised that entails further consideration and determination by the board, the
20-20 outer envelope shall remain attached to the certifying inner envelope for identification purposes.

20-21 (e) The board shall establish guidelines setting forth the grounds for challenging the
20-22 certification of mail ballots. These guidelines shall recognize that if a ballot can be reasonably
20-23 identified to be that of the voter it purports to be, and if it can reasonably be determined that the
20-24 voter was eligible to vote ~~by mail ballot~~ and if the requirements of section 17-20-2.1 were
20-25 complied with, it should not be subject to frivolous or technical challenge. The burden of proof in
20-26 challenging a mail ballot as not obtained and/or cast in conformance with this chapter is on the
20-27 person challenging the ballot. Once the irregularity is shown, the burden of proof shall shift to the
20-28 person defending the ballot to demonstrate that it is the ballot of the voter it purports to be, that
20-29 the voter was eligible to vote by mail ballot, and that all of the applicable requirements of section
20-30 17-20-2.1 were complied with. The guidelines shall be adopted at a public meeting of the board
20-31 and shall be made available prior to the start of the certification process for mail ballots.

20-32 (f) After processing and certification of the mail ballots, they shall be separated in
20-33 packages in accordance with their respective cities and towns, in the presence of the board and all
20-34 other interested parties. Thereupon, in each instance the board shall open the enclosing envelope,
21-1 and without looking at the votes cast on the enclosed ballot, shall remove the ballot from the
21-2 envelope. The state board shall proceed to count the ballots on election day through the use of a
21-3 central count optical scan unit with the same effect as if the ballots had been cast by the electors
21-4 in open town or district meetings.

21-5 (g) When a local election is held at a time other than in conjunction with a statewide
21-6 election, the state board, after the processing and certification of the mail ballots cast in the local
21-7 election, shall package the local ballots to be promptly delivered in sealed packages, bearing upon
21-8 the seals the signatures of the members of the board, to the appropriate local board which shall
21-9 [a]thereupon proceed to count the ballots in the same manner and with the same effect as state
21-10 mail ballots are counted by the state board.

21-11 (h) When a local election is held in New Shoreham at a time other than in conjunction
21-12 with a statewide election, the state board, after the processing and certification of the mail ballots
21-13 cast in the local election, shall have the authority to count the ballots in the same manner and with

21-14 the same effect as state mail ballots are counted by the state board in a statewide election. Once
21-15 the ballots are counted, the results shall be sent via facsimile to the local board in New Shoreham.

21-16 **17-20-29. Mail applicant not permitted to vote at polls. --** (a) No person, or one
21-17 claiming to be that person, whose name has been marked upon any voting list, provided for
21-18 official use at any election, with the mark as provided by section 17-20-10, shall be permitted to
21-19 vote in person at the election; provided, that the person may re-establish his or her right to vote in
21-20 person by presenting himself or herself at that person's local board on or before election day and
21-21 surrendering his or her mail ballot. Upon that surrender the person's name shall be restored to the
21-22 voting list. Any person whose name has been marked on the voting list may also be permitted to
21-23 vote in person at their regular polling place on election day by provisional ballot if that person
21-24 executes ~~and delivers to the local board~~ an affidavit stating that the person did not receive the
21-25 mail ballot, or that the mail ballot was spoiled, lost or destroyed.

21-26 (b) Each local board shall, immediately after the close of the polls, certify and deliver to
21-27 the state board the names and addresses of all persons restored to the voting list, together with the
21-28 affidavits and surrendered ballots received pursuant to this section.

21-29 **17-20-30. Penalty for violations. --** (a) Any person who knowingly makes or causes to
21-30 be made any material false statement in connection with his or her application to vote as a mail
21-31 voter, or who votes or attempts to vote under the provisions of this chapter, by fraudulently
21-32 signing the name of another upon any envelope provided for in this chapter, or who, not being a
21-33 qualified voter and having knowledge or being chargeable with knowledge of the fact, attempts to
21-34 vote under this chapter, or who votes the ballot of another voter, or who deliberately prevents or
22-1 causes to prevent the mail ballot to be received by the voter or to be returned to the board of
22-2 elections, ~~or who falsely notarizes or witnesses the voter signature on the ballot application or~~
22-3 ~~mail ballot~~, or who deceives, coerces, or interferes with the voter casting his or her ballot, and any
22-4 person who does or attempts to do, or aid in doing or attempting to do, a fraudulent act in
22-5 connection with any vote cast or to be cast under the provisions of this chapter, shall be guilty of
22-6 a felony.

22-7 ~~(b) Any person who, having received a mail voter's ballot and having voted or not voted~~
22-8 ~~the mail ballot, votes or fraudulently attempts to vote at any elective meeting within the state held~~
22-9 ~~on the day for which the ballot was issued shall be guilty of a felony.~~

22-10 ~~(b)(e)~~ Any officer or other person who intentionally opens a mail voter's certified
22-11 envelope or examines the contents before the envelope is opened by the board of elections, as
22-12 provided in this chapter, shall be guilty of a felony.

22-13 ~~(c)(d)~~ The offenses in this section shall be punishable by imprisonment of not more than
22-14 ten (10) years and/or by a fine of not less than five hundred dollars (\$500) nor more than five
22-15 thousand dollars (\$5000).

22-16 **17-20-34. Liberal construction. --** This chapter shall be construed liberally to effect the
22-17 purposes of maintaining the integrity and the secrecy of the mail ballot ~~by assuring that only~~
22-18 ~~electors eligible to vote by mail ballot are allowed to utilize that method of voting~~, by assuring
22-19 that the procedures set forth in this chapter controlling the application and balloting processes are
22-20 strictly enforced, and by safeguarding the mail ballot voter from harassment, intimidation, and
22-21 invasion of privacy.

22-22 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 10 H 7518 An Act Relating To Elections - Mail Ballots LG/BI passed unanimously	
Disability Prevention	
7. 10 H 7857 AN ACT RELATING TO MOTOR AND OTHER VEHICLES— OFFENSES	Linda Ward
Rep. Lima, House Judiciary Committee This act would bar checkpoints as a means to detect motorists under the influence. This act would take effect upon passage.	
Linda Ward's Comments & Recommendations: This is aimed on getting drunk drivers off the road. Makes suspicion of drunk driving a primary offense i.e. can stop for this cause. Potential to prevent disability. This bill would not	

allow this – **harmful**

1-1 SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
1-2 hereby amended by adding thereto the following section:
1-3 **31-27-2.10. Checkpoints for detection of alcohol related motor vehicle offenses -**
1-4 **Prohibited. - - No police department within this state, including the state police, shall use any**
1-5 **checkpoint, random or otherwise, as an investigative measure in the detection and apprehension**
1-6 **of motorists who may be under the influence.**
1-7 SECTION 2. This act shall take effect upon passage.

**MOTION: To find harmful 10 H 7857 An Act Relating To Motor And Other Vehicles–
Offenses RC/BI passed unanimously**

**8. 10 S 2308 AN ACT RELATING TO MOTOR AND OTHER VEHICLES –
SAFETY BELT USE**

Linda Ward

Sen. Tassoni Senate Judiciary Committee

This act would make violations of the safety belt law a primary offense. This act would take effect upon passage.

Linda Ward’s Comments & Recommendations: Seat belts save lives and can prevent catastrophic injuries and disabilities – **beneficial**

Bill Inlow’s Comments & Recommendations: Since the State could ultimately have to pay for MVA health costs, it has the right to demand the use of safety belts – **beneficial**

1-1 SECTION 1. Section 31-22-22 of the General Laws in Chapter 31-22 entitled
1-2 "Miscellaneous Rules" is hereby amended to read as follows:
1-3 **31-22-22. Safety belt use -- Child restraint. --** (a) (1) Any person transporting a child
1-4 under the age of eight (8), less than fifty-seven (57) inches in height and less than eighty (80)
1-5 pounds in a motor vehicle operated on the roadways, streets, or highways of this state, shall
1-6 transport the child in any rear seating position of the motor vehicle properly restrained in a child
1-7 restraint system approved by the United States Department of Transportation under Federal
1-8 Standard 213. If the child is under eight (8) years old but at least fifty-seven (57) inches in height,
1-9 or at least eighty (80) pounds the child shall be properly wearing a safety belt and/or shoulder
1-10 harness approved by the Department of Transportation pursuant to Federal Standard 208 in any
1-11 rear seating position of the motor vehicle. For the purpose of this section, applying to all parts of
1-12 this section, "rear seating position" means any seating positions located behind the driver and
1-13 front seat passenger. Under this subsection, a child must be properly restrained in the front seat if:
1-14 (i) The vehicle is not equipped with a back seat; or
1-15 (ii) All rear seating positions are being utilized by other children.
1-16 (2) In no event shall failure to wear a child restraint system or safety belt be considered
1-17 as contributory or comparative negligence, nor the failure to wear the child restraint system, seat
1-18 belt and/or shoulder harness be admissible as evidence in the trial of any civil action.
1-19 (b) (1) Any operator of a motor vehicle transporting a child who has attained the age of
2-1 eight (8) years but is under eighteen (18) years of age in any seating position within a motor
2-2 vehicle operated on the roadways, streets, or highways of the state shall ensure that the passenger
2-3 is properly wearing a safety belt and/or shoulder harness system, as defined by Federal Standard
2-4 208.
2-5 (2) Any operator of a motor vehicle under eighteen (18) years old shall properly wear a
2-6 safety belt and/or shoulder harness system.
2-7 (3) This subsection applies only to those motor vehicles required by federal law to have
2-8 safety belts.
2-9 (c) (1) Any person deemed in violation of subsection (a) of this section shall be issued a
2-10 citation. If the cited person presents proof of purchase of a federally approved child restraint
2-11 system under Standard 213 to the issuing police department within seven (7) days of issuance, the
2-12 department shall void the violation. If the individual fails to present proof of purchase, he or she
2-13 shall be required to appear for a hearing before the traffic tribunal, and shall be fined as provided
2-14 in section 31-41.1-4 for each offense, and it shall not be recorded on the person's driving record
2-15 within the rules and regulations governing chapter 41.1 of this title.
2-16 (2) Any person violating subsection (b) of this section shall be fined as provided in

2-17 section 31-41.1-4 for each offense. The conviction shall not be recorded on that person's driving
2-18 record within the rules and regulations governing chapter 41.1 of this title.

2-19 (d) Notwithstanding the provisions of subsection (a) of this section, any person
2-20 transporting a child properly restrained in a federally approved child restraint system under
2-21 Federal Standard 213, but transporting the child in a place other than a rear seating position, in
2-22 violation of subsection (a) of this section, shall be subject only to the fine contained in
2-23 subdivision (c)(2) of this section.

2-24 (e) All fines collected for violations of this section shall be payable to the state of Rhode
2-25 Island. Fifty percent (50%) of the proceeds shall be shared with the municipality whose law
2-26 enforcement department issued the citation for the violations.

2-27 (f) (1) Any operator of a motor vehicle transporting a person eighteen (18) years of age
2-28 and older in any seating position of a motor vehicle operated on the roadways, streets or
2-29 highways of this state shall ensure that the person be properly wearing a safety belt and/or
2-30 shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

2-31 (2) The provisions of this subsection shall apply only to those motor vehicles required by
2-32 federal law to have safety belts.

2-33 (g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a
2-34 safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard
3-1 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

3-2 (2) The provisions of this subsection shall apply only to those motor vehicles required by
3-3 federal law to have safety belts.

3-4 (h) In no event shall failure to be properly restrained by a child restraint system or safety
3-5 belt be considered as negligence, nor the failure to be properly restrained by the child restraint
3-6 system or safety belt be admissible as evidence in the trial of any civil action.

3-7 (i) The provisions of subsections (b), (f) and (g) of this section shall not apply to a driver
3-8 or passenger of:

3-9 (1) A passenger motor vehicle manufactured before July 1, 1966;

3-10 (2) A passenger motor vehicle in which the driver or passenger possesses a written
3-11 verification from a licensed physician that the driver or passenger is unable to wear a safety seat
3-12 belt system for physical or medical reasons. The verification time period shall not exceed twelve
3-13 (12) months at which time a new verification may be issued;

3-14 (3) A passenger motor vehicle which is not required to be equipped with a safety seat
3-15 belt system under federal laws; or (4) A passenger motor vehicle operated by a letter carrier of the
3-16 United States Postal Service while performing the duties of a letter carrier.

3-17 (j) A program of public information and education designed to educate the motoring
3-18 public to the benefits of wearing safety belt systems, shall be developed by the department of
3-19 transportation's governor's office on highway safety. The department of transportation's office on
3-20 highway safety, in cooperation with the department of health, shall study the effectiveness of the
3-21 implementation of this section and shall submit to the general assembly a report containing its
3-22 findings by July 1, 1999.

3-23 ~~(k) Violations of subsections (f) and (g) of this section shall be considered secondary~~
3-24 ~~offenses and no motor vehicle may be stopped by any state or municipal law enforcement agency~~
3-25 ~~for failure of an operator or passenger to wear a safety belt system or for any violation of~~
3-26 ~~subsection (f) or (g) of this section; provided, that a motor vehicle may be stopped for failure to~~
3-27 ~~comply with the child restraint system as described in subsections (a) and (b) of this section.~~

3-28 ~~(H)(k)~~ Any person violating subsection (f) or (g) of this section shall be fined as provided
3-29 in section 31-41.1-4. Any conviction for violating subsection (f) or (g) of this section shall not be
3-30 recorded on that person's driving record within the rules and regulations governing chapter 41.1
3-31 of this title.

3-32 (l) No person shall be stopped, inspected or detained solely to determine compliance with
3-33 subsection (f) or (g) of this section unless constitutional standards are satisfied.

3-34 (m) A law enforcement officer may not search a motor vehicle, its contents, the driver, or
4-1 a passenger solely because of a violation of subsection (f) or (g) of this section.

4-2 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 10 S 2308 An Act Relating To Motor And Other Vehicles – Safety Belt Use BI/SES passed, Nay LG

9. 10 S 2286 AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM	Linda Ward
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Sen. Sosnowski Senate Health and Human Services Committee

This act would require attending physicians of newborns to screen for all conditions for which there is a medical benefit to the early detection and treatment thereof and also to perform an assessment for developmental risk. This act would take effect upon passage.

Linda Ward’s Comments & Recommendations: are all conditions “screenable” ? need more info
 Bill Inlow’s Comments & Recommendations: The ethical and financial benefits of early detection and treatment are indisputable

- 1-1 SECTION 1. Section 23-13-14 of the General Laws in Chapter 23-13 entitled "Maternal
- 1-2 and Child Health Services for Children with Special Health Care Needs" is hereby amended to
- 1-3 read as follows:
- 1-4 **23-13-14. Newborn screening program. --** (a) The physician attending a newborn child
- 1-5 shall cause that child to be subject to newborn screening tests for metabolic, endocrine, and
- 1-6 hemoglobinopathy disorders, and other conditions ~~including assessment for developmental risk~~
- 1-7 for which there is a medical benefit to the early detection and treatment of the disorder, and an
- 1-8 assessment for developmental risk. The department of health shall make rules and regulations
- 1-9 pertaining to screenings, diagnostic, and treatment services as accepted medical practice shall
- 1-10 indicate. The provisions of this section shall not apply if the parents of the child object to the tests
- 1-11 on the grounds that those tests conflict with their religious tenets and practices.
- 1-12 (b) In addition, the department of health is authorized to establish by rule and regulation
- 1-13 a reasonable fee structure for the newborn screening and disease control program, which includes
- 1-14 but is not limited to screening, diagnostic, and treatment services. The program shall be a covered
- 1-15 benefit and be reimbursable by all health insurers, as defined in section 27-38.2-2(1), providing
- 1-16 health insurance coverage in Rhode Island except for supplemental policies which only provide
- 1-17 coverage for specific diseases, hospital indemnity Medicare supplements, or other supplemental
- 1-18 policies. The department of human services shall pay for the program where the patient is eligible
- 1-19 for medical assistance under the provisions of chapter 8 of title 40. The charges for the program
- 2-1 shall be borne by the hospitals or other health-care facilities where births occur in the absence of
- 2-2 a third-party payor. Nothing in this section shall preclude the hospital or health care facility from
- 2-3 billing the patient directly.
- 2-4 (c) There is created within the general fund a restricted receipt account to be known as
- 2-5 the "newborn screening account" to implement the provisions of section 23-13-13 and section 23-
- 2-6 13-14. All funds received pursuant to section 23-13-13 and section 23-13-14 shall be deposited in
- 2-7 the account. Funding dedicated exclusively to implement the provisions of section 23-13-13 and
- 2-8 section 23-13-14 and received by the department of health from sources other than those
- 2-9 identified in section 23-13-13 and section 23-13-14 may also be deposited in the newborn
- 2-10 screening account. The general treasurer is authorized and directed to draw his or her orders on
- 2-11 the account upon receipt of properly authenticated vouchers from the department of health.
- 2-12 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial 10 S 2286 An Act Relating To Health And Safety -- Newborn Screening Program BI/failed for lack of a second

Health Insurance

10. 10 H 7261 AN ACT RELATING TO INSURANCE -- REIMBURSEMENT RATE DISCLOSURE	Elaina Goldstein Linda Ward
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Rep. Walsh, House Corporations Committee

This act would require all health insurers to disclose the reimbursement rate to hospitals in Rhode Island for medical services, equipment and other associated costs. This act would take effect upon passage.

Elaina Goldstein’s Comments & Recommendation:

Linda Ward’s Comments & Recommendation:

1-1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness
 1-2 Insurance Policies" is hereby amended by adding thereto the following section:
 1-3 **27-18-71. Disclosure of insurance reimbursement rates to hospitals. –**
 1-4 Notwithstanding any other chapter of this title, or chapter 62 of title 42, regulating the form,
 1-5 content or provisions of accident and health insurance policies, health benefit plans, and Medicare
 1-6 supplement insurance policies, all policies written pursuant to the provisions of this chapter shall
 1-7 disclose the insurance reimbursement rate to hospitals in this state, including, but not limited to,
 1-8 reimbursement for matters such as medical services and equipment.
 1-9 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
 1-10 Corporations" is hereby amended by adding thereto the following section:
 1-11 **27-19-62. Disclosure of insurance reimbursement rates to hospitals. –**
 1-12 Notwithstanding any other chapter of this title, or chapter 62 of title 42, regulating the form,
 1-13 content or provisions of accident and health insurance policies, health benefit plans, and Medicare
 1-14 supplement insurance policies, all policies written pursuant to the provisions of this chapter shall
 1-15 disclose the insurance reimbursement rate to hospitals in this state, including, but not limited to,
 1-16 reimbursement for matters such as medical services and equipment.
 1-17 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
 1-18 Corporations" is hereby amended by adding thereto the following section:
 1-19 **27-20-57. Disclosure of insurance reimbursement rates to hospitals. –**
 2-1 Notwithstanding any other chapter of this title, or chapter 62 of title 42, regulating the form,
 2-2 content or provisions of accident and health insurance policies, health benefit plans, and Medicare
 2-3 supplement insurance policies, all policies written pursuant to the provisions of this chapter shall
 2-4 disclose the insurance reimbursement rate to hospitals in this state, including, but not limited to,
 2-5 reimbursement for matters such as medical services and equipment.
 2-6 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
 2-7 Organizations" is hereby amended by adding thereto the following section:
 2-8 **27-41-75. Disclosure of insurance reimbursement rates to hospitals. –**
 2-9 Notwithstanding any other chapter of this title, or chapter 62 of title 42, regulating the form,
 2-10 content or provisions of accident and health insurance policies, health benefit plans, and Medicare
 2-11 supplement insurance policies, all policies written pursuant to the provisions of this chapter shall
 2-12 disclose the insurance reimbursement rate to hospitals in this state, including, but not limited to,
 2-13 reimbursement for matters such as medical services and equipment.
 2-14 SECTION 5. This act shall take effect upon passage.

No position taken	
11. 10 S 2202/H 7701 AN ACT RELATING TO INSURANCE -- HEARING AIDS	Elaina Goldstein
Sen. Walaska, Senate Health & Human Services Committee	
This act would increase the hearing aid medical insurance coverage for those insured under the age of nineteen (19) from one thousand five dollars (\$1,500) to full cost and for those age nineteen (19) and older from seven hundred dollars (\$700) to one thousand five hundred dollars (\$1,500). This act would take effect upon passage.	
Elaina Goldstein's Comments:	

1-1 SECTION 1. Section 27-18-60 of the General Laws in Chapter 27-18 entitled "Accident
 1-2 and Sickness Insurance Policies" is hereby amended to read as follows:
 1-3 **27-18-60. Hearing aids. --** (a) (1) Every individual or group health insurance contract, or
 1-4 every individual or group hospital or medical expense insurance policy, plan, or group policy
 1-5 delivered, issued for delivery, or renewed in this state on or after January 1, ~~2006~~ 2011, shall
 1-6 provide coverage for ~~one thousand five hundred dollars (\$1,500) per individual hearing aid, per~~
 1-7 ~~ear, every three (3) years for anyone under the age of nineteen (19) years, and shall provide~~
 1-8 ~~coverage for seven hundred dollars (\$700) per individual hearing aid, per ear, every three (3)~~
 1-9 ~~years for anyone of the age of nineteen (19) years and older~~ anyone under the age of nineteen (19)
 1-10 years old for one individual hearing aid, each per ear, no more than every three (3) years but shall
 1-11 provide for anyone at least nineteen (19) years old coverage for one thousand five hundred dollars
 1-12 (\$1,500) for individual hearing aids every three (3) years.

1-13 (2) Every group health insurance contract or group hospital or medical expense
1-14 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state on
1-15 or after January 1, ~~2006~~ 2011, shall provide, as an optional rider, additional hearing aid coverage.
1-16 Provided, the provisions of this paragraph shall not apply to contracts, plans, or group policies
1-17 subject to the small employer health insurance availability act, chapter 50 of this title.

1-18 (b) For the purposes of this section:

1-19 (1) "Hearing aid" means any nonexperimental, wearable instrument or device designed
2-1 for the ear and offered for the purpose of aiding or compensating for impaired human hearing, but
2-2 excluding batteries, cords, and other assistive listening devices, including, but not limited to FM
2-3 systems.

2-4 (c) It shall remain within the sole discretion of the accident and sickness insurer as to the
2-5 provider of hearing aids with which they choose to contract. Reimbursement shall be provided
2-6 according to the respective principles and policies of the accident and sickness insurer. Nothing
2-7 contained in this section precludes the accident and sickness insurer from conducting managed
2-8 care, medical necessity, or utilization review.

2-9 (d) This section does not apply to insurance coverage providing benefits for: (1) hospital
2-10 confinement indemnity; (2) disability income; (3) accident only; (4) long term care; (5) Medicare
2-11 supplement; (6) limited benefit health; (7) specified diseased indemnity; (8) sickness of bodily
2-12 injury or death by accident or both; (9) and other limited benefit policies.

2-13 SECTION 2. Section 27-19-51 of the General Laws in Chapter 27-19 entitled "Nonprofit
2-14 Hospital Service Corporations" is hereby amended to read as follows:

2-15 **27-19-51. Hearing aids.** -- (a) (1) Every individual or group health insurance contract, or
2-16 every individual or group hospital or medical expense insurance policy, plan, or group policy
2-17 delivered, issued for delivery, or renewed in this state on or after January 1, ~~2006~~ 2011, shall
2-18 provide coverage for ~~one thousand five hundred dollars (\$1,500) per individual hearing aid, per~~
2-19 ~~ear, every three (3) years for anyone under the age of nineteen (19) years, and shall provide~~
2-20 ~~coverage for seven hundred dollars (\$700) per individual hearing aid, per ear, every three (3)~~
2-21 ~~years for anyone of the age of nineteen (19) years and older~~ anyone under the age of nineteen (19)
2-22 years old for one individual hearing aid, each per ear, no more than every three (3) years but shall
2-23 provide for anyone at least nineteen (19) years old coverage for one thousand five hundred dollars
2-24 (\$1,500) for individual hearing aids every three (3) years.

2-25 (2) Every group health insurance contract or group hospital or medical expense
2-26 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state on
2-27 or after January 1, ~~2006~~ 2011, shall provide, as an optional rider, additional hearing aid coverage.
2-28 Provided, the provisions of this paragraph shall not apply to contracts, plans, or group policies
2-29 subject to the small employer health insurance availability act, chapter 50 of this title.

2-30 (b) For the purposes of this section, "hearing aid" means any nonexperimental, wearable
2-31 instrument or device designed for the ear and offered for the purpose of aiding or compensating
2-32 for impaired human hearing, but excluding batteries, cords, and other assistive listening devices,
2-33 including, but not limited to, FM systems.

2-34 (c) It shall remain within the sole discretion of the nonprofit hospital service corporation
3-1 as to the provider of hearing aids with which they choose to contract. Reimbursement shall be
3-2 provided according to the respective principles and policies of the nonprofit hospital service
3-3 corporation. Nothing contained in this section precludes the nonprofit hospital service corporation
3-4 from conducting managed care, medical necessity, or utilization review.

3-5 SECTION 3. Section 27-20-46 of the General Laws in Chapter 27-20 entitled "Nonprofit
3-6 Medical Service Corporations" is hereby amended to read as follows:

3-7 **27-20-46. Hearing aids.** -- (a) (1) Every individual or group health insurance contract, or
3-8 every individual or group hospital or medical expense insurance policy, plan, or group policy
3-9 delivered, issued for delivery, or renewed in this state on or after January 1, ~~2006~~ 2011, shall
3-10 provide coverage for ~~one thousand five hundred dollars (\$1,500) per individual hearing aid, per~~
3-11 ~~ear, every three (3) years for anyone under the age of nineteen (19) years, and shall provide~~
3-12 ~~coverage for seven hundred dollars (\$700) per individual hearing aid, per ear, every three (3)~~
3-13 ~~years for anyone of the age of nineteen (19) years and older~~ anyone under the age of nineteen (19)

3-14 years old for one individual hearing aid, each per ear, no more than every three (3) years but shall
3-15 provide for anyone at least nineteen (19) years old coverage for one thousand five hundred dollars
3-16 (\$1,500) for individual hearing aids every three (3) years.

3-17 (2) Every group health insurance contract or group hospital or medical expense
3-18 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state on
3-19 or after January 1, ~~2006~~ 2011, shall provide, as an optional rider, additional hearing aid coverage.
3-20 Provided, the provisions of this paragraph shall not apply to contracts, plans, or group policies
3-21 subject to the small employer health insurance availability act, chapter 50 of this title.

3-22 (b) For the purposes of this section, "hearing aid" means any nonexperimental, wearable
3-23 instrument or device designed for the ear and offered for the purpose of aiding or compensating
3-24 for impaired human hearing, but excluding batteries, cords, and other assistive listening devices,
3-25 including, but not limited to, FM systems.

3-26 (c) It shall remain within the sole discretion of the nonprofit medical service corporation
3-27 as to the provider of hearing aids with which they choose to contract. Reimbursement shall be
3-28 provided according to the respective principles and policies of the nonprofit medical service
3-29 corporation. Nothing contained in this section precludes the nonprofit medical service corporation
3-30 from conducting managed care, medical necessity, or utilization review.

3-31 SECTION 4. Section 27-41-63 of the General Laws in Chapter 27-41 entitled "Health
3-32 Maintenance Organizations" is hereby amended to read as follows:

3-33 **27-41-63. Hearing aids.** -- (a) (1) Every individual or group health insurance contract, or
3-34 every individual or group hospital or medical expense insurance policy, plan, or group policy
4-1 delivered, issued for delivery, or renewed in this state on or after January 1, ~~2006~~ 2011, shall
4-2 provide coverage for ~~one thousand five hundred dollars (\$1,500) per individual hearing aid, per~~
4-3 ~~ear, every three (3) years for anyone under the age of nineteen (19) years, and shall provide~~
4-4 ~~coverage for seven hundred dollars (\$700) per individual hearing aid, per ear, every three (3)~~
4-5 ~~years for anyone of the age of nineteen (19) years and older~~ anyone under the age of nineteen (19)
4-6 years old for one individual hearing aid, each per ear, no more than every three (3) years but shall
4-7 provide for anyone at least nineteen (19) years old coverage for one thousand five hundred dollars
4-8 (\$1,500) for individual hearing aids every three (3) years.

4-9 (2) Every group health insurance contract or group hospital or medical expense
4-10 insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state on
4-11 or after January 1, ~~2006~~ 2011, shall provide, as an optional rider, additional hearing aid coverage.
4-12 Provided, the provisions of this paragraph shall not apply to contracts, plans, or group policies
4-13 subject to the small employer health insurance availability act, chapter 50 of this title.

4-14 (b) For the purposes of this section, "hearing aid" means any nonexperimental, wearable
4-15 instrument or device designed for the ear and offered for the purpose of aiding or compensating
4-16 for impaired human hearing, but excluding batteries, cords, and other assistive listening devices,
4-17 including, but not limited to, FM systems.

4-18 (c) It shall remain within the sole discretion of the health maintenance organizations as
4-19 to the provider of hearing aids with which they choose to contract. Reimbursement shall be
4-20 provided according to the respective principles and policies of the health maintenance
4-21 organizations. Nothing contained in this section precludes the health maintenance organizations
4-22 from conducting managed care, medical necessity, or utilization review.

4-23 SECTION 5. This act shall take effect upon passage.

Addressed at last week's meeting.

Housing

12. 10 S 2289/H 7619 ACTS RELATING TO HEALTH AND SAFETY

Linda Ward

Sen. Levesque C Senate Health and Human Services Committee

This act would extend the moratorium on new initial nursing facility licensed beds and on increases to the licensed capacity of existing nursing facility licenses from 2010 to 2013 and allow for nursing facility culture change. This act would take effect on July 1, 2010.

Linda Ward's Comments: not sure that at a time when there is increased emphasis on community based services that we would want to limit providers of needed services – **harmful**

1-1 SECTION 1. Sections 23-17-8 and 23-17-44 of the General Laws in Chapter 23-17
1-2 entitled "Licensing of Health Care Facilities" are hereby amended to read as follows:

1-3 **23-17-8. Denial, suspension, or revocation of license.** -- The licensing agency, after
1-4 notice and opportunity for hearing to the applicant or licensee, is authorized to deny, suspend, or
1-5 revoke a license, including the licensure of culture change beds approved pursuant to section 23-
1-6 17-44, in any case in which it finds that there has been a failure to comply with the requirements
1-7 established under this chapter. The notice shall be effected by registered or certified mail or by
1-8 personal service, setting forth the particular reasons for the proposed action, and fixing a date not
1-9 less than thirty (30) days from the date of the mailing or service, at which the applicant or
1-10 licensee shall be given an opportunity for a prompt and fair hearing. On the basis of the hearing,
1-11 or upon default of the applicant or licensee, the licensing agency shall make a determination
1-12 specifying its findings of fact and conclusions of law. A copy of the determination shall be sent
1-13 by registered or certified mail or served personally upon the applicant or licensee. The decision
1-14 denying, suspending, or revoking the license or application shall become final thirty (30) days
1-15 after it is so mailed or served, unless the applicant or licensee, within the thirty (30) day period,
1-16 appeals the decision pursuant to section 42-35-15. The procedure governing hearings authorized
1-17 by this section shall be in accordance with sections 42-35-9 -- 42-35-13 as stipulated in section
1-18 42-35-14(a). A full and complete record shall be kept of all proceedings, and all testimony shall
1-19 be reported but need not be transcribed unless the decision is appealed pursuant to section 42-35-
2-1 15. A copy or copies of the transcript may be obtained by any interested party on payment of the
2-2 cost of preparing the copy or copies. Witnesses may be subpoenaed by either party.

2-3 **23-17-44. Moratorium on new initial nursing facility licensed beds and on increases**
2-4 **to the licensed capacity of existing nursing facility licenses.** -- (a) The licensing agency shall
2-5 issue no new initial licenses for nursing facilities prior to July 1, ~~2010~~ 2013; provided, however,
2-6 that:

2-7 (1) Any person holding a previously issued and valid certificate of need as of August 21,
2-8 1996 shall be permitted to effect a prior certificate from the licensing agency consistent with any
2-9 other statutory and regulatory provisions which may further apply;

2-10 (2) Any person holding a nursing facility license may undertake activities to construct
2-11 and operate a replacement nursing facility with the same or lower bed capacity as is presently
2-12 licensed provided that the replacement facility may only be licensed upon the otherwise
2-13 unconditional cessation of operation of the previously licensed nursing facility;

2-14 ~~(3) Any certificate of need application under active review before the state agency as of~~
2-15 ~~January 10, 1996, which application seeks approval of a proposal to establish a new nursing~~
2-16 ~~facility or seeks to increase the licensed bed capacity of an existing nursing facility shall continue~~
2-17 ~~to be reviewed under all the statutory and regulatory requirements in effect at the time the~~
2-18 ~~application was accepted for review by the state agency; and~~

2-19 ~~(4) On July 1, 1999, if the statewide occupancy rate of licensed nursing facility beds~~
2-20 ~~exceeds ninety two percent (92%) for the preceding calendar year, as determined by the~~
2-21 ~~department of human services, an assisted living residence licensed pursuant to chapter 17.4 of~~
2-22 ~~this title may propose to seek nursing facility licensure by conversion of assisted living residence~~
2-23 ~~rooms within its existing physical plant; provided however, that:~~

2-24 ~~(i) The number of nursing facility beds to be licensed does not exceed the lesser of~~
2-25 ~~twenty (20) beds or ten percent (10%) of the licensed bed capacity of the assisted living~~
2-26 ~~residence;~~

2-27 ~~(ii) The capital expenditures associated with the implementation of the nursing facility~~
2-28 ~~beds does not exceed five hundred thousand dollars (\$500,000);~~

2-29 ~~(iii) The nursing facility shall be limited in taking residents to those persons who are~~
2-30 ~~transferring from residency at the assisted living residence;~~

2-31 ~~(iv) The application must be submitted to the health services council on or before~~
2-32 ~~October 1, 1999;~~

2-33 ~~(v) The facility must comply with all requirements of the Health Care Certificate of~~
2-34 ~~Need Act, chapter 15 of title 23.~~

3-1 (b) Prior to July 1, ~~2010~~ 2013 and with the exception of the culture initiative pursuant to

3-2 subdivision 23-17-44(3), the licensing agency shall not increase the licensed bed capacity of any
3-3 existing licensed nursing facility, including any nursing facility approved for change in ownership
3-4 pursuant to sections 23-17-14.3 and 23-17-14.4, to greater than the level of the facility's licensed
3-5 bed capacity as of August 21, 1996 plus the greater of ten (10) beds or ten percent (10%) of the
3-6 licensed bed capacity. Any person holding a previously issued and valid certificate of need as of
3-7 the date of passage of this section or who shall subsequently be granted a certificate of need
3-8 pursuant to subsection (a) shall be permitted to effect a prior certificate from the licensing agency
3-9 consistent with any other statutory and regulatory provisions which may further apply.

3-10 ~~Notwithstanding any other provision of the law to the contrary, including any moratorium on~~
3-11 ~~increasing bed capacity in nursing facilities that may otherwise apply, the licensing agency shall~~
3-12 ~~be permitted to increase the licensed bed capacity of an existing nursing facility by no more than~~
3-13 ~~the number of beds previously licensed to one or more other licensed nursing facilities provided~~
3-14 ~~that:~~

3-15 ~~(1) All nursing facilities involved in any such transaction must be located within the~~
3-16 ~~same municipality;~~

3-17 ~~(2) The owner of a licensed nursing care facility seeking to increase its licensed bed~~
3-18 ~~capacity must receive approval, following review by the health services council, from the~~
3-19 ~~licensing agency for a change in owner of the other nursing facility or facilities;~~

3-20 ~~(3) That the nursing facility licensed bed capacity may only be increased upon the~~
3-21 ~~otherwise unconditional cessation of operation of the previously licensed other nursing facility or~~
3-22 ~~facilities and the return of the license of the nursing facility or nursing facilities to the licensing~~
3-23 ~~agency; and~~

3-24 ~~(4) The licensed nursing care facility seeking to increase its licensed bed complement~~
3-25 ~~must comply with all requirements of the Health Care Certificate of Need Act, chapter 15 of title~~
3-26 ~~23.~~

3-27 (c) Notwithstanding any other provision of the law to the contrary, including any
3-28 moratorium on increasing bed capacity in nursing facilities that may otherwise apply, a nursing
3-29 facility may take out of service any or all beds of its licensed capacity without impediment to its
3-30 right to place back into service those beds at a future date under the same terms and conditions as
3-31 applied at the time of taking them out of service.

3-32 (d) From July 1 of 2009 through June 30 of 2010, notwithstanding any other provision
3-33 herein to the contrary, including any moratorium on increasing bed capacity in nursing facilities
3-34 that may otherwise apply, a nursing home member of a multi-facility group may transfer its
4-1 entitlement to add up to ten (10) beds through the "ten (10) beds or ten percent (10%) of capacity"
4-2 exception provided for and in accordance with subsection (b) hereof to another nursing facility in
4-3 the same multi-facility group, provided that:

4-4 (1) The beds thereby added are, in the discretion of the director of the department of
4-5 health, designed to provide enhanced quality of life to nursing facility residents through the
4-6 adoption of principles and building designs established by the "Eden alternative" or "Green house
4-7 " programs or other like means;

4-8 (2) The nursing facility applying to receive the transferred beds has fewer than fifty (50)
4-9 licensed beds and has at least a ninety-four percent (94%) bed occupancy rate at the time of
4-10 application to obtain said additional bed licenses;

4-11 (3) The transferred beds provided for in this subsection (d) shall be limited to a
4-12 maximum total of ten (10) beds per multi-facility group;

4-13 (4) The transfer of beds results in a reduction in the number of nursing facility beds in
4-14 the state, including the beds transferred under this authority; and

4-15 (5) For purposes of this subsection (d), the term "multi-facility group" shall mean two (2)
4-16 or more nursing facilities that are affiliated, which for purposes of this subsection shall mean two
4-17 (2) or more nursing facilities that are controlled by, in control of, or in common control with, each
4-18 other.

4-19 ~~(e) Nursing facility culture change joint legislative commission.—There is hereby~~
4-20 ~~established a joint legislative commission to make recommendations on nursing facility culture~~
4-21 ~~change and its relationship to the nursing facility bed moratorium, the certificate of need program,~~

4-22 ~~and nursing facility principles and methods of reimbursement.~~
4-23 ~~(1) The commission shall consist of eleven (11) members, as follows:~~
4-24 ~~(i) Two (2) members of the senate, one of whom shall be from the minority party,~~
4-25 ~~appointed by the senate president;~~
4-26 ~~(ii) Two (2) members of the house of representatives, one of whom shall be from the~~
4-27 ~~minority party, appointed by the speaker;~~
4-28 ~~(iii) Two (2) shall be representatives of the Rhode Island health care association,~~
4-29 ~~designated by the president of the association;~~
4-30 ~~(iv) Two (2) shall be representatives of the Rhode Island facilities and services for the~~
4-31 ~~aging, designated by the president of the association;~~
4-32 ~~(v) One shall be the director of health, or designee;~~
4-33 ~~(vi) One shall be the director of human services, or designee;~~
4-34 ~~(vii) One shall be the secretary of health and human services, or designee.~~
5-1 ~~(2) The commission shall be co-chaired by a senator and representative as appointed by~~
5-2 ~~the senate president and speaker of the house.~~
5-3 ~~(3) The commission shall report its findings and recommendations to the general~~
5-4 ~~assembly on or before September 15, 2009, including recommendations for legislative change.~~
5-5 (e) Culture change initiative. Notwithstanding any other provision of the law to the
5-6 contrary, including any moratorium on increasing bed capacity in nursing facilities that may
5-7 otherwise apply, the licensing agency may increase the licensed bed capacity of any existing
5-8 licensed nursing facility, including any nursing facility approved for change in ownership
5-9 pursuant to sections 23-17-14.3 and 23-17-14.4, for the purposes of nursing facility culture
5-10 change, in accordance with the following criteria and procedures:
5-11 (i) Culture change definitions and criteria are established through regulation, to restrict
5-12 beds added under this initiative only to beds that are designed to provide enhanced quality of life
5-13 to nursing facility residents through the adoption of principles and building designs established by
5-14 the “Eden alternative,” “Green house,” or “small house” programs or other like means;
5-15 (ii) Only beds taken out-of-service due to facility closure after January 1, 2010 shall be
5-16 available for facility expansion under this culture change initiative subsection. The total number
5-17 of beds that may be licensed to increase capacity under this culture change imitative shall be
5-18 limited to ninety percent (90%) of the first fifty (50) beds that are taken out-of-service, to seventy
5-19 percent (70%) of the next fifty (50) beds that are take out-of-service, and to fifty percent (50%) of
5-20 any additional beds taken out-of-service;
5-21 (iii) Only nursing facilities licensed in the state are eligible to expand under the culture
5-22 change initiative;
5-23 (iv) The department shall promulgate regulations to govern an open and competitive
5-24 process to determine the licensure of expansion beds under this culture change initiative, and
5-25 shall consider the impact on the regional distribution of, and access to, nursing facility beds in the
5-26 state;
5-27 (v) Any facility seeking to expand their licensed bed capacity under this initiative, that
5-28 will result in an expenditure that meets or exceeds the criteria for determination of need renew
5-29 under section 23-15, shall be required to receive approval under section 23-15.
5-30 (vi) On or before March 15, 2012, the department shall gather information from the
5-31 department of human services and shall report to the president of the senate and the speaker of the
5-32 house of representatives on the costs and benefits to the state of this culture change initiative,
5-33 including recommendations for revision or termination of the initiative.
6-1 SECTION 2. This act shall take effect on July 1, 2010.

MOTION: To find beneficial 10 S 2289/H 7619 ACTS RELATING TO HEALTH AND SAFETY BI/RC passed unanimously	
13. 10 2292 AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING	Linda Ward
Linda Ward’s Comments & Recommendation: Need more info from housing folks on S2292 which expands units considered to meet definition of affordable housing.	

Tabled until the next meeting (text of bill not distributed prior to the meeting)	
Human Services	
14. 10 S 2102 AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE – RHODE ISLAND VETERANS’ HOME	Elaina Goldstein
Senator Fegal, Senate Constitutional and Regulatory Issues	
This act would create a seven (7) member permanent legislative oversight commission to oversee all aspects of the Rhode Island Veterans’ Home. The commission would periodically report findings and recommendations to the general assembly. This act would take effect upon passage.	
Elaina Goldstein’s Comments & Recommendation:	

1-1 RESOLVED, That a permanent joint oversight commission be and the same is hereby
1-2 created consisting of seven (7) members: four (4) of whom shall be from the House of
1-3 Representatives, not more than three (3) from the same political party to be appointed by the
1-4 Speaker; and three (3) of whom shall be from the Senate, not more than two (2) from the same
1-5 political party to be appointed by the Senate President.
1-6 The purpose of said commission shall be to oversee all aspects of the Rhode Island
1-7 Veterans’ Home. The commission shall conduct hearings, review, make findings and evaluate all
1-8 aspects of the Rhode Island Veterans’ Home, including, but not limited to, financial issues, patient
1-9 care, staffing levels, physical plant, veterans’ benefits, and any and all other services, as well as
1-10 the future of the Rhode Island Veterans’ Home.
1-11 The commission shall also coordinate and consult with the United States Veterans’
1-12 Administration concerning the commission’s oversight of the Rhode Island Veterans’ Home.
1-13 Forthwith upon passage of this resolution, the members of the commission shall meet at
1-14 the call of the Speaker of the House and organize and shall select from among the legislators a
1-15 chairperson. Vacancies in said commission shall be filled in like manner as the original
1-16 appointment.
1-17 The membership of said commission shall receive no compensation for their services.
1-18 The Rhode Island Veterans’ Home shall furnish such advice and information,
2-1 documentary and otherwise, to the commission and its agents as is necessary or deemed
2-2 necessary or desirable by the commission to facilitate the purpose of this resolution.
2-3 All departments and agencies of the state shall furnish such advice and information,
2-4 documentary and otherwise, to said commission and its agents as is deemed necessary or
2-5 desirable by the commission to facilitate the purposes of this resolution.
2-6 The joint commission of Legislative Services is hereby authorized and directed to provide
2-7 suitable quarters for said commission; and be it further
2-8 RESOLVED, That said commission shall make findings and recommend initiatives and
2-9 other actions deemed necessary to the General Assembly and shall report their findings
2-10 periodically.
2-11 SECTION 1. Section 30-24-1 of the General Laws in Chapter 30-24 entitled “Rhode
2-12 Island Veterans’ Home” is hereby amended to read as follows:
2-13 **30-24-1. Management and control.** – (a) The management and control of the Rhode
2-14 Island veterans’ home, established in this state for those who served in the army, navy, marine
2-15 corps, coast guard, or air force of the United States in any war or conflict and were honorably
2-16 discharged therefrom, who shall be in need of such care as is provided at the home, shall be in the
2-17 director of human services or his or her designee.
2-18 **(b) A permanent joint oversight commission is hereby created consisting of seven (7)**
2-19 **members: four (4) of whom shall be from the house of representatives, not more than three (3)**
2-20 **from the same political party to be appointed by the speaker; and three (3) of whom shall be from**
2-21 **the senate, not more than two (2) from the same political party to be appointed by the senate**
2-22 **president.**
2-23 **(c)(1) The purpose of said commission shall be to oversee all aspects of the Rhode Island**
2-24 **Veterans’ Home. The commission shall conduct hearings, reviews, make findings and evaluate all**
2-25 **aspects of the Rhode Island Veterans’ Home, including, but not limited to, financial issues,**
2-26 **patient care, staffing levels, physical plant, veterans’ benefits, and any and all other services, as**

- 2-27 [well as the future of the Rhode Island Veterans’ Home.](#)
- 2-28 [\(2\) The commission shall also coordinate and consult with the United States Veterans’](#)
- 2-29 [Administration concerning the commission’s oversight of the Rhode Island Veterans’ Home.](#)
- 2-30 [\(3\) The members of the commission shall meet at the call of the speaker of the house and](#)
- 2-31 [organize and shall select from among the legislators a chairperson. Vacancies in said commission](#)
- 2-32 [shall be filled in like manner as the original appointment.](#)
- 2-33 [\(4\) The membership of said commission shall receive no compensation for their services.](#)
- 2-34 [\(d\)\(1\) The Rhode Island Veterans’ Home shall furnish such advice and information,](#)
- 3-1 [documentary and otherwise, to the commission and its agents as is necessary or deemed](#)
- 3-2 [necessary or desirable by the commission to facilitate the purpose of this resolution.](#)
- 3-3 [\(2\) All departments and agencies of the state shall furnish such advice and information,](#)
- 3-4 [documentary and otherwise, to said commission and its agents as is deemed necessary or](#)
- 3-5 [desirable by the commission to facilitate the purposes of this resolution.](#)
- 3-6 [\(e\) The joint committee on legislative services is hereby authorized and directed to](#)
- 3-7 [provide suitable quarters for said commission;](#)
- 3-8 [\(f\) The commission shall make findings and recommend initiatives and other actions](#)
- 3-9 [deemed necessary to the general assembly and shall report their findings periodically.](#)
- 3-10 SECTION 2. This act shall take effect upon passage.

MOTION: To find beneficial amended to include expand Commission to include knowledgeable community members, residents and family members **10 S 2102 An Act Relating to Military Affairs and Defense – Rhode Island Veterans’ Home** LG/SES passed, JL abstained

15. 10 H 7451 AN ACT RELATING TO HUMAN SERVICES – INTERPRETER SERVICES	Elaina Goldstein
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Rep. Coderre, House Health, Education and Welfare Committee
 This act would set forth various standards for the department of human services to properly ensure that persons who are not proficient in English are informed that there are interpreter services available in various languages. This act would take effect upon passage.

Elaina Goldstein’s Comments & Recommendation:

- 1-1 SECTION 1. Title 40 of the General Laws entitled “HUMAN SERVICES” is hereby
- 1-2 amended by adding thereto the following chapter:
- 1-3 **CHAPTER 9.2**
- 1-4 **INTERPRETER SERVICES**
- 1-5 **40-9.2-1. Definitions. – As used in this chapter:**
- 1-6 [\(1\) “Applicant” means a person applying for, or receiving, benefit services.](#)
- 1-7 [\(2\) “Appropriate language” means any language other than English, Spanish or](#)
- 1-8 [Portuguese, which more than one hundred \(100\) persons in Rhode Island receiving benefit](#)
- 1-9 [services from the department are determined to be using as their primary language.](#)
- 1-10 [\(3\) “Benefit services” means any financial or health support program offered by or](#)
- 1-11 [through the department pursuant to this title.](#)
- 1-12 [\(4\) “Department” means the department of human services.](#)
- 1-13 [\(5\) “Limited English proficiency person” means any person who can not readily speak or](#)
- 1-14 [understand the English language and whose native language is Spanish, Portuguese, or other](#)
- 1-15 [appropriate language.](#)
- 1-16 **40-9.2-2. Interpreter services. – The department shall:**
- 1-17 [\(1\) Conspicuously and continuously display in all department offices providing benefit](#)
- 1-18 [services, a poster or posters, clearly stating, in English, Spanish, Portuguese and any other](#)
- 1-19 [appropriate languages the following information:](#)
- 2-1 [\(i\) If the applicant is applying for or receiving benefits and is not fluent in English, he or](#)
- 2-2 [she does not have to bring his or her own interpreter to a department office;](#)
- 2-3 [\(ii\) The department will schedule interpreters or bilingual staff in a timely manner when](#)
- 2-4 [necessary to communicate with the applicant, unless, after being informed of a right to interpreter](#)

2-5 services, the applicant expresses a clear preference to bring his or her own interpreter;
 2-6 (iii) The department will schedule an interpreter or bilingual staff member in a timely
 2-7 manner to help the applicant read English language notices, letters or other written information
 2-8 from the department; and
 2-9 (iv) If the applicant has problems obtaining or using interpreter or bilingual staff services
 2-10 at a department office, he or she may contact the department coordinator of interpreter services
 2-11 for assistance, and contact information for such coordinator is included.
 2-12 (2) Disseminate written notice or brochure in English, Spanish, Portuguese and other
 2-13 appropriate language to individual applicants with limited English proficiencies such notice or
 2-14 brochure shall contain the information set forth in subdivision (1).
 2-15 (3) Attach a statement in English, Spanish, Portuguese or other appropriate language to
 2-16 all English language notices and letters sent by the department to limited English proficiency
 2-17 persons that a person who needs help translating the notice of letter may contact his/her local
 2-18 department office for assistance.
 2-19 (4) Annually redetermine the appropriate languages to appear on the poster, notice and
 2-20 statement specified in subsections (a), (b) and (c).
 2-21 (5) Provide that department staff may obtain interpreter services from outside sources as
 2-22 necessary for communication with applicants in a timely and effective manner when department
 2-23 interpreters and bilingual staff are not available.
 2-24 (6) Adopt uniform procedures permitting timely and effective telephone communication
 2-25 between applicants and DHS staff, including instructions for English speaking employees to
 2-26 obtain assistance from interpreters or bilingual staff when receiving calls from, and originating
 2-27 calls to, limited English proficiency persons.
 2-28 (7) Designate a statewide coordinator of interpreter services to act as liaison between
 2-29 department district offices and limited English proficiency persons, community groups and their
 2-30 representatives. The statewide coordinator shall evaluate the effectiveness of department policies
 2-31 and procedures for communicating with limited English proficiency persons, and shall resolve
 2-32 questions and complaints about the adequacy and availability of bilingual staff or interpreter
 2-33 services at department offices.
 2-34 (8) Train, on an on-going basis, department managers and staff on the provisions of this
 3-1 chapter.
 3-2 (9) Review at least annually, in consultation with district offices and staff, limited
 3-3 English proficiency persons, community groups and their representatives, the current
 3-4 communication needs of such persons at each office and whether existing interpreter and
 3-5 bilingual staffing, outside interpreter services, and translated materials are meeting such needs or
 3-6 should be modified, and prepare a public report summarizing the review. Such review shall be
 3-7 conducted in consultation with district offices and staff, limited English proficiency persons and
 3-8 community groups and their representatives.
 3-9 (10) Adopt and implement all policies necessary to comply with subdivisions (2) through
 3-10 (10) and the department's obligations pertaining to the poster required by subdivisions (1).
 3-11 **40-9.2-3. Remedies for violations.** – In any civil action alleging a violation of this
 3-12 chapter, the court may award to a prevailing plaintiff a minimum of five hundred dollars (\$500)
 3-13 in damages for each violation in addition to any compensatory damages, reasonable attorneys'
 3-14 fees and costs, and appropriate injunctive and equitable relief.
 3-15 SECTION 2. This act shall take effect upon passage.

Tabled for more information from the Commission on the Deaf and Hard of Hearing

16. 10 S 2122 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – DEPARTMENT OF HUMAN SERVICES

Elaina Goldstein

Senator Blais, Senate Finance

This act would authorize the department of human services to utilize up to ten percent (10%) of the sums appropriated for the purpose of administering the traumatic brain injury program. This act would take effect upon on July 1, 2010.

Elaina Goldstein's Comments & Recommendation:

1-1 SECTION 1. Section 42-12-30 of the General Laws in Chapter 42-12 entitled
 1-2 "Department of Human Services" is hereby amended to read as follows:
 1-3 **42-12-30. Expenditures under the traumatic brain injury program.** – Expenditures
 1-4 of the assessments under the traumatic brain injury program shall be for the following purposes:
 1-5 (a) As the payor of last resort for individuals who have exhausted all other health or
 1-6 rehabilitation benefit funding services for services covered under this section.
 1-7 (b) Services including, but not limited to: case management; cognitive rehabilitation;
 1-8 transitional living; structured day programs; assistive technology services; devices and
 1-9 equipment; transportation; housing; neuropsychological evaluations; behavioral health treatment;
 1-10 substance abuse treatment; respite; and other services and/or assistance as deemed appropriate by
 1-11 the commission for individuals with traumatic brain injury to accomplish a successful re-entry
 1-12 and maintenance in the community.
 1-13 (c) Grants to community-based programs, private providers and municipal governments
 1-14 for the purpose of expanding or developing services targeted for individuals with brain injuries as
 1-15 well as for system development and maintenance. Such grants shall be awarded only after
 1-16 consultation with the commission and pursuant to the criteria developed jointly by that body, the
 1-17 department of human services, the department of health and the department of mental health,
 1-18 retardation and hospitals.
 2-1 (d) Funding for public information and prevention education and for the continuation of
 2-2 the resource center coordinated by the brain injury association of Rhode Island.
 2-3 (e) [The department of human services may utilize up to ten percent \(10%\) of the sums](#)
 2-4 [appropriated for the traumatic brain injury program for the purpose of administering the program.](#)
 2-5 SECTION 2. This act shall take effect on July 1, 2010.

MOTION: To find beneficial 10 S 2211 An Act Relating to State Affairs and Government – Department of Human Services BI/RC passed, abstained SB	
17. 10 S 2396 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS – TERMINATION OF SERVICE	Linda Ward Sarah Everhart Skeels
Sen. Metts, Senate Corporations Committee	
This act would amend the process of the termination of service to the elderly, disabled and seriously ill by simplifying the regulations and rules and institute rules for a person in arrears of payment and amend the chapter name. This act would take effect upon passage.	
Linda Ward's Comments & Recommendation: Sarah Everhart Skeels' Comments & Recommendation: I am not familiar with the current process of termination, so will defer to those who are familiar with reviewing this type of legislation. I DO have questions: it seems harmful to terminate services to those who depend on medical equipment that requires power. Do the 1st and 2nd termination warnings include information about other resources that might be available to help with payment so that services are not terminated? Is anyone contacted (social services, etc.) if termination is imminent and this will threaten the life of an individual who is elderly, disabled and seriously ill?	

1-1 SECTION 1. The title of Chapter 39-1.1 of the General Laws entitled "Termination of
 1-2 Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to read as follows:
 1-3 ~~**CHAPTER 39-1.1**~~
 1-4 ~~**TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED AND SERIOUSLY ILL**~~
 1-5 **CHAPTER 39-1.1**
 1-6 **TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED, SERIOUSLY ILL OR**
 1-7 **ARE IN ARREARS OF PAYMENT**
 1-8 SECTION 2. Section 39-1.1-1 of the General Laws in Chapter 39-1.1 entitled
 1-9 "Termination of Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to
 1-10 read as follows:
 1-11 **39-1.1-1. Compliance with rules prior to termination.** – (a) No public utility which
 1-12 distributes electricity or supplies natural or manufactured gas, electric, or water service shall
 1-13 terminate service to any household in which all adult residents are sixty-five (65) years of age or
 1-14 older, or where any resident is disabled or seriously ill, for failure to pay an outstanding
 1-15 indebtedness for service, without first complying with all rules and regulations for such

1-16 terminations issued by the commission.
 1-17 [\(b\) A utility shall not shut off service to a household if the person's bill is three hundred](#)
 1-18 [dollars \(\\$300\) or less and not more than three \(3\) months in arrears.](#)
 1-19 [\(c\) Service may not be terminated unless two \(2\) notices of termination have been sent.](#)
 2-1 SECTION 3. Section 39-1.1-2 of the General Laws in Chapter 39-1.1 entitled
 2-2 "Termination of Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to
 2-3 read as follows:
 2-4 **39-1.1-2. Determination of persons subject to nontermination.** – (a) The commission
 2-5 shall promulgate appropriate rules and regulations to determine which persons who are elderly,
 2-6 disabled, or seriously ill are subject to the nontermination provisions of section 39-1.1-1, and in
 2-7 what manner relief will be made available to the subject persons.
 2-8 [\(b\) The rules and regulations to determine which persons who are elderly, disabled,](#)
 2-9 [seriously ill, or who have young children in the residence shall be through a short simplified](#)
 2-10 [declaration.](#)
 2-11 [\(c\) In the case of the elderly a declaration of age stating the occupant's name, date of](#)
 2-12 [birth and the name of the person billed will be sufficient.](#)
 2-13 SECTION 4. This act shall take effect upon passage.

Tabled for more information from the DPUC & George Wiley Center: **10 S 2396 An Act Relating To Public Utilities And Carriers – Termination Of Service**

18. 10 S 2495 AN ACT RELATING TO HUMAN SERVICES-PUBLIC ASSISTANCE ACT	Linda Ward
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Sen. Levesque, Senate Health and Human Services Committee

This act would amend the title and meaning of section 40-6-8 by changing references from "food stamp program" to the supplemental nutrition assistance program or "SNAP." This act would take effect upon passage.

Linda Ward's Comments & Recommendation: just a name change – **beneficial**

1-1 SECTION 1. Section 40-6-8 of the General Laws in Chapter 40-6 entitled "Public
 1-2 Assistance Act" is hereby amended to read as follows:
 1-3 ~~40-6-8. Food stamp program.~~ [Supplemental nutrition assistance program \(SNAP\).](#)
 1-4 -- (a) The department shall have the responsibility to administer the food stamp program for the
 1-5 state in compliance with the provisions of the federal Food Stamp Act of 1964, as amended, 7
 1-6 U.S.C. section 2011 et seq. [The supplemental nutrition assistance program \(SNAP\) is and shall be](#)
 1-7 [the new title of the program formerly known as the food stamp program. All references in the](#)
 1-8 [Rhode Island general laws to food stamps shall be deemed to mean, apply to, refer to, and be](#)
 1-9 [interpreted in accordance with the supplemental nutrition assistance program \(SNAP\).](#)
 1-10 (b) The department is empowered and authorized to submit its plan for food stamps to
 1-11 the federal government or any agency or department of it. The department shall act for the state in
 1-12 any negotiations relative to the submission and approval of a plan, and may make any
 1-13 arrangement or changes in its plan not inconsistent with this chapter which may be required by
 1-14 the Food Stamp Act or the rules and regulations promulgated pursuant to it to obtain and retain
 1-15 such approval and to secure for this state the benefits of the provisions of the federal act relating
 1-16 to food stamps. The department shall make reports to the federal government or any agency or
 1-17 department of it in the form and nature required by it, and in all respects comply with any request
 1-18 or direction of the federal government or any agency or department of it, which may be necessary
 1-19 to assure the correctness and verification of the reports.
 2-1 (c) The department is authorized and directed to pay one hundred percent (100%) of the
 2-2 state's share of the administrative cost involved in the operation of the food stamp program.
 2-3 (d) No person shall be ineligible for food stamp benefits due solely to the restricted
 2-4 eligibility rules otherwise imposed by section 115(a)(2) of the Personal Responsibility and Work
 2-5 Opportunity Reconciliation Act of 1996 (Public Laws No. 104-193), 21 U.S.C. section
 2-6 862a(a)(2), and as this section may hereafter be amended.
 2-7 SECTION 2. This act shall take effect upon passage.

MOTION: to find beneficial 10 S 2495 An Act Relating To Human Services-Public

Assistance Act BI/SES passed unanimously	
19. 10 S 2418 AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS -- MENTAL HEALTH LAW	Linda Ward
Sen. Levesque, Senate Health and Human Services Committee	
This act would remove “general specialized hospitals” from the definition of facility as it pertains to the department of mental health, retardation and hospitals. This act would take effect upon passage.	
Linda Ward’s Comments & Recommendation: Removes a term from MHRH legislation – beneficial	

1-1 SECTION 1. Section 40.1-5-2 of the General Laws in Chapter 40.1-5 entitled "Mental
1-2 Health Law" is hereby amended to read as follows:
1-3 **40.1-5-2. Definitions.** -- Whenever used in this chapter, or in any order, rule, or
1-4 regulation made or promulgated pursuant to this chapter, or in any printed forms prepared by the
1-5 department or the director, unless otherwise expressly stated, or unless the context or subject
1-6 matter otherwise requires:
1-7 (1) "Alternatives to admission or certification" means alternatives to a particular facility
1-8 or treatment program, and shall include, but not be limited to, voluntary or court-ordered
1-9 outpatient treatment, day treatment in a hospital, night treatment in a hospital, placement in the
1-10 custody of a friend or relative, placement in a nursing home, referral to a community mental
1-11 health clinic and home health aide services, or any other services that may be deemed
1-12 appropriate.
1-13 (2) "Care and treatment" means psychiatric care, together with such medical, nursing,
1-14 psychological, social, rehabilitative, and maintenance services as may be required by a patient in
1-15 association with the psychiatric care provided pursuant to an individualized treatment plan
1-16 recorded in the patient's medical record.
1-17 (3) "Department" means the state department of mental health, retardation, and hospitals.
1-18 (4) "Director" means the director of the state department of mental health, retardation,
2-1 and hospitals.
2-2 (5) "Facility" means a state hospital or psychiatric inpatient facility in the department, a
2-3 psychiatric inpatient facility maintained by a political subdivision of the state for the care and/or
2-4 treatment of the mentally disabled, ~~a general or specialized hospital maintaining staff and~~
2-5 ~~facilities for such purpose~~; any of the several community mental health services established
2-6 pursuant to chapter 8.5 of this title, and any other facility within the state providing inpatient
2-7 psychiatric care and/or treatment and approved by the director upon application of this facility.
2-8 Included within this definition shall be all hospitals, institutions, facilities, and services under the
2-9 control and direction of the director and the department, as provided in this chapter. Nothing
2-10 contained herein shall be construed to amend or repeal any of the provisions of chapter 16 of title
2-11 23.
2-12 (6) "Indigent person" means a person who has not sufficient property or income to
2-13 support himself or herself, and to support the members of his or her family dependent upon him
2-14 or her for support, and/or is unable to pay the fees and costs incurred pursuant to any legal
2-15 proceedings conducted under the provisions of this chapter.
2-16 (7) "Likelihood of serious harm" means:
2-17 (i) A substantial risk of physical harm to the person himself or herself as manifested by
2-18 behavior evidencing serious threats of, or attempts at, suicide;
2-19 (ii) A substantial risk of physical harm to other persons as manifested by behavior or
2-20 threats evidencing homicidal or other violent behavior; or
2-21 (iii) A substantial risk of physical harm to the mentally disabled person as manifested by
2-22 behavior which has created a grave, clear, and present risk to his or her physical health and safety.
2-23 (iv) In determining whether there exists a likelihood of serious harm the physician and
2-24 the court may consider previous acts, diagnosis, words or thoughts of the patient. If a patient has
2-25 been incarcerated, or institutionalized, or in a controlled environment of any kind, the court may
2-26 give great weight to such prior acts, diagnosis, words, or thoughts.
2-27 (8) "Mental disability" means a mental disorder in which the capacity of a person to
2-28 exercise self control or judgment in the conduct of his or her affairs and social relations, or to care

2-29 for his or her own personal needs, is significantly impaired.
 2-30 (9) "Mental health professional" means a psychiatrist, psychologist, or social worker and
 2-31 such other persons, including psychiatric nurse clinicians, as may be defined by rules and
 2-32 regulations promulgated by the director.
 2-33 (10) "Patient" means a person certified or admitted to a facility according to the
 2-34 provisions of this chapter.
 3-1 (11) "Physician" means a person duly licensed to practice medicine or osteopathy in this
 3-2 state.
 3-3 (12) "Psychiatric nurse clinician" means a licensed professional registered nurse with a
 3-4 master's degree in psychiatric nursing or related field who is currently working in the mental
 3-5 health field as defined by the American Nurses Association.
 3-6 (13) "Psychiatrist" means a person duly licensed to practice medicine or osteopathy in
 3-7 this state who has in addition completed three (3) years of graduate psychiatric training in a
 3-8 program approved by the American Medical Association or American Osteopathic Association.
 3-9 (14) "Psychologist" means a person certified pursuant to chapter 44 of title 5.
 3-10 (15) "Social worker" means a person with a masters or further advanced degree from a
 3-11 school of social work, which is accredited by the council of social work education.
 3-12 SECTION 2. This act shall take effect upon passage.

Tabled for information for more information from John Young **10 S 2418 An Act Relating To Mental Health, Retardation, And Hospitals -- Mental Health Law**

20. 10 S 2427 AN ACT RELATING TO HEALTH AND SAFETY - ASSISTED LIVING RESIDENCE LICENSING ACT	Linda Ward
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Sen. DiPalma, Senate Health and Human Services Committee

This act would establish criteria when advanced dementia care licensure would be required for assisted living residences. This act would take effect upon passage.

Linda Ward's Comments: Need feedback from elder groups on this.

1-1 SECTION 1. Sections 23-17.4-2 and 23-17.4-6 of the General Laws in Chapter 23-17.4
 1-2 entitled "Assisted Living Residence Licensing Act" are hereby amended to read as follows:
 1-3 **23-17.4-2. Definitions.** -- As used in this chapter:
 1-4 (1) "Activities of daily living (ADLs)" means bathing, dressing, eating, toileting,
 1-5 mobility and transfer.
 1-6 (2) "Administrator" means any person who has responsibility for day to day
 1-7 administration or operation of an assisted living residence.
 1-8 (3) "Alzheimer's dementia special care unit or program" means a ~~distinct~~ designated
 1-9 living environment within an assisted living residence that has been physically adapted to
 1-10 accommodate the particular needs and behaviors of those with advanced dementia. The unit
 1-11 provides increased staffing, therapeutic activities designed specifically for those exhibiting
 1-12 symptoms of with advanced dementia and trains its staff on an ongoing basis on the effective
 1-13 management of the physical and behavioral problems of those with dementia. The residents of the
 1-14 unit or program have had a standard medical diagnostic evaluation and have been determined to
 1-15 have a diagnosis of advanced Alzheimer's dementia or another disease causing dementia and
 1-16 manifest behavior causing safety concerns. Residents can opt into this higher level of care by
 1-17 request.
 1-18 (4) "Assisted living residence" means a publicly or privately operated residence that
 2-1 provides directly or indirectly by means of contracts or arrangements personal assistance to meet
 2-2 the resident's changing needs and preferences, lodging, and meals to six (6) or more adults who
 2-3 are unrelated to the licensee or administrator, excluding however, any privately operated
 2-4 establishment or facility licensed pursuant to chapter 17 of this title, and those facilities licensed
 2-5 by or under the jurisdiction of the department of mental health, retardation, and hospitals, the
 2-6 department of children, youth, and families, or any other state agency. The department shall
 2-7 develop levels of licensure for assisted living residences within this definition as provided in
 2-8 section 23-17.4-6. Assisted living residences include sheltered care homes, and board and care
 2-9 residences or any other entity by any other name providing the services listed in this subdivision

2-10 which meet the definition of assisted living residences.

2-11 (5) "Capable of self-preservation" means the physical mobility and judgmental ability of

2-12 the individual to take appropriate action in emergency situations. Residents not capable of self-

2-13 preservation are limited to facilities that meet more stringent life safety code requirements as

2-14 provided under section 23-17.4-6(b)(3).

2-15 (6) "Director" means the director of the Rhode Island department of health.

2-16 (7) "Licensing agency" means the Rhode Island department of health.

2-17 (8) "Personal assistance" means the provision of one or more of the following services,

2-18 as required by the resident or as reasonably requested by the resident, on a scheduled or

2-19 unscheduled basis, including:

2-20 (i) Assisting the resident with personal needs including activities of daily living;

2-21 (ii) Assisting the resident with self-administration of medication or administration of

2-22 medications by appropriately licensed staff;

2-23 (iii) Providing or assisting the resident in arranging for health and supportive services as

2-24 may be reasonably required;

2-25 (iv) Monitoring the activities of the resident while on the premises of the residence to

2-26 ensure his or her health, safety, and well-being; and

2-27 (v) Reasonable recreational, social and personal services.

2-28 (9) "Resident" means an individual not requiring medical or nursing care as provided in

2-29 a health care facility but who as a result of choice and/or physical or mental limitation requires

2-30 personal assistance, lodging and meals and may require the administration of medication. A

2-31 resident must be capable of self-preservation in emergency situations, unless the facility meets a

2-32 more stringent life safety code as required under section 23-17.4-6(b)(3). Persons needing

2-33 medical or skilled nursing care, including daily professional observation and evaluation, as

2-34 provided in a health care facility, and/or persons who are bedbound or in need of the assistance of

3-1 more than one person for ambulation, are not appropriate to reside in assisted living residences.

3-2 However, an established resident may receive daily skilled nursing care or therapy from a

3-3 licensed health care provider for a condition that results from a temporary illness or injury for up

3-4 to forty-five (45) days subject to an extension of additional days as approved by the department,

3-5 or if the resident is under the care of a licensed hospice agency provided the assisted living

3-6 residence assumes responsibility for ensuring that the care is received. For purposes of this

3-7 statute, "resident" shall also mean the resident's agent as designated in writing or legal guardian.

3-8 **23-17.4-6. Issuance of license -- Posting -- Transfer.** -- (a) Issuance of license. - Upon

3-9 receipt of an application for a license, the licensing agency shall issue a license if the applicant

3-10 and assisted living residence meet the requirements established under this chapter; the director

3-11 shall establish levels of licensure as provided in subsections (b) and (c) below and any rules and

3-12 regulations may be established in accordance herewith. A license issued under this chapter shall

3-13 be the property of the state and loaned to the licensee, and it shall be kept posted in a conspicuous

3-14 place on the licensed premises. Each license shall be issued only for the premises and persons

3-15 named in the application, and shall not be transferable or assignable except with the written

3-16 approval of the licensing agency.

3-17 (b) Fire code and structural requirements.

3-18 (1) A residence with state fire code deficiencies may be granted a license which may be

3-19 renewed subject to the submission of a plan of correction acceptable to the state division of fire

3-20 safety, and provided the nature of the deficiencies are such that they do not jeopardize the health,

3-21 safety, and welfare of the residents.

3-22 (2) A residence with residents who are blind, deaf, and physically disabled shall be

3-23 subject to the applicable requirements of the American National Standards Institute (ANSI

3-24 standards)(1961), and any other provisions that may be required by rules and regulations pursuant

3-25 to this chapter.

3-26 (3) A residence that elects to comply with a higher life safety code and is so approved by

3-27 the state division of fire safety and meets the department's requirements for the appropriate level

3-28 of licensure may admit residents not capable of self preservation.

3-29 (c) Levels of licensure. - The department shall establish requirements for a basic license

3-30 that apply to all assisted living residences. In addition, the department shall establish additional
 3-31 licensing levels of assisted living including, but not limited to:
 3-32 (1) "[Advanced](#) Dementia care" licensure shall be required when one or more residents
 3-33 have a physician's diagnosis of [advanced](#) dementia or an assessment, as required by section 23-
 3-34 17.4-15.6, indicating [advanced](#) dementia-related functional impairments, and meet any of the
 4-1 following:
 4-2 (i) Safety concerns due to evidence of elopement or other dementia behaviors;
 4-3 (ii) Inappropriate social behaviors that repeatedly infringe upon the rights of others;
 4-4 (iii) Inability to self preserve due to [advanced](#) dementia; [unless the residence meets more](#)
 4-5 [stringent life safety code requirements as provided under subdivision 23-17.4-6\(b\)\(3\)](#);
 4-6 (iv) A physician's recommendation that the resident needs [advanced](#) dementia support
 4-7 consistent with this level; or if the residence advertises or represents special dementia services or
 4-8 if the residence segregates residents with dementia.
 4-9 (2) In addition to the requirements for the basic license, licensing requirements for the
 4-10 "dementia care" level shall include the following:
 4-11 (i) Staff training and/or requirements specific to dementia care as determined by the
 4-12 department;
 4-13 (ii) A registered nurse on staff and available for consultation at all times and at least one
 4-14 staff person with appropriate training and education as determined by regulation, on duty at all
 4-15 times in Alzheimer's dementia special care units;
 4-16 (iii) The residence shall provide for a secure environment appropriate for the resident
 4-17 population.
 4-18 (3) "Medication administration" when one or more residents requires medication
 4-19 administration by appropriately qualified staff as determined by the department.
 4-20 SECTION 2. This act shall take effect upon passage.

Tabled for more information from Alliance for Better Long Term Care 10 S 2427 An Act Relating To Health And Safety - Assisted Living Residence Licensing Act

Professional Standards	
21. 10 H 7512 AN ACT RELATING TO HEALTH AND SAFETY	Linda Ward
Rep. Shallcross Smith, House Health, Education, & Welfare Committee	
This act would require the director of health to promulgate regulations permitting the administration of needle/injections, prescriptions and nonprescription medications by certified nursing assistants, home health care aides and medical technicians to individuals who are homebound or home care services within the state of Rhode Island. This act would take effect upon passage.	
Linda Ward's Comments & Recommendation: Expands who can give medications – should get feedback from Health Dept. on this.	

1-1 SECTION 1. Chapter 23-17.9 of the General Laws entitled "Registration of Nursing
 1-2 Assistants" is hereby amended by adding thereto the following section:
 1-3 [23-17.9-15. Regulation of administrators of medication by nursing assistants. -- The](#)
 1-4 [director shall promulgate regulations permitting the administration of needles/injections,](#)
 1-5 [prescriptions and nonprescription medications by certified nursing assistants, home health care](#)
 1-6 [aides and medical technicians to individuals who are homebound \(home based, shut-ins\) or home](#)
 1-7 [care services within the state of Rhode Island. Any regulations adopted under this section shall](#)
 1-8 [include education and training to insure the health and safety of the patients.](#)
 1-9 SECTION 2. This act shall take effect upon passage.

Tabled for more information from Dept of Health & Board of Nursing 10 H 7512 An Act Relating To Health And Safety

Special Education	
22. 10 S2266 AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS	Liberty Goodwin
Sen. Felag, Senate Education Committee	
This act would define the mission of the educational collaboratives in this state, to include, but not be limited to,	

measures concerning: (1) Teacher training programs and staff development; (2) Special education programs and diagnostic services required by law or regulation and related functions; (3) Programs for the gifted and talented; (4) Programs for students who are at risk of suspension or expulsion; (5) Development of shared instructional services; (6) Act as regional or statewide administrative unit, or enabling unit, or as a participant of a joint purchasing agreement or agreements established pursuant to section 16-2-9.2, for such functions as transportation, cooperative purchasing of food, and other noninstructional support services, such as the purchasing of oil, gas, electricity, health care contracts, supplies, payroll and other business operations, as may be appropriate; (7) Any other consolidation of services and purchasing that achieves efficiencies and cost savings. This act would take effect on December 31, 2010.

Liberty Goodwin's Comments & Recommendation: As I indicated at the last meeting, I think that cooperation between those responsible for different school districts can be very helpful, especially in saving money, but also, at least sometimes, in providing more or better services. Special Education is specifically addressed in the bill – **beneficial**

1-1 SECTION 1. Chapter 16-3.1 of the General Laws entitled "Cooperative Service Among
1-2 School Districts" is hereby amended by adding thereto the following sections:

1-3 **16-3.1-14. Short title.** – This chapter shall be known and may be cited as the
1-4 "Cooperative Service Among School Districts Act of 2010."

1-5 **16-3.1-15. Declaration of purpose.** – (a) A collaborative approach to the dual mission of
1-6 educational effectiveness and business efficiency is the purpose of this educational collaborative
1-7 act. The goal is to maximize both educational effectiveness and business services which will lead
1-8 to cost savings. The educational collaborative system will allow school districts to more
1-9 appropriately concentrate on educating at the most local level, which should be their prime
1-10 mission. This system can be defined as including not only the regional educational collaboratives
1-11 and their boards, local district school committees and district superintendents, operating as
1-12 private, nonprofit educational service agencies, but also the board of regents and the
1-13 commissioner of the Rhode Island department of elementary and secondary education.

1-14 (b) As used herein, the terms "collaborative," "educational collaborative," "regional
1-15 collaborative," and combinations thereof, shall be deemed to refer to the collaboratives
1-16 established pursuant to this chapter, and recognized as 501(c)3 nonprofit corporations
1-17 incorporated pursuant to the Rhode Island Nonprofit Corporation Act, Rhode Island general laws
1-18 section 7-6-1, et seq. Nothing in this legislation is intended to erode the legal status of the
1-19 regional collaboratives as 501(c)3's and their boards of directors must be cognizant to their legal
2-1 and fiduciary responsibilities to these enterprises.

2-2 (c) The purpose of this act is also to bring the efforts of the members of the educational
2-3 collaborative system, listed in subsection (a) above, into appropriate and productive dialogue and
2-4 relationship with one another, in order to bring about the business efficiencies and quality
2-5 instructional practice the legislature desires.

2-6 **16-3.1-16. Financial incentives.** – The board of regents for elementary and secondary
2-7 education may provide for special grants that it may deem necessary to stimulate and encourage
2-8 the development of cooperative service agreements that would be administered by the area
2-9 educational collaborative. The regents may also establish an ongoing level of subsidy that it
2-10 deems appropriate to continue the operation of any cooperative service area.

2-11 **16-3.1-17. Rules and regulations.** – (a) The board of regents for elementary and
2-12 secondary education shall adopt rules and regulations regarding all aspects of the educational
2-13 collaboratives mission and goals.

2-14 (b) Instructional education programs and/or administrative and/or best business practice
2-15 plans will be submitted to, and approved by, the commissioner of elementary and secondary
2-16 education.

2-17 (c) Each educational collaborative will submit a plan to the board of regents for approval
2-18 by the commissioner of elementary and secondary education, that will increase efficiencies and
2-19 economies of scale in providing instructional services. The plan will incorporate best practices
2-20 from business, reflect a regional approach and accompanying volume increase, and shall include,
2-21 but not be limited to, measures concerning:

2-22 (1) Teacher training programs and staff development;

2-23 (2) Special education programs and diagnostic services required by law or regulation and
 2-24 related functions;
 2-25 (3) Programs for the gifted and talented;
 2-26 (4) Programs for students who are at risk of suspension or expulsion;
 2-27 (5) Development of shared instructional services;
 2-28 (6) Act as regional or statewide administrative unit, or enabling unit, or as a participant of
 2-29 a joint purchasing agreement or agreements established pursuant to section 16-2-9.2, for such
 2-30 functions as transportation, cooperative purchasing of food, and other noninstructional support
 2-31 services, such as the purchasing of oil, gas, electricity, health care contracts, supplies, payroll and
 2-32 other business operations, as may be appropriate;
 2-33 (7) Any other consolidation of services and purchasing that achieves efficiencies and cost
 2-34 savings.
 3-1 (d) An educational collaborative may contract with a school district that is not a
 3-2 participating member, or another educational collaborative. Districts may contract any of their
 3-3 functions, individually and collectively, in whole or in part, to a regional collaborative when such
 3-4 contracting will increase efficiencies and economies of scale in providing instructional and
 3-5 business services.
 3-6 (e) The board of regents should consider the progress made or planned as reported and
 3-7 provide for special grants to stimulate the formation of cooperative service arrangements, or a
 3-8 level of subsidy appropriate to launch or continue the operation of any cooperative service area.
 3-9 **16-3.1-18. Board of directors.** – Each educational collaborative's board of directors will
 3-10 set policies and programs consistent with the aims and intents of this legislation for approval by
 3-11 the department of education and developed in conjunction with educational collaborative staff.
 3-12 Each participating school committee will appoint one member to the respective governing board.
 3-13 The board of directors will include an odd number of members. In the case of educational
 3-14 collaboratives with an even number of participating school districts, regional school districts may
 3-15 appoint two (2) members. School committees can appoint anyone they choose to the board of
 3-16 directors from their membership.
 3-17 **16-3.1-19. Collective bargaining agreements unaffected.** – Nothing in this chapter
 3-18 shall allow any school district to abrogate any agreement reached by collective bargaining.
 3-19 **16-3.1-20. Building ownership.** – Nothing in this chapter shall limit any of the five (5)
 3-20 educational collaboratives from purchasing, leasing, taking by gift, or otherwise acquiring, own,
 3-21 hold, mortgage, finance, improve, and use real estate for purposes of furthering their mission and
 3-22 goals to meet their administrative and operational needs. An affirmative majority of the
 3-23 educational collaborative's board of directors will be needed to purchase, lease, mortgage or
 3-24 finance real estate. Such real estate may be exempt from local property taxes as described in
 3-25 Rhode Island general laws section 44-3-3.
 3-26 SECTION 2. This act shall take effect on December 31, 2010.

MOTION: to find beneficial 10 S2266 An Act Relating To Education -- Cooperative Service Among School Districts LG/SB did not passed LG, Aye, JL & BI Nay, SB, RC, & SES abstained

Transportation	
23. 10 H 7108 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS-- RHODE ISLAND PUBLIC TRANSIT AUTHORITY	Jean Lawlor

Rep. Rice M, House Finance Committee
 This act would require that effective July 1, 2010; the general assembly would annually appropriate a sum for the financial support of RIPTA from the general fund. The initial appropriations for fiscal year 2011 shall be equivalent to ninety-five percent (95%) of the mean average appropriation for each of the preceding fiscal years 2008, 2009 and 2010.
 This act would take effect on July 1, 2010.

Jean Lawlor's Comments & Recommendation: This has the potential of leaving RIPTA underfunded, which would be harmful. Where would the money appropriated actually come from if general fund is in fiscal trouble. (A

couple of meetings back we found harmful a bill cutting the gasoline tax, because it would leave RIPTA underfunded.) I'd like to have more information about the intent of this bill – to cut RIPTA or to support it – **harmful unless amended**

1-1 SECTION 1. Section 39-18-22 of the General Laws in Chapter 39-18 entitled "Rhode
 1-2 Island Public Transit Authority" is hereby amended to read as follows:
 1-3 **39-18-22. State appropriations.** -- ~~The general assembly shall appropriate annually a~~
 1-4 ~~sum for the financial support of the operating expenses of the Rhode Island public transit~~
 1-5 ~~authority from certain proceeds of the motor fuel tax reserved for this purpose pursuant to section~~
 1-6 ~~31-36-20. The total amount of state subsidy disbursements in any fiscal year shall not exceed the~~
 1-7 ~~appropriation for that year. In the event that dedicated motor fuel tax revenues received during a~~
 1-8 ~~fiscal year are not sufficient to support the appropriation for that year, the difference shall be~~
 1-9 ~~transferred from the proceeds of the motor fuel tax imposed by chapter 36 of title 31. Funds~~
 1-10 ~~appropriated to the authority pursuant to this section shall be administered by the department of~~
 1-11 ~~transportation in accordance with procedures established jointly by the departments of~~
 1-12 ~~transportation and administration. The authority shall annually submit to the department of~~
 1-13 ~~transportation a comprehensive budget request for funds for the ensuing fiscal year. Prior to the~~
 1-14 ~~beginning of each fiscal year the authority shall enter into an agreement with the departments of~~
 1-15 ~~administration and transportation establishing the conditions for payment of the available state~~
 1-16 ~~and federal subsidies. The director of administration is authorized from time to time to advance~~
 1-17 ~~funds from the general fund to the Rhode Island public transit authority to be used for the purpose~~
 1-18 ~~of this section, in anticipation of transfers from the revenues reserved pursuant to section 31-36-~~
 2-1 ~~20, provided that the aggregate of all advances less transfers, at any one time, shall not exceed the~~
 2-2 ~~total amount of the annual appropriation.~~ The general assembly shall appropriate annually a sum
 2-3 for the financial support of the operating expenses of the Rhode Island public transit authority
 2-4 from the general fund. The total amount of state subsidy disbursements in any fiscal year shall not
 2-5 exceed the appropriation for that year. Initial appropriations for fiscal year 2011 shall be
 2-6 equivalent to ninety-five percent (95%) of the mean average appropriation for each of the
 2-7 preceding fiscal years 2008, 2009 and 2010. Funds appropriated to the authority pursuant to this
 2-8 section shall be administered by the department of transportation, in accordance with procedures
 2-9 established jointly by the departments of transportation and administration. The authority shall
 2-10 annually submit to the department of transportation a comprehensive budget request for funds for
 2-11 the ensuing fiscal year. Prior to the beginning of each fiscal year, the authority shall enter into an
 2-12 agreement with the departments of administration and transportation establishing the conditions
 2-13 for payment of available state and federal subsidies.
 2-14 SECTION 2. This act shall take effect on July 1, 2010.

MOTION: To find harmful 10 H 7108 An Act Relating To Public Utilities And Carriers-- Rhode Island Public Transit Authority JL/SB passed, recused BI	
24. 10 S 2356 AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT	Jean Lawlor
Sen. Ruggerio, Senate Health and Human Services Committee	
This act would set minimum Medicaid reimbursement rates for transport services: Wheelchair Transport \$44; Basic Life Support \$225; and Advanced Cardiac Life Support \$268.57. This act would take effect upon passage.	
Jean Lawlor's Comments & Recommendation: Seems straightforward to me – beneficial	

1-1 SECTION 1. Chapter 40-6 of the General Laws entitled "Public Assistance Act" is
 1-2 hereby amended by adding thereto the following section:
 1-3 **40-6-3.13. Transport reimbursement.** -- The department shall provide for vendor
 1-4 payment of reasonable expenses of eligible transport services in accordance with rules and
 1-5 regulations of the department. The amounts payable under this section shall include the following
 1-6 minimum Medicaid reimbursement rates:
 1-7 Rate
 1-8 Wheelchair Transport \$44
 1-9 Basic Life Support \$225

1-10 [Advanced Cardiac Life Support \\$268.57](#)

1-11 SECTION 2. This act shall take effect upon passage.

MOTION: to find beneficial if amended to remove lines 5 – 10, 10 S 2356 An Act Relating To Human Services -- Public Assistance Act JL/RC passed, abstained BI.		
Announcements and Scheduling of Meetings	Chairperson	5 min.
The Legislation Committee meets the 2 nd Monday 3 – 4:30 PM: 05/10; 06/14; 07/12; 08/30*; 09/20; 11/08; and 12/13. The Committee also conducts public forums on the concerns of people with disabilities annually during the week of July 26 th – 30 th celebrating the anniversary of the signing of the Americans with Disabilities Act (ADA) on July 26, 1990.		
Next meeting will be on:	Monday April 12, 2010	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 2:39 PM	
Resource persons:	Bob Cooper, Committee Staff & Morgan Fuchs	