



Description of graphic: RI State Seal an anchor in gold behind a blue wheelchair logo. Just below is a blue banner with the state motto "Hope". All are in the center of a ring of 8 blue stars, in groups of 2 separated by the logos for Braille, hearing aids, low vision and amplified phone.

# Governor's Commission on Disabilities Legislation Committee

**Monday May 10, 2010 3-4:30 PM**

John O. Pastore Center, 41 Cherry Dale Court,  
Cranston, RI 02920-3049

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(e-mail) [disabilities@gcd.ri.gov](mailto:disabilities@gcd.ri.gov)

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 <b>Attendees:</b>	Linda Ward (Chair.); William R. Inlow (Vice Chair.); Jeanne Behie; Rebecca Boss; Sharon Brinkworth; Deborah Buffi; Rosemary C. Carmody; Julie DeRosa; Timothy Flynn; Elaina Goldstein; Liberty Goodwin; Laura Jones; Jean Lawlor; Paula Parker; Arthur M. Plitt; Gwendolyn Reeve; & Sarah Everhart Skeels
<b>Absent:</b>	Ray Bandusky; Linda Deschenes; Maureen Maigret; Kate McCarthy-Barnett; Msgr. Gerard O. Sabourin & Theresa Thaelke
<b>Guests:</b>	Anthony Robinson, House Policy Office
<b>Staff:</b>	Bob Cooper, Executive Secretary

	Minutes	Moderator/Leader	Time
 <small>Clock graphic</small>	<b>Call to Order and Acceptance of the Minutes</b>	Linda Ward, Chairperson	<b>3:00</b>
Chair calls the meeting to order at 3:04 Introductions of Commissioners and guests			
<b>MOTION: To accept the minutes of the previous meeting as presented          TF/JDaR passed, Abstained JL</b>			

Action Items:			
 <small>law graphic</small>	<b>1. Commission's Legislative Package</b>	Bob Cooper, Executive Secretary	<b>3:05</b>
<b>Purpose/Goal: To update the members and plan strategy for enacting the entire legislative package</b>			

## Status of GCD's Legislative Package List on 5/6/2010

Commission Supports

**Held for Further Study or Continued**

House Finance Committee

**10 H 7397 Article 19 RELATING TO CHILDREN'S HEALTH ACCOUNT** Rep. Watson Requested by the Governor

Sent House Letter Sent Senate Letter 3/1/2010 House Testimony 2/25/2010 Senate Testimony 3/4/2010

House Municipal Government Committee

**10 H 7300 AN ACT RELATING TO HIGHWAYS-ACCESSIBLE CROSSWALKS**

Rep. Kennedy Requested by the Governor's Commission on Disabilities

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony 2/25/2010 Senate Testimony

**Senate Finance Committee**

**10 H 7397 Article 19\* RELATING TO CHILDREN'S HEALTH ACCOUNT** Rep. Watson Requested by the Governor

Sent House Letter Sent Senate Letter 3/1/2010 House Testimony 2/25/2010 Senate Testimony 3/4/2010

**Senate Housing and Municipal Government Committee**

**10 S 2133 AN ACT RELATING TO HIGHWAYS-ACCESSIBLE CROSSWALKS**

Sen. Tassoni Requested by the Governor's Commission on Disabilities

Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony 3/23/2010

**Draft Substitute for H 7300 & S 2133**

1-1 SECTION 1. Section 24-7-1 of the General Laws in Chapter 24-7 entitled "Sidewalks" is

1-2 hereby amended to read as follows:

1-3 **24-7-1. Power of towns to establish and regulate sidewalks.** – (a) The town council of  
1-4 any town shall have the power to order sidewalks, including curbing of stone or other material,  
1-5 made and laid in and upon the streets and highways of the town, and may make ordinances and  
1-6 regulations relative to the altering or repairing thereof, to the use, maintenance, care, and cleaning  
1-7 of the sidewalks, to removing ice and snow therefrom, to the removal of posts, steps, and other  
1-8 obstructions therein, and to the maintenance and removal of awnings, signs, and other structures  
1-9 projecting over the sidewalks; provided, that the ordinances and regulations shall not be contrary  
1-10 to the laws of this state.

1-11 (b) The construction and maintenance of municipally owned sidewalks and curbs by all cities and towns shall

1-12 be in compliance with all state regulations promulgated by the director of transportation pursuant  
1-13 to subsection 42-13-1(b).

1-14 SECTION 2. Section 42-13-1 of the General Laws in Chapter 42-13 entitled "Department  
1-15 of Transportation" is hereby amended to read as follows:

1-16 **42-13-1. Establishment – Head of departments – Powers.** – (a) There shall be a  
1-17 department of transportation. The head of the department shall be the director of transportation,  
1-18 appointed by the governor with the advice and consent of the senate, who shall carry out the  
1-19 provisions of this chapter and, except as otherwise provided by this title, the provisions of  
2-1 chapters 2 and 4 of title 1; chapters 8 and 10 of title 24; chapter 13 of title 31; chapter 12 of title  
2-2 37; and of all other general laws heretofore carried out by the director of public works and the  
2-3 department of public works, the Rhode Island turnpike and bridge authority, and the council on  
2-4 highway safety. The director shall also be responsible for preparation of short-range plans, project  
2-5 plans, and implementation programs for transportation; for port and waterways facilities where  
2-6 the principal purpose is transportation and management of port properties, warehouses, and state  
2-7 piers which function primarily as transportation facilities; and for maintaining an adequate level  
2-8 of rail passenger and freight services, including the administration of any financial or technical  
2-9 assistance which may be made available to operators of railroad transportation facilities;  
2-10 provided, however, that all contracts for the construction, reconstruction, maintenance, and  
2-11 repairs of all public roads and bridges, public buildings and all other properties of the state  
2-12 government, and the purchase of all equipment, materials, and supplies used in accordance  
2-13 therewith shall be negotiated by the purchasing agent in the department of administration.

2-14 (b) The director shall adopt and promulgate state regulations which will set standards for  
2-15 future state, city and town construction and maintenance of sidewalks and curbs, in a manner  
2-16 which will make the use of the sidewalks more easily accessible to people who are disabled. Said  
2-17 standards shall require the installation of curb cuts and/or ramps at both ends of any pedestrian  
2-18 crosswalk. The governor's commission on disabilities shall provide assistance and training in the design of  
sidewalk and pedestrian crosswalk construction, renovation and alteration projects. The director shall

adopt and promulgate a procedure to process all claims pursuant to  
2-19 section 24-8-35, for damages to motor vehicles caused by potholes on state highways and in all  
2-20 instances have the final determination as to the merits of each claim.

2-21 (c) The director shall promulgate and adopt regulations which will prohibit any  
2-22 contractors who have been convicted of fraud, bid-rigging, or a violation of any state or federal

2-23 antitrust law from bidding on any construction projects administered by the department for a  
2-24 period of five (5) years from the date of any of the above convictions.  
2-25 SECTION 3. This act shall take effect upon passage.

**MOTION: To adopt as presented the draft substitute for H 7300 & 10 S 2133 AN ACT RELATING TO HIGHWAYS-ACCESSIBLE CROSSWALKS TF/SES passed Abstaining SB, AP, PP,& RB**

**Passed and Transferred**

**Senate Finance Committee**

**10 H 7498 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS--WHEELCHAIR ACCESSIBLE TRANSPORTATION**  
Rep. Coderre E Requested by the Governor's Commission on Disabilities  
Sent House Letter 3/16/2010 Sent Senate Letter House Testimony 4/27/2010 Senate Testimony

**Referred to Committee**

**Senate Finance Committee**

**10 S 2674 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - WHEELCHAIR ACCESSIBLE TRANSPORTATION**  
Sen. Walaska Requested by the Governor's Commission on Disabilities  
Sent House Letter Sent Senate Letter 4/8/2010 House Testimony Senate Testimony

**Commission Supports if amended**

**Held for Further Study or Continued**

**House Finance Committee**

**10 H 7397 Article 29 GBA 01 Governor's Amendment RELATING TO GOVERNMENT RESTRUCTURING**  
Rep. Watson Requested by the Governor  
Sent House Letter 2/24/2010 Sent Senate Letter 2/25/2010 House Testimony Senate Testimony  
2/25/2010

**Senate Finance Committee**

**10 H 7397 Article 29 GBA 01\* Governor's Amendment RELATING TO GOVERNMENT RESTRUCTURING**  
Rep. Watson Requested by the Governor  
Sent House Letter 2/24/2010 Sent Senate Letter 2/24/2010 House Testimony Senate Testimony  
2/25/2010

**Senate Health and Human Services Committee**

**10 S 2206 AN ACT RELATING TO CRIMINAL OFFENSES-ADULT CRISIS INTERVENTION-CENTER AND PROTECTIVE SERVICES** Sen. McCaffrey Requested by the Governor's Commission on Disabilities  
Sent House Letter Sent Senate Letter 2/25/2010 House Testimony Senate Testimony 4/7/2010

**Referred to Committee**

**Senate Finance Committee**

**10 S 2189 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE** Sen. Metts  
Sent House Letter Sent Senate Letter 3/16/2010 House Testimony Senate Testimony

**Scheduled for hearing and/or consideration**

**House Finance Committee**

5/20/2010 @ Rise in rm 35

**10 H 7369 AN ACT RELATING TO CRIMINAL OFFENSES - ADULT CRISIS INTERVENTION - CENTER AND PROTECTIVE SERVICES** Rep. Naughton Requested by the Governor's Commission on Disabilities  
Sent House Letter 2/25/2010 Sent Senate Letter House Testimony Senate Testimony

**Commission Opposes**

**Held for Further Study or Continued**

**House Finance Committee**

**10 H 7397 Article 31 RELATING TO RITE CARE PROGRAM** Rep. Watson Requested by the Governor  
Sent House Letter 2/24/2010 Sent Senate Letter 2/25/2010 House Testimony 2/25/2010 Senate Testimony  
3/4/2010

Governor Letter **Notes:** Bob testified to Ho Fin on 2/25

**Commission Opposes unless amended**

**Passed**

**Senate Desk**

**10 H 7105 Article 19 (formerly GBA 09 & H 7397 Article 21) Sub A RELATING TO MEDICAID REFORM ACT**

Requested by the Governor

Sent House Letter 2/8/2010 Sent Senate Letter 3/1/2010 House Testimony 2/8/2010 Senate Testimony 3/4/2010

**Commission Neutral now that it has been amended**

**Passed**

**Senate Desk**

**10 H 7105 Article 04 (formerly 7397 Article 25 GBA 07) Sub A RELATING TO FEES AND FINES**

Rep. Watson Requested by the Governor

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony 3/3/2010 Senate Testimony

**Committee finds this bill Beneficial**

**Held for Further Study or Continued**

**House Corporations Committee**

**10 H 7361 AN ACT RELATING TO INSURANCE -- INSURANCE COVERAGE FOR MENTAL ILLNESS AND SUBSTANCE ABUSE** Rep. Ajello

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

**House Health, Education, & Welfare Committee**

**10 H 7315 AN ACT RELATING TO HEALTH AND SAFETY** Rep. Palumbo

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

**House Judiciary Committee**

**10 H 7111 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES** Rep. Marcello

Sent House Letter 3/3/2010 Sent Senate Letter House Testimony Senate Testimony

**10 H 7118 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES**

Rep. Gablinske

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

**Senate Judiciary Committee**

**10 S 2062 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES**

Sen. Raptakis

Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

**10 S 2065 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES** Sen. Raptakis

Sent House Letter Sent Senate Letter 3/3/2010 House Testimony Senate Testimony

**10 S 2149 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT** Sen. Metts

Sent House Letter Sent Senate Letter 3/1/2010 House Testimony Senate Testimony

**10 S 2707 AN ACT RELATING TO ELECTIONS - MAIL BALLOTS** Sen. Lynch

Sent House Letter Sent Senate Letter 4/20/2010 House Testimony Senate Testimony

**Passed and Transferred**

**Senate Judiciary Committee**

**10 H 7044 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-STATE POLICE** Rep. Ajello

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

**Postponed by sponsor**

**House Health, Education, & Welfare Committee**

**10 H 7921 AN ACT RELATING TO HEALTH AND SAFETY - PRICE DIFFERENTIALS** Rep. Trillo

Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

**Recommend Passage**

**House Calendar**

5/6/2010 # 008

**10 H 7490 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CRIMINAL PROCEDURE SENTENCE AND EXECUTION - HATE CRIMES** Rep. Segal

Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

## Referred to Committee

### Senate Judiciary Committee

**10 S 2055 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE** Sen. Miller  
Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

## Scheduled for hearing and/or consideration

### House Judiciary Committee

5/19/2010 @ Rise in rm 313

**10 H 7085 AN ACT RELATING TO MOTOR AND OTHER VEHICLES--CHILD RESTRAINTS** Rep. Gablinske  
Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

**Committee finds this bill Beneficial if amended**

## Held for Further Study or Continued

### House Health, Education, & Welfare Committee

**10 H 7512 AN ACT RELATING TO HEALTH AND SAFETY** Rep. Shallcross Smith  
Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

**10 H 7949 AN ACT RELATING TO HEALTH AND SAFETY -- SCHOOLS** Rep. Palumbo  
Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

### House Judiciary Committee

**10 H 7953 AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS** Rep. San Bento By Request  
Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

### House Municipal Government Committee

**10 H 7352 AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES** Rep. Kilmartin  
Sent House Letter 3/16/2010 Sent Senate Letter House Testimony Senate Testimony

### Senate Education Committee

**10 S 2034 AN ACT RELATING TO EDUCATION** Sen. Felag  
Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

## Passed and Transferred

### Senate Health and Human Services Committee

**10 H 7378 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS -- NEW TITLE** Rep. Ferri  
Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

## Postponed by sponsor

### House Health, Education, & Welfare Committee

**10 H 7036 AN ACT RELATING TO EDUCATION** Rep. Gallison  
Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

## Referred to Committee

### Senate Finance Committee

**10 S 2121 AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY** Sen. Blais  
Sent House Letter Sent Senate Letter 3/16/2010 House Testimony Senate Testimony

## Scheduled for hearing and/or consideration

### House Finance Committee

5/11/2010 @ 1 in rm 35

**10 H 7451 AN ACT RELATING TO HUMAN SERVICES - INTERPRETER SERVICES** Rep. Coderre  
Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

**Committee finds this bill Harmful**

## Held for Further Study or Continued

### House Health, Education, & Welfare Committee

**10 H 7931 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS** Rep. Silva  
Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

### House Judiciary Committee

**10 H 7388 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION** Rep. Brien

Sent House Letter 2/24/2010 Sent Senate Letter House Testimony Senate Testimony

**Senate Judiciary Committee**

**10 S 2141 AN ACT RELATING TO ELECTIONS** Sen. Blais

Sent House Letter Sent Senate Letter 2/24/2010 House Testimony Senate Testimony

**Referred to Committee**

**House Finance Committee**

**10 H 7897 AN ACT RELATING TO EDUCATION**

Rep. Carter

Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

**House Judiciary Committee**

**10 H 7950 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES**

Rep. Shallcross Smith

Sent House Letter 4/20/2010 Sent Senate Letter House Testimony Senate Testimony

**Senate Finance Committee**

**10 S 2113 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX** Sen. Felag

Sent House Letter Sent Senate Letter 3/1/2010 House Testimony Senate Testimony

**Senate Health and Human Services Committee**

**10 S 2747 AN ACT RELATING TO INSURANCE -- HEALTH CARE--FREEDOM OF CHOICE** Sen. Blais

Sent House Letter Sent Senate Letter 4/20/2010 House Testimony Senate Testimony

**Senate Housing and Municipal Government Committee**

**10 S 2292 AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING** Sen. Sheehan By Request

Sent House Letter Sent Senate Letter 4/20/2010 House Testimony Senate Testimony

**Committee finds this bill Harmful unless amended**

**Held for Further Study or Continued**

**Senate Corporations Committee**

**10 S 2396 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TERMINATION OF SERVICE** Sen. Metts

Sent House Letter Sent Senate Letter House Testimony Senate Testimony

**Referred to Committee**

**House Finance Committee**

**10 H 7408 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND HUMAN SERVICES**

Rep. Costantino

Sent House Letter 3/1/2010 Sent Senate Letter House Testimony Senate Testimony

**Commission Recommends Held for Further Study**

**Indefinitely Postponed**

**House Finance Committee**

**10 H 7397 Article 21 (Merged into H 7105) RELATING TO MEDICAID REFORM ACT** Rep. Watson Requested by the Governor

Sent House Letter 2/8/2010 Sent Senate Letter 3/4/2010 House Testimony 2/8/2010 Senate Testimony 3/4/2010

Discussion: *The Medicaid Buy-In budget article/bill has been revised several times, since the Legislation Committee approved the draft at its February 22<sup>nd</sup> meeting. The high lighted sections below indicate the changes from the Feb. version.*

- 1
- 2 SECTION 1. Sections 40.8.7-6, 40-8.7-7, and 40.8.7-9 of Chapter 40-8.7 of the General
- 3 Laws entitled "Health Care Assistance for Working People with Disabilities" is hereby amended to
- 4 read as follows:
- 5 **40-8.7-6 Eligibility.** – To be eligible for benefits under the Medicaid buy-in program:
- 6 (1) The person shall be an individual with disabilities as defined in § 40-8.7-4, but without regard
- 7 to his or her ability to engage in substantial gainful activity, as specified in the Social Security Act,
- 8 42 U.S.C. § 423(d)(4);
- 9 (2) The person shall be employed as defined in § 40-8.7-4;

10 (3) The ~~person's individual or the couple's~~ net accountable income shall not exceed two hundred  
11 fifty percent (250%) of the federal poverty level, taking into account the SSI program disregards  
12 and impairment-related work expenses as defined in 42 U.S.C. § 1396a(r)(2);

13 (4) A maximum of ten thousand dollars (\$10,000) of available resources for an individual and  
14 twenty thousand dollars (\$20,000) for a couple shall be disregarded as shall any additional  
15 resources held in a retirement account, in a medical savings account, or any other account, related  
16 to enhancing the independence of the individual and approved under rules to be adopted by the  
17 department; and

18 (5) The person shall be a current medical assistance recipient under § 40-8.5-1 [CNIL] or § 40-  
19 8-3(v) [MNIL]; or shall meet income, assets, (except as modified by subdivision (4) above) and  
20 eligibility requirements for the medical assistance program under § 40-8.5-1 [CNIL] or § 40-8-3(v)  
21 [MNIL], as such requirements are modified and extended by this chapter.

22 **40-8.7-7 Premiums and cost sharing.** – (a) The department of human services is authorized  
23 and directed to promulgate such rules to establish the monthly premium payments for employed  
24 individuals with disabilities who opt to participate directly in the Medicaid buy-in program. To  
25 participate in the Medicaid buy-in program, the employed individual with disabilities shall be  
26 required to make payment for coverage in accordance with a monthly payment or payment formula  
27 to be established by the department. ~~which shall count the individual's monthly unearned income  
28 in excess of the medically needy income limit [MNIL] and shall count a portion of their earned  
29 income on a sliding scale basis, in accordance with rules to be established by the department;~~

30 (b) The department is further authorized and directed to promulgate such rules to  
31 encourage businesses, especially small businesses to hire individuals with disabilities, and to allow  
32 employed individuals with disabilities who have access to employer-based health insurance and  
33 who are determined eligible by the department pursuant to this chapter, to determine the optimal  
34 health insurance coverage in consultation with the employer and the Medicaid agency.

35 **40-8.7-9. Regulations and commencement of program.**

36 (a) The department of human services shall promulgate the rules or regulations necessary to  
37 implement the provisions of this act by ~~January 1, 2005~~ July 1, 2010, and enrollment of individuals  
38 with disabilities in the Medicaid buy-in program shall commence on ~~or before September 30, 2010~~  
39 January 1, 2006.

40 (b) All participants in the Sherlock plan shall annually report wage earned and average hours  
41 worked to the department.

42 (c) The department shall report to the governor and the general assembly on or before January  
43 31, 2011 and annually thereafter, with regard to the effectiveness of this act in achieving its  
44 purpose, which report shall include, but not be limited to:

45 (1) The number of applications for the Sherlock Plan, the number of beneficiaries approved who  
46 new to Medicaid and the number of beneficiaries who were in another Medicaid eligibility category  
47 just prior to the Sherlock Plan;

48 (2) Demographics including: age; sex; employment supports provided; and primary disabling  
49 condition;

50 (3) Prior and current participation in other public programs including Medicare, Social Security  
51 Disability Insurance (SSDI), Supplemental Security Income (SSI)-including the 1619(b) provision;

52 (4) Statistics regarding the number of beneficiaries employed, and the average wage of those  
53 beneficiaries prior to and post Sherlock Plan eligibility, and the hours worked prior to and post  
54 Sherlock Plan eligibility;

55 (5) Statistics regarding the amounts of premiums and co-payments collected; and

56 (6) Findings and recommendations with regard to any improvements, amendments, or changes  
57 that should be considered to make the act more effective in achieving its purposes or which may be  
58 necessary in order to encourage more Medicaid beneficiaries to seek and retain employment.

59 SECTION 2. This act shall serve as a Joint Resolution required pursuant to Rhode Island  
60 General Laws § 42-12.4-1, et seq.

61 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled "The Rhode Island  
62 Medicaid Reform Act of 2008"; and

63 WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that requires the  
64 implementation of a rule or regulation or modification of a rule or regulation in existence prior to  
65 the implementation of the global consumer choice section 1115 demonstration ("the  
66 demonstration") shall require prior approval of the general assembly; and further provides that any

67 [category II change or category III change as defined in the demonstration shall also require prior](#)  
68 [approval to the general assembly; and](#)  
69 [WHEREAS, Rhode Island General Law § 42-7.2-5 states that the Secretary of the Office of Health](#)  
70 [and Human Services is responsible for the "review and coordination of any Global Consumer Choice](#)  
71 [Compact Waiver requests and renewals as well as any initiatives and proposals requiring](#)  
72 [amendments to the Medicaid state plan or category I or II changes" as described in the](#)  
73 [demonstration, with "the potential to affect the scope, amount, or duration of publicly-funded](#)  
74 [health care services, provider payments or reimbursements, or access to or the availability of](#)  
75 [benefits and services provided by Rhode Island general and public laws"; and](#)  
76 [WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound](#)  
77 [and sustainable, the Secretary requests that the following proposal to amend the demonstration be](#)  
78 [approved by the general assembly;](#)  
79 [Modify the Sherlock Act. The department of human services proposes refining the determination of](#)  
80 [eligibility, premiums and co-sharing of workers with disabilities enrolled in the Medicaid Buy-In](#)  
81 [program. Now, therefore, be it](#)  
82 [RESOLVED, that the general assembly hereby approves the changes set fourth in the proposal](#)  
83 [listed above to amend the demonstration; and be it further](#)  
84 [RESOLVED, that the secretary of the office of health and human services is authorized to pursue](#)  
85 [and implement any such necessary waiver amendments, category II or category III changes, state](#)  
86 [plan amendments and/or changes to the applicable department's rules, regulations and procedures](#)  
87 [approved herein and as authorized by § 42-12.4-7.](#)  
88 SECTION 3. This act shall take effect as of July 1, 2010.

**MOTION:** To approve the changes in the draft Medicaid Buy-In Budget Article/Bill, as presented above. BI/AP passed Abstaining PP, RB, & DB

	<p>10 H 7378/S 2783 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS -- NEW TITLE</p> <p><i>Special Note:</i> At the February 9<sup>th</sup> meeting the Committee found the House version beneficial if amended: "The Commission finds the intent of this legislation to be beneficial, however believes that there should be more consumer input sought before a name change is implemented. The name change should come to represent the consumer, and there should be a general consensus in the community on what the amended name should be."</p> <p>Linda W's Recommendation &amp; Comments: Beneficial My understanding is the name has been vetted with consumers and in fact several people with disabilities testified in favor of the house version.</p> <p>Sarah's Recommendation &amp; Comments:</p>	<p>Linda Ward &amp; Sarah Everhart Skeel</p>
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1-1 SECTION 1. The title of Title 40.1 of the General Laws entitled "Department of Mental  
1-2 Health, Retardation, and Hospitals" is hereby amended to read as follows:  
1-3 **TITLE 40.1**  
1-4 **DEPARTMENT OF MENTAL HEALTH, RETARDATION, AND HOSPITALS**  
1-5 **TITLE 40.1**  
1-6 **DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES**  
1-7 **AND HOSPITALS**  
1-8 SECTION 2. Chapter 40.1-1 of the General Laws entitled "Department of Mental Health,  
1-9 Retardation, and Hospitals" is hereby amended by adding thereto the following section:  
1-10 **40.1-1-3.1. New title for department.** – Wherever in the general or public laws, or any  
1-11 [rule or regulation, any reference to the "department of mental health, retardation and hospitals" or](#)  
1-12 [to "department" shall appear, it shall be deemed to mean and shall mean "the department of](#)  
1-13 [behavioral healthcare, developmental disabilities and hospitals."](#)  
1-14 SECTION 3. This act shall take effect upon passage.



voting check off graphic

MOTION: To find beneficial 10 H 7378/S 2783 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS -- NEW TITLE RC/AP passed Abstaining RB,PP, & DB



meeting graphic

2. Public Forums

Linda Ward

3:20

Purpose/Goal: to schedule all the forums by mid May in order to disseminate the dates, times and locations as soon as possible.

Date	Region	Location	Host
	Bristol County	Galley Rm. Barrington Public Library	SB will ask SILC
	Greater Providence	Dept of Administration (5:30 PM)	TF will ask Health
Wednesday 7/28 <sup>th</sup> 4-6	Kent County	Warwick Public Library	OSCIL confirmed
	Newport County	Middletown Public Library	LW asked Looking Upwards
	Northern RI	Cumberland Public Library (AM)	GR will ask PARI
	Washington County	Peacedale Library	LJ committed RIPIN



new graphic

3. Consideration of New Bills/Budget Articles

Linda Ward

3:30

Purpose/Goal: to select and comment on legislation effecting people with disabilities and their families

10 S 2780 AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- DEVELOPMENTALLY DISABLED ADULTS

This act would offer private operators of state-owned group homes the right of first refusal should the state to decide to sell the facility. This act would take effect upon passage.

Liberty's Recommendation and Comments: Beneficial, since it might help developmentally disabled people from changes to a good environment, but I'm open to other info or opinions.

Sharon's Recommendation and Comments: Beneficial if amended, Lines 25, 26, & 27 - Why not include all persons with disabilities rather than just dd, elderly &/or veterans.

Liberty Goodwin Sharon Brinkworth

1-2 Disabilities" is hereby amended by adding thereto the following section:  
1-3 **40.1-21-19. Sale of state-owned group homes.** – (a) The general assembly hereby finds  
1-4 that private providers of services for developmentally disabled adults have effectively operated  
1-5 various state-owned homes for the benefit and support of such individuals. The purpose of this act  
1-6 is to further the maintenance and support of said homes in order to sustain quality living for said  
1-7 individuals. It is a purpose of this act to further the goal set out over thirty (30) years ago to  
1-8 achieve deinstitutionalization of services provided to developmentally disabled adults as to foster  
1-9 a life of respect and dignity. The citizens of Rhode Island, through the approval of bond issues,  
1-10 have expressed their support for the goal of affording said individuals the opportunity to live in  
1-11 the community in their own home. In addition thereto there are other groups of individuals with  
1-12 developmental disabilities whose use of underutilized state-owned homes will enhance and  
1-13 improve their lives, and the lives of our veterans and elderly. It is the intent of the general  
1-14 assembly that this act, being necessary for the welfare of the state and its citizens, shall be  
1-15 liberally construed so as to effectuate its purposes herein.

1-16 (b) In the event the department of mental health, retardation and hospitals ("department"),  
1-17 in exercising the department's authority, shall decide to sell or transfer the ownership interest in  
1-18 any group home under state ownership, shall, prior to such sale or transfer, provide the current  
2-1 private provider operating said home, a right of first refusal to acquire said group home. In  
2-2 addition thereto, where a state-owned group home is not currently in operation and the  
2-3 department desires to transfer ownership of the same the department will establish a program to  
2-4 provide for the transfer or sale to a private provider under the terms set forth herein. For the  
2-5 purposes of this section "private provider" shall be defined as an entity which leases and operates  
2-6 state-owned group homes and provides ancillary services as defined in sections 40.1-21-4.3 under  
2-7 a contract with the state.

2-8 (c) Said right of first refusal shall be extended for a period of not less than one year from  
2-9 the date of written notification by the department to the private provider of the department's  
2-10 intent to sell or transfer ownership in said home. Within thirty (30) days the department and  
2-11 provider shall meet to negotiate in good faith a purchase price or transfer arrangement under the  
2-12 terms and conditions set forth herein. Provided however, that upon the one year anniversary of  
2-13 the notice of intent to sell or transfer the private provider, having acted in good faith to secure  
2-14 funding to purchase said home, requires additional time to complete the sales transaction, then an  
2-15 extension shall be granted for a reasonable amount of time, such extension shall not be  
2-16 unreasonably withheld.

2-17 (d) The purchase price of said state-owned group homes shall be negotiated between the  
2-18 state and private provider in good faith. Fair market value shall not be the determining factor in  
2-19 establishing a price. The department and private provider shall apply a standard as to establish a  
2-20 fair price so as to preserve the quality of living for the developmentally disabled adults that shall  
2-21 reside therein. The acquisition price determined hereunder, being for the benefit of  
2-22 developmentally disabled adults shall be accepted by the state notwithstanding any law to the  
2-23 contrary, including, but not limited, to the provisions of chapter 6 of title 37.

2-24 (e) Any private provider who shall acquire any said group home hereunder shall enter  
2-25 into an agreement with the department that provides that the acquired group home shall continue  
2-26 to be operated for the benefit of people with developmental disabilities, support for the elderly,  
2-27 veterans or as transition units to assist in the increase in independent living, or upon the sale or  
2-28 disposition thereof, proceeds of any sale shall be utilized for the benefit of developmentally  
2-29 disabled adults.

2-30 SECTION 2. This act shall take effect upon passage.



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MOTION: To find beneficial if amending to include all persons with disabilities (2-24 though 29) 10 S 2780 AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- DEVELOPMENTALLY DISABLED ADULTS. TSB/LG Passed, Recused LW, RC Abstain GW, EG, PP, RB

<p><b>RESIDENCE LICENSING ACT</b></p> <p>This act would allow a new assisted living resident to receive daily therapy services and/or limited skilled nursing care services for up to 45 days subject to an extension; provided, that the resident is under the care of a licensed hospice agency and, provided further, that assisted living residence assumes responsibility for ensuring that the care is received. This act would take effect upon passage.</p> <p>-----</p> <p>Linda W's Recommendation and Comments: Beneficial</p>	<p>Ward</p>
<p>1-1 SECTION 1. Section 23-17.4-2 of the General Laws in Chapter 23-17.4 entitled</p> <p>1-2 "Assisted Living Residence Licensing Act" is hereby amended to read as follows:</p> <p>1-3 <b>23-17.4-2. Definitions.</b> -- As used in this chapter:</p> <p>1-4 (1) "Activities of daily living (ADLs)" means bathing, dressing, eating, toileting,</p> <p>1-5 mobility and transfer.</p> <p>1-6 (2) "Administrator" means any person who has responsibility for day to day</p> <p>1-7 administration or operation of an assisted living residence.</p> <p>1-8 (3) "Alzheimer's dementia special care unit or program" means a distinct living</p> <p>1-9 environment within an assisted living residence that has been physically adapted to accommodate</p> <p>1-10 the particular needs and behaviors of those with dementia. The unit provides increased staffing,</p> <p>1-11 therapeutic activities designed specifically for those with dementia and trains its staff on an</p> <p>1-12 ongoing basis on the effective management of the physical and behavioral problems of those with</p> <p>1-13 dementia. The residents of the unit or program have had a standard medical diagnostic evaluation</p> <p>1-14 and have been determined to have a diagnosis of Alzheimer's dementia or another dementia.</p> <p>1-15 (4) "Assisted living residence" means a publicly or privately operated residence that</p> <p>1-16 provides directly or indirectly by means of contracts or arrangements personal assistance to meet</p> <p>1-17 the resident's changing needs and preferences, lodging, and meals to six (6) or more adults who</p> <p>1-18 are unrelated to the licensee or administrator, excluding however, any privately operated</p> <p>2-1 establishment or facility licensed pursuant to chapter 17 of this title, and those facilities licensed</p> <p>2-2 by or under the jurisdiction of the department of mental health, retardation, and hospitals, the</p> <p>2-3 department of children, youth, and families, or any other state agency. The department shall</p> <p>2-4 develop levels of licensure for assisted living residences within this definition as provided in</p> <p>2-5 section 23-17.4-6. Assisted living residences include sheltered care homes, and board and care</p> <p>2-6 residences or any other entity by any other name providing the services listed in this subdivision</p> <p>2-7 which meet the definition of assisted living residences.</p> <p>2-8 (5) "Capable of self-preservation" means the physical mobility and judgmental ability of</p> <p>2-9 the individual to take appropriate action in emergency situations. Residents not capable of self-</p> <p>2-10 preservation are limited to facilities that meet more stringent life safety code requirements as</p> <p>2-11 provided under section 23-17.4-6(b)(3).</p> <p>2-12 (6) "Director" means the director of the Rhode Island department of health.</p> <p>2-13 (7) "Licensing agency" means the Rhode Island department of health.</p> <p>2-14 (8) "Personal assistance" means the provision of one or more of the following services,</p> <p>2-15 as required by the resident or as reasonably requested by the resident, on a scheduled or</p> <p>2-16 unscheduled basis, including:</p> <p>2-17 (i) Assisting the resident with personal needs including activities of daily living;</p> <p>2-18 (ii) Assisting the resident with self-administration of medication or administration of</p> <p>2-19 medications by appropriately licensed staff;</p> <p>2-20 (iii) Providing or assisting the resident in arranging for health and supportive services as</p> <p>2-21 may be reasonably required;</p> <p>2-22 (iv) Monitoring the activities of the resident while on the premises of the residence to</p> <p>2-23 ensure his or her health, safety, and well-being; and</p> <p>2-24 (v) Reasonable recreational, social and personal services.</p> <p>2-25 (9) "Resident" means an individual not requiring medical or nursing care as provided in</p> <p>2-26 a health care facility but who as a result of choice and/or physical or mental limitation requires</p> <p>2-27 personal assistance, lodging and meals and may require the administration of medication. A</p> <p>2-28 resident must be capable of self-preservation in emergency situations, unless the facility meets a</p> <p>2-29 more stringent life safety code as required under section 23-17.4-6(b)(3). Persons needing</p> <p>2-30 medical or skilled nursing care, including daily professional observation and evaluation, as</p> <p>2-31 provided in a health care facility, and/or persons who are bedbound or in need of the assistance of</p>	

2-32 more than one person for ambulation, are not appropriate to reside in assisted living residences.  
 2-33 However, an established resident may receive daily skilled nursing care or therapy from a  
 2-34 licensed health care provider for a condition that results from a temporary illness or injury for up  
 3-1 to forty-five (45) days subject to an extension of additional days as approved by the department,  
 3-2 or if the resident is under the care of a licensed hospice agency provided the assisted living  
 3-3 residence assumes responsibility for ensuring that the care is received. [Furthermore, a new](#)  
 3-4 [resident may receive daily therapy services and/or limited skilled nursing care services, as defined](#)  
 3-5 [through rules and regulations promulgated by the department of health, from a licensed health](#)  
 3-6 [care provider for a condition that results from a temporary illness or injury for up to forty-five](#)  
 3-7 [\(45\) days subject to an extension of additional days as approved by the department, or if the](#)  
 3-8 [resident is under the care of a licensed hospice agency provided that assisted living residence](#)  
 3-9 [assumes responsibility for ensuring that the care is received.](#) For the purposes of this **statute**  
 3-10 **section**, "resident" shall also mean the resident's agent as designated in writing or legal guardian.  
 3-11 SECTION 2. This act shall take effect upon passage.



Take no position

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10 H 8074 AN ACT RELATING TO HUMAN SERVICES — MEDICAL ASSISTANCE—PRESCRIPTION DRUGS

This act would require that the preferred drug list (PDL) maintained by the department of human services include injectable drugs as well as orally-administered drugs. This act would take effect upon passage.

Linda Ward & Elaina Goldstein

Linda W's Recommendation and Comments: Beneficial

Elaina's Recommendation and Comments: Beneficial I believe that we spoke about this at one of our meetings---in any event I believe insulin would be considered an injectable drug--can't remember some of the others but this would be significant to those individuals with diabetes. I do think that there are also injections given to kids in schools with allergic reactions...

1-1 SECTION 1. Section 40-21-1 of the General Laws in Chapter 40-21 entitled "Medical  
 1-2 Assistance - Prescription Drugs" is hereby amended to read as follows:  
 1-3 **40-21-1. Prescription drug program. --** The department of human services is hereby  
 1-4 authorized and directed to amend its practices, procedures, regulations and the Rhode Island state  
 1-5 plan for medical assistance (Medicaid) pursuant to title XIX of the Federal Social Security Act  
 1-6 [42 U.S.C. section 1396 et seq.]to modify the prescription drug program:  
 1-7 (1) To establish a preferred drug list (PDL) [which shall include injectables as well as](#)  
 1-8 [orally-administered drugs and whereby the injectable drug shall take preference over the orally-](#)  
 1-9 [administered drug when medically necessary for treatment;](#)  
 1-10 (2) To enter into supplemental rebate, discount or other agreements with pharmaceutical  
 1-11 companies; and  
 1-12 (3) To negotiate either state-specific supplemental rebates or to participate in a multi-  
 1-13 state pooling supplemental rebate program.  
 1-14 Determinations of drugs included on the PDL will be made by the State Department of  
 1-15 Human Services, and a listing of such drugs shall be maintained on a public website. In making  
 1-16 these determinations, the department shall consider the recommendations of the Medicaid  
 1-17 Pharmaceutical and Therapeutics Committee, whose membership shall include practicing  
 1-18 pharmacists and physicians, faculty members of the University of Rhode Island's College of  
 1-19 Pharmacy, and consumers or consumer representatives. Drugs exempt from the PDL shall  
 2-1 include: (1) anti-retrovirals; and (2) organ transplant medications. Physicians will be informed  
 2-2 about prior authorization procedures for medications not on the PDL, and seventy-two (72) hour  
 2-3 emergency supplies may be dispensed if authorizations cannot be obtained.  
 2-4 (4) To mandate the dispensing of generic-only drugs with the exception of limited brand  
 2-5 drug coverage for certain therapeutic classes as approved by the Department of Human Services  
 2-6 to individuals eligible for medical assistance (Medicaid) under sections 40-8.4-4, 42-12.3-4 and  
 2-7 42-12.3-15.



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MOTION: To find beneficial 10 H 8074 AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE-- PRESCRIPTION DRUGS GW/EG passed, Nay SB Abstain PP,JB, DB, RB,

10 H 8024 AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM

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.

Sharon's Recommendation & Comments: Beneficial Early detection of developmental disabilities could prove helpful.

Linda W's Recommendation & Comments: I continue to have some concerns with this bill.

Sahara's Recommendation & Comments: Take no position because I still find this very broad and without 'boundaries' and would like more information/background as to why there is a need for additional screenings

Sharon Brinkworth, Linda Ward, & Sarah Everhart Skeels

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.



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Take no position

<p>10 S 2829 AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT</p> <p>This act would prohibit school housing construction aid from being used in the costs of remediation and it would also prohibit siting schools on toxic waste sites. This act would take effect upon passage.</p> <p>-----</p> <p>Gwen's Recommendation &amp; Comments: Beneficial</p> <p>Sarah's Recommendation and Comments: Beneficial because isn't it obvious that we should not be building a school and/or addition to a school on toxic waste sites?</p> <p>Sharon's Recommendation &amp; Comments: Beneficial to prevent disabilities in children, schools shouldn't be built on toxic waste sites</p>	<p>Gwendolyn Reeve, Sarah Everhart Skeels, &amp; Sharon Brinkworth</p>
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<p>1-1 SECTION 1. Section 16-7-44.1 of the General Laws in Chapter 16-7 entitled</p> <p>1-2 "Foundation Level School Support" is hereby amended to read as follows:</p> <p>1-3 <b>16-7-44.1. Program restrictions.</b> -- Housing aid shall not be provided for the purchase</p> <p>1-4 of furniture, fixtures and equipment except in the case of a project to construct a new school or</p> <p>1-5 new school addition that is also supported by a general obligation or lease revenue bond. Housing</p> <p>1-6 aid shall not be provided for projects supported by capital lease agreements that: (1) are not lease</p> <p>1-7 purchase agreements; (2) do not demonstrate a direct benefit to the school nor are located on</p> <p>1-8 school property; and (3) do not exclude all non-capital costs such as maintenance costs prior to</p> <p>1-9 the request for reimbursement. <a href="#">Housing aid shall not be provided to cover the costs of</a></p> <p>1-10 <a href="#">"remediation" as defined in subdivision 23-19.14-3(1) and undertaken pursuant to chapter 23-</a></p> <p>1-11 <a href="#">19.14 in connection with any project.</a></p> <p>1-12 SECTION 2. Chapter 16-9 of the General Laws entitled "School Funds and Property" is</p> <p>1-13 hereby amended by adding thereto the following section:</p> <p>1-14 <b>16-9-4.2. Prohibition against siting schools on toxic waste sites. –</b> <a href="#">No new school</a></p> <p>1-15 <a href="#">building or addition to an existing school building shall be constructed and no new school facility</a></p> <p>1-16 <a href="#">may be housed in an existing building that is leased for school purposes if the proposed new</a></p> <p>1-17 <a href="#">construction, addition or existing building is located on:</a></p> <p>1-18 <a href="#">(1) Any portion of a parcel of property where more than three (3) cubic yards of</a></p> <p>1-19 <a href="#">hazardous or solid waste were disposed; or</a></p> <p>2-1 <a href="#">(2) Any portion of a parcel of property formerly used for industrial or manufacturing</a></p> <p>2-2 <a href="#">purposes that is presently contaminated by hazardous materials that were likely utilized in</a></p> <p>2-3 <a href="#">connection with those purposes, at levels that exceed the method 1 residential direct exposure</a></p> <p>2-4 <a href="#">criteria or other residential exposure standards established by the department of environmental</a></p> <p>2-5 <a href="#">management.</a></p> <p>2-6 SECTION 3. This act shall take effect upon passage.</p>
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 <p>voting check off graphic</p>	<p>MOTION: To find beneficial 10 S 2829 AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT RC/SB passed, Abstain RB, DB</p>
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<p>10 S 2784 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2010</p> <p>This act would create "The Rhode Island Protection From Secondhand Smoke For Children Act of 2010" which prohibits smoking in any vehicle in which a child is required to be restrained in a child passenger safety seat. This act would take effect upon passage.</p> <p>-----</p> <p>Sarah's Recommendation &amp; Comments: Beneficial because second-hand smoke exposure leads to an increase in respiratory illnesses and conditions. I don't see how this law can be effectively enforced, but it is a step in the appropriate direction.</p> <p>Sharon's Recommendation &amp; Comments: Beneficial Children should not be subjected to secondhand smoke; it may cause them to develop asthma &amp; other lung related illnesses that might possibly turn into a disability when they grow older.</p>	<p>Sarah Everhart Skeel, Sharon Brinkworth</p>
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Linda W's Comments: How would they ever enforce this? While may be beneficial may not be enforceable.

1-1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES" is  
 1-2 hereby amended by adding thereto the following chapter:  
 1-3 **CHAPTER 53**  
 1-4 **THE RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN**  
 1-5 **ACT OF 2010**  
 1-6 **31-53-1. Short title.** -- This chapter shall be known and may be cited as "The Rhode  
 1-7 Island Protection From Secondhand Smoke For Children Act of 2010."  
 1-8 **31-53-2. Definitions.** -- For the purposes of this chapter "motor vehicle" means any  
 1-9 motor vehicle, except a school bus, church bus, and other public conveyance, which is required  
 1-10 by federal or state law or regulation to be equipped with a passenger restraint system.  
 1-11 **31-53-3. Prohibition of smoking with child passenger.** -- Smoking, as defined in  
 1-12 section 23-20.10-2, shall be prohibited in all motor vehicles in which a child is restrained or  
 1-13 required to be restrained pursuant to subsection 31-22-22(a).  
 1-14 **31-53-4. Penalties.** -- (a) Any person who violates the provisions of this chapter shall,  
 1-15 upon conviction, be punished by a fine not to exceed twenty-five dollars (\$25.00).  
 1-16 (b) If a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for  
 1-17 violation of this chapter, no court costs or other costs or fees shall be assessed.  
 1-18 (c) Any person who proves to the court that he or she has entered into a smoking  
 2-1 cessation program may have his or her fine eliminated for a first offense violation of this chapter.  
 2-2 SECTION 2. This act shall take effect upon passage.



Take no position

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<p>10 S 2786 AN ACT RELATING TO FOOD AND DRUGS -- THE 2010 MARIJUANA POLICY ACT</p> <p>This act would decriminalize possession of one ounce or less of marijuana by persons 18 years of age or older and designate the use of the fines collected by the towns and cities to be used for awareness programs and drug use programs. This act would not permit smoking marijuana in school areas and other public places. This act would take effect on January 1, 2011.</p> <p>Sharon's Recommendation &amp; Comments: Beneficial As I think about it, this bill may not have anything to do with a disability; but would possibly cut down on the prison population.</p>	<p>Sharon Brinkworth</p>
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1-1 SECTION 1. Legislative findings. – The general assembly finds and declares that:  
 1-2 (1) To date, thirteen (13) states have enacted decriminalization of marijuana laws. The  
 1-3 states are: Alaska, Californian, Colorado, Maine, Massachusetts, Minnesota, Mississippi,  
 1-4 Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon.  
 1-5 (2) In Rhode Island there were two thousand five hundred forty-six (2,546) arrests for  
 1-6 first offense of possession of marijuana from January 1, 2009 to December 31, 2009.  
 1-7 (3) The department of corrections incarcerated three hundred thirty-seven (337) people  
 1-8 awaiting trail for possession of marijuana and one hundred fifty-four (154) people sentenced for  
 1-9 possession of marijuana during fiscal year 2009.  
 1-10 (4) From 2005 – 2009 the public defender's office represented five thousand two hundred  
 1-11 fifty-nine (5,259) people charged with simple possession of marijuana.  
 1-12 (5) State departments and agencies involved in criminal justice are estimated to see  
 1-13 savings or a better allocation of state resources in their respective offices with the  
 1-14 decriminalization of one ounce or less or marijuana for people eighteen (18) years of age and  
 1-15 older.  
 1-16 (6) While there are documented health risks associated with marijuana, the risk of  
 1-17 dependence is far lower than the risk of addiction to nicotine or alcohol.  
 1-18 SECTION 2. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby  
 1-19 amended by adding thereto the following chapter:

CHAPTER 28.8

THE 2010 MARIJUANA POLICY ACT

2-1  
2-2  
2-3 21-28.8-1. Short title. – This chapter shall be known and may be cited as "The 2010  
2-4 Marijuana Policy Act."

2-5 21-28.8-2. Possession of one ounce or less – Individuals eighteen (18) years of age  
2-6 and older. – Notwithstanding any general or special law to the contrary, possession of one ounce  
2-7 or less of marijuana by a person who is eighteen (18) years of age or older, shall constitute a civil  
2-8 offense, subjecting an offender to a fine of one hundred fifty dollars (\$150) and forfeiture of the  
2-9 marijuana, but not to any other form of criminal or civil punishment or disqualification. The  
2-10 money associated with the fine shall be payable to the municipality in which the offense occurred.  
2-11 Unpaid fines shall double if not paid within thirty (30) days of the offense. The fine shall double  
2-12 again if it has not been paid within ninety (90) days. The fine shall rise to one thousand dollars  
2-13 (\$1,000) if not paid after an additional ninety (90) days.

2-14 21-28.8-3. Possession of one ounce or less – Individuals under the age of eighteen  
2-15 (18). – (a) Notwithstanding any general or special law to the contrary, possession of one ounce or  
2-16 less of marijuana by a person who is under the age of eighteen (18) years shall be a civil offense,  
2-17 subjecting an offender to a fine of one hundred fifty dollars (\$150) and forfeiture of the  
2-18 marijuana, provided the minor offender completes an approved drug awareness program and  
2-19 community service as determined by the court or hearing board with jurisdiction. The parents or  
2-20 legal guardian of any offender under the age of eighteen (18) shall be notified of the offense and  
2-21 the availability of a drug awareness and community service program. The drug awareness  
2-22 program must be approved by the court or juvenile hearing board having jurisdiction of the  
2-23 offense, but shall, at a minimum, provide four (4) hours of instruction or group discussion, and  
2-24 ten (10) hours of community service.

2-25 (b) If an offender under the age of eighteen (18) fails, within one year of the offense, to  
2-26 complete both a drug awareness program and the required community service, as evidenced by  
2-27 family court or a juvenile hearing board having jurisdiction of the offense, such court or board  
2-28 may notify the offender, parent or guardian, and the enforcing person who issued the original  
2-29 notice to the offender, of a hearing to show cause why the civil penalty should not be increased to  
2-30 one thousand dollars (\$1,000). In addition to the civil penalties authorized by this chapter, the  
2-31 failure of such an offender to complete such a program may be a basis for delinquency  
2-32 proceedings for persons under the age of eighteen (18) of the time of offense.

2-33 (c) Factors to be considered in weighing cause shall be limited to financial capacity to  
2-34 pay any increase, the offender's ability to participate in a compliant drug awareness program and  
3-1 the availability of a suitable drug awareness program. Any civil penalties imposed under the  
3-2 provisions of this chapter shall inure to the city or town where the offense occurred.

3-3 21-28.8-4. Subsequent offenses of possession of one ounce or less. – The second  
3-4 offense of possession of one ounce or less of marijuana shall not be considered a misdemeanor,  
3-5 but shall subject the offender to a minimum fine of three hundred dollars (\$300). Any third or  
3-6 subsequent offense of possession of one ounce or less of marijuana shall be considered a  
3-7 misdemeanor. No violation of this chapter shall be considered a violation of parole or probation.

3-8 21-28.8-5. Identification and police searches. – Any person in possession of an  
3-9 identification card, license or other form of identification issued by the state or any state, city or  
3-10 town, or any college or university, who fails to produce the same upon request of a police officer  
3-11 who informs the person that he or she has been found in possession of what appears to the officer  
3-12 to be an ounce or less of marijuana, or any person without any of such forms of identification that  
3-13 fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer  
3-14 who has informed such person that the officer intends to provide such individual with a citation  
3-15 for possession of an ounce or less of marijuana may be arrested. No part of this act shall restrict  
3-16 law enforcement from conducting searches based on probable cause that marijuana is present in a  
3-17 motor vehicle, in a container, or on a person.

3-18 21-28.8-6. Use of fines. – One-half (1/2) of fines collected in each municipality from  
3-19 civil penalties issued pursuant to sections 21-28.8-2 and 21-28.8-3 of this act shall be expended  
3-20 on drug awareness and treatment programs for youth. The general assembly encourages and  
3-21 authorizes municipalities to work collaboratively to establish and maintain drug awareness  
3-22 programs.

3-23 21-28.8-7. Savings clauses. – Nothing contained herein shall be construed to repeal or

3-24 [modify existing laws, ordinances or bylaws, regulations, personnel practices or policies](#)  
 3-25 [concerning the operation of motor vehicles or other action taken while under the influence of](#)  
 3-26 [marijuana or tetrahydrocannabinol, laws concerning the unlawful possession of prescription](#)  
 3-27 [forms or marijuana or tetrahydrocannabinol, possession of more than one ounce of marijuana or](#)  
 3-28 [tetrahydrocannabinol, or selling, manufacturing or trafficking in marijuana or](#)  
 3-29 [tetrahydrocannabinol. Nothing contained herein shall prohibit a political subdivision of the state](#)  
 3-30 [from enacting ordinances or bylaws regulating or prohibiting the consumption of marijuana or](#)  
 3-31 [tetrahydrocannabinol in public places and providing for additional penalties for the public use of](#)  
 3-32 [marijuana or tetrahydrocannabinol.](#)  
 3-33 **21-28.8-8. Scope of chapter.** – This chapter shall not permit:  
 3-34 [\(1\) Any person to undertake any task under the influence of marijuana, when doing so](#)  
 4-1 [would constitute negligence or professional malpractice;](#)  
 4-2 [\(2\) The smoking of marijuana:](#)  
 4-3 [\(i\) In a school bus or other form of public transportation;](#)  
 4-4 [\(ii\) On any school grounds;](#)  
 4-5 [\(iii\) In any correctional facility;](#)  
 4-6 [\(iv\) In any public place;](#)  
 4-7 [\(v\) In any licensed drug treatment facility in this state; or](#)  
 4-8 [\(vi\) Where exposure to the marijuana smoke significantly adversely affects the health,](#)  
 4-9 [safety, or welfare of children.](#)  
 4-10 [\(3\) Any person to operate, navigate, or be in actual physical control of any motor vehicle,](#)  
 4-11 [aircraft, or motorboat while under the influence of marijuana. However, a registered qualifying](#)  
 4-12 [patient shall not be considered to be under the influence solely for having marijuana metabolites](#)  
 4-13 [in his or her system.](#)  
 4-14 **21-28.8-9. Severability.** – Each section of this chapter and each part of each section is  
 4-15 [declared to be a separable and independent section, and the holding of any section or sections or](#)  
 4-16 [part or parts of this title to be void, ineffective or unconstitutional for any cause, shall not be](#)  
 4-17 [deemed to affect any other section or part of this chapter.](#)  
 4-18 SECTION 3. This act shall take effect on January 1, 2011.



Take no position

voting check off graphic



Announcer graphic

#### 4. Announcements

Linda Ward

4:20

Rhodes to Independence – 2009 Factbook was distributed  
 RI Disability Vote Project – 4<sup>th</sup> Annual Convention flyer was distributed



calendar graphic

#### 5. Agenda and Scheduling the Next Meeting

Linda Ward

4:25

Items to be placed on the next meeting's agenda:

1. Commission's Legislative Package
2. Public Forum Status
3. Consideration of New Bills/Budget Articles

Next meeting will be on: Monday June 14<sup>th</sup> from 3 – 4:30



alarm clock  
graphic

## 6. Adjournment

Linda Ward

4:30



voting check off  
graphic

MOTION: To adjourn TF/RC passed unanimously at 4:28 PM

**Statement of Conflict of Interest**  
pursuant to R.I. Gen. Laws § 36-14-6

I Rosemary Carmel, holding the position of  
the Governor's Commission on Disabilities \_\_\_\_\_, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving State of RI Crp Homes  
is presently before Leg Comm / GCID, Fall # 14-5068  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

work for a DD provider  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. [Please select one of the following]:

- A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)
- B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed under the penalties of perjury this 16 day of May, 2010.

Rosemary Carmel  
\_\_\_\_\_  
Signature

**Statement of Conflict of Interest**  
**pursuant to R.I. Gen. Laws § 36-14-6**

I Linda Ward, holding the position of Commissioner  
the Governor's Commission on Disabilities, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving 28068  
is presently before Legislation Committee.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. [Please select one of the following]:

A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed under the penalties of perjury this 11 day of July, 2010.

Linda Ward  
Signature