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 January 10, 2011 3-4:30 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711
(e-mail) disabilities@gcd.ri.gov
(website) www.disabilities.ri.gov

	Attendees: Linda Ward (Chair.); William R. Inlow (Vice Chair.); Rebecca Boss; Sharon Brinkworth; Rosemary C. Carmody; Linda Deschenes; Sarah Everhart Skeels; Laura Jones; Paula Parker; Arthur M. Plitt; Theresa Thoelke & Msgr. Gerard O. Sabourin **Absentees:** Ray Bandusky; Julie DeRosa; Timothy Flynn; Elaina Goldstein; Roger Harris; Jean Lawlor; Maureen Maigret; Kate McCarthy-Barnett ; &Gwendolyn Reeve;
Guests:	Catherine Taylor, Director of the Department of Elderly Affairs
Staff:	Bob Cooper, Stephanie Behie

	Agenda Topics	Moderator/Leader	Time
Clock graphic	Call to Order and Acceptance of the Minutes	Linda Ward, Chairperson	3:00
	Chair calls the meeting to order at 3:04 PM Introductions of Commissioners and guests		
	MOTION: To accept the minutes of the previous meeting as presented WI/LD passed unanimously		
	Action Items:		
law graphic	Commission's Legislative Package:	Bob Cooper, Executive Secretary	3:05
	Purpose/Goal: To draft legislation as needed to address issues raised at the Public Forums		
	1. Crisis Intervention Services for abuse non-elderly adults (18-64) with severe impairments: a) Request information on the new EOHHS/BHDDH program and b) Prepare legislation if needed to address any gaps Below is the last version of the 2010 bill, with revised dates and deletion of the RIDLC language regarding "substantial limitation on <u>three or more</u> life activities".		

It is enacted by the General Assembly as follows:

SECTION 1. Sections 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11 and 11-5-12 of the General Laws in Chapter 11-5 entitled "Assaults" are hereby amended to read as follows:

11-5-10. Assault on persons 60 years of age or older causing bodily injury. -- (a) Any person who shall commit an assault and battery upon a person sixty (60) years of age or older, causing bodily injury, shall be deemed to have committed a felony and shall be imprisoned not exceeding five (5) years, or fined not exceeding one thousand dollars ($1,000), or both.

(b) After January 1, 2012 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program to provide crisis intervention services for the victim when:

(1) Necessary to ensure the immediate health and safety of the victim;

(2) The victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in activities in daily living; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-10.1. Assault on persons 60 years of age or older causing serious bodily injury.

-- (a) Any person who shall commit an assault or battery, or both, upon a person sixty (60) years of age or older, causing serious bodily injury, shall be deemed to have committed a felony and shall be imprisoned for not less than three (3) years but not more than twenty (20) years, or fined not more than ten thousand dollars ($10,000), or both. Every person so convicted shall be ordered to make restitution to the victim of the offense or to perform up to five hundred (500) hours of public community restitution work or attend violence counseling and/or substance abuse counseling, or any combination of them imposed by the sentencing judge. The court may not waive the obligation to make restitution and/or public community restitution work. The restitution and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

(b) "Serious bodily injury" means physical injury that:

(1) Creates a substantial risk of death;

(2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

(3) Causes serious permanent disfigurement.

(c) After January 1, 2012 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program to provide crisis intervention services for the victim when:

(1) Necessary to ensure the immediate health and safety of the victim;

(2) The victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in activities in daily living; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-10.2. Assault on persons with severe impairments causing serious bodily injury.

-- (a) Any person who shall commit an assault or battery, or both, upon a person, with severe impairments causing serious bodily injury, shall be deemed to have committed a felony and shall be imprisoned for not less than two (2) years but not more than twenty (20) years, or fined not more than five thousand dollars ($5,000), or both. Every person so convicted shall be ordered to make restitution to the victim of the offense or to perform up to five hundred (500) hours of public community restitution work, or both, or any combination of them imposed by the sentencing judge. The court may not waive the obligation to make restitution and/or public community restitution work. The restitution and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

(b) "Serious bodily injury" means physical injury that:

(1) Creates a substantial risk of death, serious disfigurement;

(2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

(3) Causes serious permanent disfigurement.

(c) For the purposes of this section:

(1) "Adult" means a person over the age of eighteen (18).

(2) "Major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency.

(3) "Person with severe impairments" means a child or adult who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments and results in substantial functional limitations in one or more major life activities.

(d) Violations of this section shall be reported to the local police department.

(e) After July 1, ~~2007~~ 2011 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local police department ~~may~~ shall request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program to provide crisis intervention services for the adult victim with severe impairments when:

(1) Necessary to ensure the immediate health and safety of the adult victim; ~~and~~

(2) The adult victim relies on the person believed to have committed the assault and/or battery, for assistance in performing three (3) or more major life activities; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-10.3. Assault on persons 60 years of age or older by caretaker causing bodily injury. -- (a) Any person who shall commit an assault and battery upon a person sixty (60) years of age or older, causing bodily injury, and who was, at the time of the assault and battery, responsible for the care and treatment of the victim, shall be deemed to have committed a felony and shall be imprisoned not exceeding five (5) years, or fined not exceeding two thousand five hundred dollars ($2,500), or both. Further, if at the time of the assault and battery the person committing the act was employed by a health care facility that either condoned the act or attempted to conceal it, the health care facility shall be fined not exceeding five thousand dollars ($5,000).

(b) After July 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program to provide crisis intervention services for the victim when:

(1) Necessary to ensure the immediate health and safety of the victim;

(2) The victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in activities in daily living; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-10.4. Assault on persons 60 years of age or older by caretaker causing serious bodily injury. -

(a) Any person who shall commit an assault or battery, or both, upon a person sixty (60) years of age or older, causing serious bodily injury, and who was, at the time of the assault and battery, responsible for the care and treatment of the victim, shall be deemed to have committed a felony and shall be imprisoned for not less than two (2) years but not more than twenty (20) years, or fined not more than ten thousand dollars ($10,000), or both. Further, if at the time of the assault and battery the person committing the act was employed by a health care facility that either condoned the act or attempted to conceal it, the health care facility shall be fined not exceeding fifteen thousand dollars ($15,000). Every person so convicted shall be ordered to make restitution to the victim of the offense or to perform up to five hundred (500) hours of public community restitution work or attend violence counseling and/or substance abuse counseling, or any combination of them imposed by the sentencing judge. The court may not waive the obligation to make restitution and/or public community restitution work. The restitution and/or public community restitution work shall be in addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence.

(b) "Serious bodily injury" means physical injury that:

(1) Creates a substantial risk of death;

(2) Causes protracted loss or impairment of the function of any bodily part, member or organ; or

(3) Causes serious permanent disfigurement.

(c) After July 1, 2011 pursuant to section 42-7.2-17 the local police department shall request the adult crisis intervention program to provide crisis intervention services for the victim when:

(1) Necessary to ensure the immediate health and safety of the victim;

(2) The victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in activities in daily living; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-11. Assault on persons with severe impairments. -- (a) For the purposes of this section:

(1) "adult" means a person over the age of eighteen (18).

(2) "major life activities" means: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency.

(3) "person with severe impairments" means a child or adult who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments which results in a substantial limitation on the person's ability to function independently in the family or community and in one or more major life activities.

(b) Any person who shall commit an assault and battery upon a person who is severely impaired as defined in subsection (a) of this section, causing bodily injury, shall be deemed to have committed a felony and shall be imprisoned not exceeding five (5) years, or fined not exceeding two thousand dollars ($2,000), or both.

(c) Violations of this section shall be reported to the local police department.

(d) After July 1, ~~2007~~ 2011 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local police department ~~may~~ shall request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program to provide crisis intervention services for the adult victim with severe impairments when:

(1) Necessary to ensure the immediate health and safety of the adult victim; ~~and~~

(2) The adult victim relies on the person believed to have committed the assault and/or battery, for assistance in performing three (3) or more major life activities; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

11-5-12. Abuse, neglect and/or exploitation of adults with severe impairments. -- (a) Any person primarily responsible for the care of an adult with severe impairments who shall willfully and knowingly abuse, neglect or exploit that adult shall be subject to a fine of not more than two thousand dollars ($2,000), or imprisoned not more than five (5) years, or both, and ordered to make full restitution of any funds as the result of any exploitation which results in the misappropriation of funds. Every person convicted of or placed on probation for violation of this section shall be ordered by the sentencing judge to attend appropriate professional counseling to address his or her abusive behavior.

(b) As used in this section:

(1) "Abuse" means the subjection of an adult with a severe impairment to willful infliction of physical pain, willful deprivation of services necessary to maintain the physical or mental health of the person, or unreasonable confinement.

(2) "Adult with severe impairments" means a person over the age of eighteen (18) who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments and results in substantial functional limitations in one or more of the following areas of major life activity: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency.

(3) "Exploitation" means an act or process of taking pecuniary advantage of impaired persons by use of undue influence, harassment, duress, deception, false representation, false pretenses, or misappropriation of funds.

(4) "Neglect" means the willful refusal to provide services necessary to maintain the physical or mental health of an adult with severe impairments.

(5) "Person primarily responsible for care" or "caregiver" means any person who is for a significant period of time the primary caregiver or is primarily responsible for the management of the funds of an adult with severe impairments.

(c) Violations of this section shall be reported to the local police department.

(d) After July 1, ~~2007~~ 2012 pursuant to section ~~40-8.5-2~~ 42-7.2-17, the local police department ~~may~~ shall request the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program to provide crisis intervention services for the adult victim with severe impairments when:

(1) necessary to ensure the immediate health and safety of the adult victim; ~~and~~

(2) the adult victim relies on the person believed to have committed the abuse, neglect and/or exploitation, for assistance in performing three (3) or more major life activities; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

(e) Any person who fails to report known or suspected abuse or neglect shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than five hundred dollars ($500).

(f) Nothing in this section shall be interpreted to apply to the discontinuance of life-support systems or life-sustaining treatment for an adult for whom, if the treatment were terminated, death may result.

(g) Any person participating in good faith in making a report pursuant to this chapter, excluding any perpetrator or conspirator of the acts, shall have immunity from any civil liability that might otherwise be incurred or imposed.

(h) Nothing in this section shall be interpreted to prohibit the use of any medical or psychological treatment procedure designed and conducted in accordance with applicable professional standards when performed by appropriately trained personnel under the supervision of a person or facility licensed or approved by the state of Rhode Island and when any consent as is required by law has been obtained.

(i) Nothing in this chapter shall be construed to mean a person is abused or neglected for the sole reason that the person is being furnished or relies upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination recognized by the laws of this state.

(j) Nothing in this chapter shall be construed to mean a person is abused or neglected when the parent or legal guardian of an adult with severe impairments, who is the person primarily responsible for care of the adult, (1) decides, in good faith, not to accept support services from a governmental agency, which in the opinion of the parent or legal guardian and the adult, is considered to be inappropriate or inconsistent with the best interests of that adult; or (2) decides, in good faith, to reduce or discontinue assistance to that adult who is developing, acquiring or practicing independent decision-making or living skills.

SECTION 2. The title of Chapter 12-1.4 of the General Laws entitled "Citizens' Commission for the Safety and Care of the Elderly" is hereby amended to read as follows:

~~CHAPTER 12-1.4~~

~~CITIZENS' COMMISSION FOR THE SAFETY AND CARE OF THE ELDERLY~~

CHAPTER 12-1.4

CITIZENS' COMMISSION FOR THE SAFETY AND CARE OF THE ELDERLY AND ADULTS WITH SEVERE IMPAIRMENTS

SECTION 3. Sections 12-1.4-1, 12-1.4-2, 12-1.4-3, 12-1.4-4 and 12-1.4-7 of the General Laws in Chapter 12-1.4 entitled "Citizens' Commission for the Safety and Care of the Elderly" are hereby amended to read as follows:

12-1.4-1. Short title. -- This chapter shall be known and may be cited as the "Citizens' Commission for the Safety and Care of the Elderly and Adults with Disabilities."

12-1.4-2. Creation. -- There is established within the ~~department of elderly affairs~~ executive office of health and human services the citizens' commission for the safety and care of the elderly and adults with disabilities.

12-1.4-3. Purpose. -- The purpose of the commission shall be to act as a liaison between the legislature, public safety officials, the ~~department~~ departments of elderly affairs, human services, and mental health, retardation and hospitals, and the older ~~population~~ disabled populations of Rhode Island in the area of crime against the elderly, fire safety, adults with disabilities, and protective service options available to the elderly and adults with disabilities.

12-1.4-4. Membership. -- (a) The commission shall consist of ~~twenty-one (21)~~ twenty-nine (29) members, eight (8) of whom shall be older citizens appointed by the speaker and seven (7) of whom shall be older citizens appointed by the president of the senate. The speaker shall appoint three (3) members and the president of the senate shall appoint two (2) members for terms of three (3) years; the speaker shall appoint three (3) members and the president of the senate shall appoint two (2) members for terms of two (2) years; and the speaker shall appoint two (2) embers and the president of the senate shall appoint three (3) members for a term of one year. Three (3) members of the commission shall be adults with disabilities appointed by the speaker and two (2) of whom shall be adults with disabilities appointed by the president of the senate. The speaker shall appoint one member and the president of the senate shall appoint one member for the terms of three (3) years; the speaker shall appoint one member and the president of the senate shall appoint one member for terms of two (2) years; the speaker shall appoint one member and the president of the senate shall appoint one member for the terms of one year.

These terms shall commence with the date of appointment and expire on the January 31 after the appointment corresponding with the number of years of the term to which appointed.

Appointments shall be made for terms of three (3) years commencing on February 1 in the year of appointment and ending on January 31 in the third year after the appointment. Any vacancy among the members shall be filled by the appointing authority for the remainder of the unexpired term.

(b) The remaining ~~six (6)~~ nine (9) members of the commission shall be the president of the Police Chiefs' Association or his or her designee; the attorney general or his or her designee; the director of elderly affairs or his or her designee; the director of the department of human services or his or her designee; the director of the department of behavioral healthcare, developmental disabilities and hospitals or his or her designee; the chairperson of the governor's commission on disabilities or his or her designee; a representative of the state police appointed by the superintendent of the state police, the president of the fire chief's association, or his or her designee and the state fire marshal or his or her designee; all ~~six (6)~~ eight (8) of whom shall be appointed for a term of three (3) years.

(c) The members of the commission shall meet at the call of the speaker of the house and organize and shall select a chairperson from among themselves.

12-1.4-7. Cooperation of departments. -- (a) All departments and agencies of the state shall furnish any advice and information, documentary and otherwise, to the commission and its agents deemed necessary or desirable by the commission to facilitate the purposes of this chapter.

(b) Each local police and fire chief shall designate at least one police officer or fire fighter to serve as the department's "senior citizen police advocate" to work as a liaison between the department and the elderly ~~community~~ and disabled communities to help address ~~elderly~~ safety and protection issues for elders and adults with disabilities.

SECTION 4. Section 23-17.2-5 of the General Laws in Chapter 23-17.2 entitled "Accountability of Services to Patients of Nursing or Personal Care Homes" is hereby amended to read as follows:

23-17.2-5. Duty to report violations. -- Any person who knows or has reason to know of any violations of this chapter shall report the violations to the ~~director of the department of health who~~ adult crisis intervention program that shall conduct an immediate investigation and report his or her findings to the attorney general.

SECTION 5. Sections 23-17.8-2 and 23-17.8-3.1 of the General Laws in Chapter 23-17.8 entitled "Abuse in Health Care Facilities" are hereby amended to read as follows:

23-17.8-2. Duty to report. -- (a) Any physician, medical intern, registered nurse, licensed practical nurse, nurse's aide, orderly, certified nursing assistant, medical examiner, dentist, optometrist, optician, chiropractor, podiatrist, coroner, police officer, emergency medical technician, fire-fighter, speech pathologist, audiologist, social worker, pharmacist, physical or occupational therapist, or health officer, or any person, within the scope of their employment at a facility or in their professional capacity, who has knowledge of or reasonable cause to believe that a patient or resident in a facility has been abused, mistreated, or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a telephone report to the adult crisis intervention program ~~director of the department of health or his or her designee for those incidents involving health care facilities,~~ and in addition to the office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital~~, or to the director of the department of mental health, retardation and hospitals or his or her designee for those incidents involving community residences for people who are mentally retarded or persons with developmental disabilities~~. The report shall contain:

(1) The name, address, telephone number, occupation, and employer's address and the phone number of the person reporting;

(2) The name and address of the patient or resident who is believed to be the victim of the abuse, mistreatment, or neglect;

(3) The details, observations, and beliefs concerning the incident(s);

(4) Any statements regarding the incident made by the patient or resident and to whom they were made;

(5) The date, time, and place of the incident;

(6) The name of any individual(s) believed to have knowledge of the incident;

(7) The name of any individual(s) believed to have been responsible for the incident.

(b) In addition to those persons required to report pursuant to this section, any other person may make a report if that person has reasonable cause to believe that a patient or resident of a facility has been abused, mistreated, or neglected.

(c) Any person required to make a report pursuant to this section shall be deemed to have complied with these requirements if a report is made to a high managerial agent of the facility in which the alleged incident occurred. Once notified, the high managerial agent shall be required to meet all reporting requirements of this section within the time frames specified by this chapter.

(d) Telephone reports made pursuant to subsection (a) shall be followed-up within three (3) business days with a written report.

23-17.8-3.1. Physician's, certified registered nurse practitioner's and physician assistant's report of examination -- Duty of facility. -- Whenever a facility shall receive a report by a person other than a physician or a certified registered nurse practitioner or physician assistant that a patient or resident of the facility has been harmed as a result of abuse, neglect, or mistreatment, the facility shall have the patient examined by a licensed physician or a certified registered nurse practitioner or physician assistant. It shall be mandatory for the physician or certified registered nurse practitioner or physician assistant to make a preliminary report of his or her findings to the department of health for a health care facility, or to the adult crisis intervention program ~~department of mental health, retardation and hospitals for a community residence for people who are mentally retarded or persons with developmental disabilities and to the facility~~ within forty-eight (48) hours after his or her examination, and a written report within five (5) days after his or her examination.

SECTION 6. Section 40-8.5-2 of the General Laws in Chapter 40-8.5 entitled "Health Care for Elderly and Disabled Residents Act" is hereby amended to read as follows:

40-8.5-2. Services for adult victims with severe impairments of abuse, neglect and/or exploitation. -- (a) As used in this section the terms:

(1) "Adult victim with severe impairments" means:

(i) A person over the age of eighteen (18) who has a disability which is attributable to a mental or physical impairment or combination of mental and physical impairments and results in substantial functional limitations in three (3) or more major life activities;

(ii) Is an alleged victim of abuse, neglect or exploitation pursuant to section 11-5-12; or assault pursuant to section 11-5-10.2 or 11-5-11 by a caregiver of the victim;

(iii) The adult victim relies on the person believed to have committed the abuse, neglect, and/or exploitation, for assistance in performing three (3) or more major life activities; and

(iv) Crisis intervention services are necessary to ensure the immediate health and safety of the adult victim.

(2) "Crisis intervention services" means the short term provision of health care and residential services in the immediate hours and days following the abuse, neglect and/or exploitation of an adult victim with severe impairments;

(3) "Major life activities" mean: (i) mobility; (ii) self-care; (iii) communication; (iv) receptive and/or expressive language; (v) learning; (vi) self-direction; (vii) capacity for independent living; or (viii) economic self-sufficiency; and

(4) "Supportive services" means longer term support services for an adult victim with severe impairments, and when appropriate that victim's family.

(b) After July 1, ~~2007~~ 2011, local police departments may pursuant to section 42-7.2-17 request the adult crisis intervention center ~~department of mental health, retardation, and hospitals~~ provide crisis intervention services for the adult victim with severe impairments when:

(1) Necessary to ensure the immediate health and safety of the adult victim; ~~and~~

(2) The adult victim with severe impairments relies on the person believed to have committed the abuse, neglect and/or exploitation for assistance in performing three (3) or more major life activities; and

(3) after the victim is informed of his or her right to refuse crisis intervention and/or supportive services.

(c) (1) If the ~~department of mental health, retardation, and hospitals~~ adult crisis intervention program determines that longer term supportive services are necessary, the victim and when appropriate that victim's family will be referred to the public and private agencies and departments whose supportive services are within its statutory and/or regulatory responsibility, as are needed by the victim.

(2) In developing the supportive services care plan, the adult victim with severe impairments' rights to self-determination and lifestyle preferences commensurate with his or her needs shall be of prime consideration.

(3) If the adult victim with severe impairments withdraws consent or refuses to accept crisis intervention or supportive services, the services shall not be provided.

(d) The department of human services is hereby authorized to seek federal approval of a state plan amendment to its title XIX state plan to initiate crisis intervention services and support services for adults who qualify for title XIX services and are victims of severe impairments of abuse, assault, neglect or exploitation.

SECTION 7. Section 40.1-5-40.1 of the General Laws in Chapter 40.1-5 entitled "Mental Health Law" is hereby amended to read as follows:

40.1-5-40.1. Duty to report. -- Any employee who has reasonable cause to believe that an assault or a battery has been committed upon a patient shall make an immediate report, including the identity of parties and witnesses and details of the incident, to the ~~director of the department of mental health, retardation, and hospitals~~ adult crisis intervention program or his or her designee. The ~~director of the department~~ adult crisis intervention program shall cause the report to be investigated immediately and further shall notify the mental health advocate and appropriate law enforcement agencies of the investigation. Any person who fails to make a report shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500).

SECTION 8. Section 40.1-5.3-17 of the General Laws in Chapter 40.1-5.3 entitled "Incompetency to Stand Trial and Persons Adjudged Not Guilty by Reason of Insanity" is hereby amended to read as follows:

40.1-5.3-17. Penalties for deprivation of rights -- Disciplinary action -- Duty to report. -- (a) Any person who willfully withholds from or denies to a person committed to a facility pursuant to this chapter any of his or her rights as herein granted, shall, on conviction thereof, be fined not exceeding two thousand dollars ($2,000) or imprisoned not exceeding two (2) years.

(b) Any employee of a facility who shall deny to or withhold from any person any right granted him or her by this chapter shall, independently of the above criminal sanctions, be subject to such disciplinary action as the officer in charge shall see fit to impose, after notice, a hearing, and a finding of a violation of the right.

(c) Any employee who has reasonable cause to believe that an assault or a battery has been committed upon a committed person shall make an immediate report, including the identity of parties and witnesses and details of the incident, to the ~~director of the department of mental health, retardation, and hospitals or his or her designee~~ adult crisis intervention program. The ~~director of the department~~ adult crisis intervention program shall cause the report to be investigated immediately and further shall notify the mental health advocate and appropriate law enforcement agencies of the results of the investigation. Any person who fails to make such a report shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500).

SECTION 9. Sections 40.1-27-2, 40.1-27-3 and 40.1-27-5 of the General Laws in Chapter 40.1-27 entitled "Penalties for Abuse of Persons with Developmental Disabilities" are hereby amended to read as follows:

40.1-27-2. Duty to report. -- (a) Any person within the scope of their employment at a program or in their professional capacity who has knowledge of or reasonable cause to believe that a participant in a program has been abused, mistreated or neglected shall make, within twenty-four (24) hours or by the end of the next business day, a written report to the adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals or his or her designee~~. The report shall contain:

(1) The name, address, telephone number, occupation, and employer's address and the phone number of the person reporting;

(2) The name and address of the participant who is believed to be the victim of the abuse, mistreatment, or neglect;

(3) The details, observations, and beliefs concerning the incident(s);

(4) Any statements regarding the incident made by the participant and to whom they were made;

(5) The date, time, and place of the incident;

(6) The name of any individual(s) believed to have knowledge of the incident; and

(7) The name of any individual(s) believed to have been responsible for the incident.

(b) In addition to those persons required to report pursuant to this section, any other person may make a report if that person has reasonable cause to believe that a participant has been abused, mistreated, or neglected.

40.1-27-3. ~~Duties of the director of the department of mental health, retardation, and hospitals. --~~ Adult crisis intervention program.

-- The adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals~~ executive office of health and human services ~~or his or her designee~~ shall:

(1) Notify the attorney general or his or her designee, the chair of the program's human rights committee forthwith upon receipt of an oral or written report made pursuant to section 40.1-27-2;

(2) Investigate and evaluate or cause to be investigated and evaluated the information reported in those reports. The investigation and evaluation shall be made within twenty-four (24) hours if the adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals~~ has reasonable cause to believe the participant's health or safety is in immediate danger of further abuse or neglect and within seven (7) days for all other reports. The investigations shall include a visit to the program, an interview with the participant allegedly abused, mistreated or neglected, an interview with all witnesses to the alleged incident, a determination of the nature, extent, and cause or causes of the injuries, the identity of the person or persons responsible therefor, all other pertinent facts and recommendations to prevent further abuse, mistreatment or neglect of the participant or other program participants. The determination shall be in writing;

(3) Evaluate the environment in the program named in the report and make a written determination of the risk of physical or emotional injury to any other participants in the same program;

(4) Forward to the attorney general and the chair of the program's human rights committee within fifteen (15) days after a case is initially reported pursuant to section 40.1-27-2 a summary of the findings and recommendations on each case;

(5) If the adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals~~ has reasonable cause to believe that a participant had died as a result of abuse, mistreatment, or neglect, immediately report the death to the attorney general and to the office of the medical examiner. The office of the medical examiner shall investigate the report and communicate its preliminary findings, orally within seventy-two (72) hours, and in writing within seven (7) working days to the attorney general and to the adult crisis intervention program ~~department of mental health, retardation, and hospitals~~. The office of the medical examiner shall also communicate its final findings and conclusions, with the basis therefore to the same parties within sixty (60) days;

(6) Promulgate such regulations as may be necessary to implement the provisions of this chapter; and

(7) Maintain a file of the written reports prepared pursuant to this chapter. The written reports shall be confidential, but shall be released to the attorney general, to a court of competent jurisdiction, and upon written request to the participant, his or her counsel, the reporting person or agency, the appropriate review board or a social worker assigned to the case.

40.1-27-5. Physician's report of examination -- Duty of program. -- Whenever a program shall receive a report by a person other than a physician that a participant has been harmed as a result of abuse, neglect, or mistreatment, the program shall have the patient examined by a licensed physician. It shall be mandatory for the physician to make a preliminary report of his or her findings to the adult crisis intervention program ~~director of the department of mental health, retardation, and hospitals~~ and to the program within forty-eight (48) hours after his or her examination, and a written report within five (5) days after his or her examination.

SECTION 10. Section 42-7.2-6.1 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human Services" is hereby amended to read as follows:

42-7.2-6.1. Transfer of powers and functions. -- (a) There are hereby transferred to the executive office of health and human services the powers and functions of the departments with respect to the following:

(1) By July 1, 2007, fiscal services including budget preparation and review, financial management, purchasing and accounting and any related functions and duties deemed necessary by the secretary;

(2) By July 1, 2007, legal services including applying and interpreting the law, oversight to the rule-making process, and administrative adjudication duties and any related functions and duties deemed necessary by the secretary;

(3) By September 1, 2007, communications including those functions and services related to government relations, public education and outreach and media relations and any related functions and duties deemed necessary by the secretary;

(4) By March 1, 2008, policy analysis and planning including those functions and services related to the policy development, planning and evaluation and any related functions and duties deemed necessary by the secretary;

(5) By June 30, 2008, information systems and data management including the financing, development and maintenance of all data-bases and information systems and platforms as well as any related operations deemed necessary by the secretary;

(6) By October 1, 2009, assessment and coordination for long-term care including those functions related to determining level of care or need for services, development of individual service/care plans and planning, identification of service options, the pricing of service options and choice counseling; and

(7) By October 1, 2009, program integrity, quality control and collection and recovery functions including any that detect fraud and abuse or assure that beneficiaries, providers, and third-parties pay their fair share of the cost of services, as well as any that promote alternatives to publicly financed services, such as the long-term care health insurance partnership.

(8) By ~~January~~ July 1, 2011, ~~client~~ crisis intervention and adult protective services for dependent adults as defined in 42-7.2-17(b)(2) ~~including any such services provided to children, elders and adults with developmental and other disabilities~~;

(9) By March 1, 2010, administrative management of food and nutritional services including food stamps, WIC and any other such programs or initiatives in which operational efficiencies that improve access may be achieve through greater consolidation or coordination of functions.

(b) The secretary shall determine in collaboration with the department directors whether the officers, employees, agencies, advisory councils, committees, commissions, and task forces of the departments who were performing such functions shall be transferred to the office.

(c) In the transference of such functions, the secretary shall be responsible for ensuring:

(1) Minimal disruption of services to consumers;

(2) Elimination of duplication of functions and operations;

(3) Services are coordinated and functions are consolidated where appropriate;

(4) Clear lines of authority are delineated and followed;

(5) Cost-savings are achieved whenever feasible;

(6) Program application and eligibility determination processes are coordinated and, where feasible, integrated; and

(7) State and federal funds available to the office and the entities therein are allocated and utilized for service delivery to the fullest extent possible.

(d) Except as provided herein, no provision of this chapter or application thereof shall be construed to limit or otherwise restrict the departments of children, youth and families, human services, elderly affairs, health, and mental health, retardation, and hospitals from fulfilling any statutory requirement or complying with any regulation deemed otherwise valid.

(e) The secretary shall prepare and submit to the leadership of the house and senate finance committees, by no later than January 1, 2010, a plan for restructuring functional responsibilities across the departments to establish a consumer centered integrated system of health and human services that provides high quality and cost-effective services at the right time and in the right setting across the life-cycle.

SECTION 11. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human Services" is hereby amended by adding thereto the following section:

42-7.2-17. Adult crisis intervention and protective services. -- (a)(1) There is hereby established within the executive office of health and human services an adult crisis intervention center to coordinate crisis intervention services for the dependent adult during the immediate hours and days following:

(i) The arrest or removal of the caregiver of a dependent adult who is the alleged victim of abuse, neglect or exploitation pursuant to sections 11-5-11, 11-5-12, or 42-66-4.1; or assault pursuant to sections 11-5-10, 11-5-10.1, 11-5-10.2, 11-5-10.3, 11-5-10.4, 11-5-11, 11-37-2 or 42-66-8 by that caregiver; or

(ii) The unplanned absence of the caregiver of a dependant adult, due to accident, illness, or death of that caregiver; and

(iii) Crisis intervention services are necessary to ensure the immediate health and safety of the dependent adult.

(2) On or before July 1, 2011 the center shall provide, for the use of public safety agencies, health and human service providers, and the general public a statewide toll free, twenty-four (24) hour a day, seven (7) days a week telephone line, to report assault, abuse, neglect, or exploitation of the dependent adults.

(3) After July 1, 2011, public safety agency may request the center provide crisis intervention services for the dependent adult victim when:

(i) Necessary to ensure the immediate health and safety of the adult victim; and

(ii) The dependant adult victim relies on the person believed to have committed the assault and battery, abuse, neglect and/or exploitation for assistance in performing major life activities.

(4) After July 1, 2011, public safety, health or human service providers, may request the center provide crisis intervention services for the dependant adult when:

(i) Necessary to ensure the immediate health and safety of the dependant adult; and

(ii) The dependent adult victim relies on the absent caregiver for assistance in performing major life activities.

(iii) The caregiver has an unplanned absence, due to accident, illness, or death of involving the caregiver.

(5) The center shall upon being contacted by public safety, health or human service providers immediately determine if the dependent adult needs and will accept crisis intervention services and/or longer term protective services.

(6) The center shall notify the:

(i) Attorney general, and

(ii) Director of the department of health for those incidents involving health care facilities;

(iii) Office of the state long-term care ombudsperson for those incidents involving nursing facilities, assisted living residences, home care and home nursing care providers, veterans' homes and long-term care units in Eleanor Slater Hospital; or

(iv) Director of the department of behavioral healthcare, developmental disabilities and hospitals or his or her designee for those incidents involving community residences for adults with developmental and or behavioral health disabilities.

(7) If the adult crisis intervention program determines that longer term supportive services are necessary, the dependent adult and when appropriate that dependent adult's family, the executive office of health and human services shall coordinate the development of a longer term supportive services care plan to:

(i) Identify the appropriate public and private agencies and departments whose supportive services are within its statutory and/or regulatory responsibility, as are needed by the dependent adult; and

(ii) Ensure a smooth transition from crisis intervention services to long-term supportive services;

(7) In developing the supportive services care plan, the dependent adult's rights to self-determination and lifestyle preferences commensurate with his or her needs shall be of prime consideration.

(8) If the dependant adult withdraws consent or refuses to accept crisis intervention services or supportive services, the services shall not be provided.

(b) As used in this section the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Caregiver" means a person who has assumed the responsibility for the care of the dependent adult voluntarily, by contract or by order of a court of competent jurisdiction, or who is otherwise legally responsible for the care of the dependant adult.

(2) "Dependent adult" means:

(i) A person over the age of eighteen (18) who due to age and/or disability has substantial functional limitations in performing major life activities; and

(ii) Needs assistance of a caregiver in performing major life activities.

(3) "Crisis intervention services" means the short-term provision of health care and residential services in the immediate hours and days following the abuse, neglect and/or exploitation of a dependent adult;

(4) "Major life activities" means: (i) Mobility; (ii) Self-care; (iii) Communication; (iv) receptive and/or expressive language; (v) Learning; (vi) Self-direction; (vii) Capacity for independent living; or (viii) Economic self-sufficiency; and

(5) "Supportive Services" means longer term support services for a dependent adult, and when appropriate that adult's family.

(c) No person in the classified, non-classified, or unclassified service of the state who is transferred to the "adult crisis intervention and protective services program" on July 1, 2011 shall be discharged, separated from service, or downgraded in service by reason of the enactment of this act as provided by law or in the personnel rules and regulations of the state applicable to affected personnel.

SECTION 12. Section 42-9.2-3 of the General Laws in Chapter 42-9.2 entitled "Office of Elder Justice Prosecution Unit" is hereby amended to read as follows:

42-9.2-3. Establishment. -- There shall be established and funded within the department of attorney general an elder justice prosecution unit. The elder justice prosecution unit shall be an assistant or special assistant attorney general appointed by the attorney general. Additionally, the unit shall have both an inspector and paralegal to be appointed by the attorney general. The elder justice prosecution unit is authorized to perform the following duties as the attorney general may direct:

(1) Prosecute cases relating to elder abuse, neglect and exploitation;

(2) Educate law enforcement personnel of the department of elderly affairs ~~personnel~~ and adult crisis intervention program on investigative issues unique to elder justice;

(3) Intervene in, or request that the state or any agency thereof initiate administrative, legal and legislative actions related to elder justice issues as determined by the attorney general.

SECTION 13. Section 42-66-8 of the General Laws in Chapter 42-66 entitled "Elderly Affairs Department" is hereby amended to read as follows:

42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons -- Duty to report. -- Any person who has reasonable cause to believe that any person sixty (60) years of age or older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate report to the director of the department of elderly affairs or his or her designee. In cases of abuse, neglect or exploitation, any person who fails to make the report shall be punished by a fine of not more than one thousand dollars ($1,000). Nothing in this section shall require an elder who is a victim of abuse, neglect, exploitation or who is self-neglecting to make a report regarding such abuse, neglect, exploitation or self-neglect to the adult crisis intervention program ~~director or his or her designee~~.

SECTION 14. Section 42-66.7-5 of Chapter 66.7 of the General Laws entitled "Long-Term Care Ombudsperson Act of 1995" is hereby amended to read as follows:

42-66.7-5. Powers and duties.

The long-term care ombudsperson shall:

(1) Identify, investigate, and resolve complaints that: (a) are made by, or on behalf of, residents; and (b) relate to action, inaction, or decisions, that may adversely effect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees) and health care and financial powers of attorney;

(2) Receive all reports of incidents reportable to the ~~department of health~~ adult crisis intervention program within twenty-four (24) hours, or by the next business day of the occurrence, in cases of resident abuse, neglect, exploitation, theft, sexual abuse, accidents involving fires, elopement and patient to patient abuses;

(3) Receive all reports of thirty (30) day notices of resident discharge from long-term care facilities;

(4) Provide referral services to assist residents in protecting their health, safety, welfare and rights;

(5) Inform residents of their rights and advocate on their behalf to improve their quality of life and live with dignity and respect;

(6) Formulate policies and procedures to identify, investigate, and resolve complaints;

(7) Make appropriate referrals of investigations to other state agencies, including, but not limited to, the departments of health, human services and attorney general;

(8) Offer assistance and training to public and private organizations on long-term care of elders and persons with disabilities;

(9) Represent the interests of residents of facilities before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents including, but not limited to, rights with respect to the appointment or removal of guardians and representative payees powers of attorney;

(10) Review and, if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents of facilities.

1 SECTION 15. Section 42-66-8.1 of the General Laws in Chapter 42-66 entitled "Elderly Affairs
2 Department" is hereby repealed.
3 ~~42-66-8.1. Abuse of elderly persons -- Telephone line. -- The director shall provide, for the use of~~
4 ~~the general public, a statewide toll free, twenty-four (24) hour a day, seven (7) days a week telephone~~
5 ~~line, to report abuse, neglect, exploitation and self-neglect of the elderly.~~
6 SECTION 16. This act shall take effect on July 1, 2011.

☑ voting check off graphic	MOTION: To authorize and direct the Executive Secretary to locate sponsors for the Commission's Crisis Intervention Services bill as presented AP/BI passed abstain PP,LD,RB
	2. Bureau of Criminal Identification checks of in-home personal care service workers: a) Find out which services do not require BCI check and b) Prepare legislation if needed to address any gaps;
	Discussion: Paul Choquette, from the RI Department of Human Services' Center for Child and Family Health reported, "All participants on the Personal Choice program meet the IRS definition of "employer" and they are required to have Workers Compensation or their personal care workers. Each Personal Choice participant is enrolled with a DHS certified 'Fiscal Intermediary' agency whose role is to handle all tasks associated with the participants employment of personal care workers, including arranging for Workers Compensation insurance. There are two Fiscal Intermediaries serving Personal Choice participants, PARI and the Options program run by Ocean State Community Resources (OSCR). I can check tomorrow on what current Personal Choice enrollment is... I would also point you in the Direction of BHDDH... they have a several agencies also running self-directed programs for some of the folks in the DD system (I know of at least two... OSCR and Trudeau Center). As far as the BCI checks, they are required for all personal care assistants working for Personal Choice consumers, the Fiscal Intermediary agency is responsible for doing them. At this time DHS is only requiring a STATEWIDE BCI, not a national." He also indicated that DHS has 386 enrolled in Personal Choice.

RI's General Laws Concerning Bureau of Criminal Identification Checks					
Law	Who is covered	State	National	Mandatory	Fee
5-5.1-3	Applicants for private security guard businesses license	Yes	Yes	In Law	
5-5.1-18	Prospective employees of private security guard businesses	Yes	No	May	
5-58-1	Prospective auctioneers or apprentice auctioneers	Yes	only non RI residents	In Law	
11-19-35	Applicants for license to sell of pull-tab lottery tickets to religious, fraternal, civic, educational, veterans', or charitable organizations	Yes	No	In Law	
15-7-11	Applicants for adoption of children	Yes	Yes	In Law	Paid by the public or private entity conducting the home study
16-2-18.1	Prospective employees of public & private schools	Yes	Yes	In law	Applicant pays
16-48-2	Prospective owners, officers, & employees of education services to very young children	Yes	Yes	May by rule/regulation	
16-48.1-4	Prospective operators of education services to very young children	Yes	Yes	In law	
16-48.1-5	Prospective employees of education services to very young children	Yes	Yes	In law	Fee waived for applicant and prospective non-profit employers
23-17-34	Prospective employees of nursing facility, a home nursing care provider, or a home care provider	Yes	No	May by rule/regulation	Fee waived for applicant and prospective employers
23-17.4-5	Prospective owners and operators of assisted living residence	Yes	No	In law	
23-17.4-15.1.1	Prospective administrators of assisted living residence	Yes	No	In Law	
23-17.4-27	Prospective employees of assisted living residence	Yes	No	In Law	Fee waived for applicant and prospective employers
23-17.7-17	Prospective employees of nursing service agencies	Yes	No	In law	Fee waived for applicant and prospective employers
23-17.24	Prospective employees of adult supportive care homes	Yes	No		
23-20.8-3	Prospective employees of Massage Therapy Establishments	Yes	Yes	In Law	Applicant pays

RI's General Laws Concerning Bureau of Criminal Identification Checks					
Law	Who is covered	State	National	Mandatory	Fee
31-10.1-1.2	Prospective instructors of a motorcycle rider education program	Yes	No	In Law	
31-50-1	Prospective employees of Office of automobile theft and insurance fraud	Yes	Yes	In Law	
33-15-6	Prospective guardian of adults	Yes	No	In Law	
39-18-4.1	Prospective RIde bus driver	Yes	No	In Law	
40-13.2-4	Prospective Operators of child care facilities	Yes	Yes	In Law	
40-13.2-4.1	Prospective Operators of youth serving agencies	Yes	No	In Law	
40-13.2-5	Prospective employees of child care facilities	Yes	Yes	In Law	Fee waived for applicant
40-13.2-5.1	Prospective employees of youth serving agency	Yes	No	In Law	Fee waived for applicant
40.1-25.1-1	Prospective employees of any facility or program licensed by the DBHDDH	Yes	Yes	In Law	
41-1-1	Applicants for racing and athletics license	Yes	Yes	In Law	Applicant pays
42-7.3-1	Prospective employees of workers' compensation investigations unit	Yes	Yes	In Law	
42-9-8.1	Prospective employees of Department of Attorney General's Office of Investigation	Yes	Yes	In Law	
42-61-5	Applicants of lottery sales agent license	Yes	No	In Law	
42-61.2-3	Applicants for video lottery license	Yes	Yes	In Law	

It is enacted by the General Assembly as follows:

SECTION 1. Sections 23-17-34, 23-17-35 of the General Laws in Chapter 23-17 entitled "Health and Safety - Licensing of Health Care Facilities" are hereby amended to read as follows:

23-17-34 Criminal records review – Nursing facilities – Home nursing care providers and home care providers. – (a) Any person seeking employment in a nursing facility, a home nursing care provider, or a home care provider which is or is required to be licensed, registered or certified with the department of health if that employment involves routine contact with a patient or resident without the presence of other employees, shall undergo a nationwide and statewide criminal background check to be initiated prior to or within one week of employment. All employees hired prior to the enactment of this section shall be exempted from the requirements of this section.

(b) The director of the department of health may by rule identify those positions requiring criminal background checks. The identified employee, through the employer, shall apply to the bureau of criminal identification of the state police or local police department for a statewide criminal records check. Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in 23-17-37 and in accordance with the rule promulgated by the director of health, the bureau of criminal identification of the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer, in writing, that disqualifying information has been discovered.

(c) An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the continued employment of the employee.

(d) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police shall inform the applicant and the employer, in writing, of this fact.

(e) The employer shall maintain on file, subject to inspection by the department of health, evidence that criminal records checks have been initiated on all employees seeking employment after October 1, 1991, and the results of the checks. Failure to maintain that evidence would be grounds to revoke the license or registration of the employer.

(f) It shall be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the criminal records check to the applicant for employment without charge to either the employee or the employer.

23-17-35 Prior criminal records checks. – If an applicant for employment has undergone a nationwide and statewide criminal records check within eighteen (18) months of an application for employment, then an employer may request from the bureau of criminal identification or local police a letter indicating if any disqualifying information was discovered. The bureau of criminal identification will respond without disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the requirements of this chapter.

Section 2. Sections 23-17.4-5, 23-17.4-15, 23-17.4-15.1.1, 23-17.4-15.2 23-17.4-27 and 23-17.4-28 of the General Laws in Chapter 23-17.4 entitled "Assisted Living Residence Licensing Act" are hereby amended to read as follows:

23-17.4-5 Application for license. – An application for a license shall be made to the licensing agency upon forms provided by it and shall contain any information that the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with reasonable standards, rules, and regulations as are lawfully prescribed under this chapter. The licensing agency shall require nationwide and statewide criminal background checks on owners and operators of licensed assisted living residences.

23-17.4-15.1.1 Administrator requirements. – (a) Each assisted living residence shall have an administrator who is certified by the department in accordance with regulations established pursuant to 23-17.4-21.1 in charge of the maintenance and operation of the residence and the services to the residents. The administrator is responsible for the safe and proper operation of the residence at all times by competent and appropriate employee(s).

(b) The licensing agency shall perform a nationwide and statewide criminal background records check on any person applying or reapplying for certification as an administrator. If disqualifying information is found, the licensing agency shall make a judgment regarding certification for that person.

23-17.4-15.2 Administrator requirements. – (a) Each assisted living residence shall have an administrator who is certified by the department in accordance with regulations established pursuant to 23-17.4-21.1 in charge of the maintenance and operation of the residence and the services to the residents. The administrator is responsible for the safe and proper operation of the residence at all times by competent and appropriate employee(s).

(b) The licensing agency shall perform a nationwide and statewide criminal background records check on any person applying or reapplying for certification as an administrator. If disqualifying information is found, the licensing agency shall make a judgment regarding certification for that person.

(c) The department may suspend or revoke the certification of an administrator for cause, including but not limited to failure to maintain compliance with the qualifications stated in this section, repeated or intentional violations of this chapter or regulations, or conviction (including but not limited to a plea of nolo contendere) to charges of resident abuse under the provisions of chapter 17.8 of this title, or a conviction of a felony, or exploitation.

23-17.4-27 Criminal records review. – (a) Any person seeking employment in any assisted living residence licensed under this act and having routine contact with a resident or having access to a resident's belongings or funds shall undergo a nationwide and statewide criminal background check to be processed prior to or within one week of employment. All employees hired prior to the enactment of this section shall be exempted from the requirements of this section.

(b) The director of the department of health may by rule identify those positions requiring nationwide criminal background checks. The employee, through the employer, shall apply to the bureau of criminal identification of the state police or local police department for a nationwide and statewide criminal records check. Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in 23-17.4-30 and in accordance with the rule promulgated by the director of health, the bureau of criminal identification of the state police or the local police department will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer in writing that disqualifying information has been discovered.

(c) An employee against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer. The administrator shall make a judgment regarding the continued employment of the employee.

(d) In those situations in which no disqualifying information has been found, the bureau of criminal identification (BCI) of the state police or the local police shall inform the applicant and the employer in writing of this fact.

(e) The employer shall maintain on file, subject to inspection by the department of health, evidence that criminal records checks have been initiated on all employees seeking employment after October 1, 1991, and the results of the checks. Failure to maintain that evidence would be grounds to revoke the license or registration of the employer.

(f) It shall be the responsibility of the bureau of criminal identification (BCI) of the state police or the local police department to conduct the criminal records check to the applicant for employment without charge to either the employee or employer.

23-17.4-28 Prior criminal records checks. – If an applicant for employment has undergone a nationwide and statewide criminal records check within eighteen (18) months of an application for employment, then an employer may request from the bureau of criminal identification or local police a letter indicating if any disqualifying information was discovered. The bureau of criminal identification will respond without disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the requirements of this chapter.

Section 3. Sections 23-17.7.1-17 and 23-17.7.1-18 of the General Laws in Chapter 23-17.7.1 entitled "Licensing of Nursing Service Agencies" are hereby amended to read as follows:

23-17.7.1-17 Criminal records review. – (a) Any person seeking employment in a facility which is or is required to be licensed or registered with the department of health if that employment involves routine contact with a patient or resident without the presence of other employees, shall undergo a nationwide and statewide criminal background check, which shall be initiated prior to, or within one week of, employment. All employees hired prior to the enactment of this section shall be exempted from the requirements of this section.

(b) The director of the department of health may, by rule, identify those positions requiring criminal background checks. The employee, through the employer, shall apply to the bureau of criminal identification of the state police or local police department for a nationwide and statewide criminal records check. Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in 23-17.7.1-20 and in accordance with the rule promulgated by the director of the department of health, the bureau of criminal identification of the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer, in writing, that disqualifying information has been discovered.

(c) An employee against whom disqualifying information under 23-17.7.1-20(b) has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the continued employment of the employee.

(d) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police shall inform the applicant and the employer, in writing, of this fact.

(e) The employer shall maintain on file, subject to inspection by the department of health, evidence that criminal records checks have been initiated on all employees. Failure to maintain that evidence would be grounds to revoke the license or registration of the employer.

(f) It shall be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the criminal records check to the applicant for employment without charge to either the employee or the employer.

23-17.7.1-18 Prior criminal records checks. – If an applicant for employment has undergone a nationwide and statewide criminal records check within eighteen (18) months of an application for employment, then an employer may request from the bureau of criminal identification or local police a letter indicating if any disqualifying information was discovered. The bureau of criminal identification will respond without disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the requirements of this chapter.

Section 4. Section 23-17.24-2 of the General Laws in Chapter 23-17.24 entitled "The Adult Supportive Care Residence Act" are hereby amended to read as follows:

23-17.24-2 Licensure requirements. – (a) No person shall operate an adult supportive care home without first obtaining a license from the Rhode Island department of health.

(b) The director is authorized to promulgate regulations for the departmental licensure of adult supportive care homes including, but not limited to, minimum requirements for managers, staffing, staff training, assessments, service plan development, services to include food service and housekeeping/laundry, physical and environment standards for the home, resident rights, resident records, resident capacity for self-preservation, residency agreement/contracts and quality assurance.

(c) The department may adopt regulations for special care requirements beyond the personal assistance required in subdivision 23-17.23-1(5) for adult supportive care homes serving persons with dementia and/or behavioral health diagnoses.

(d) Nationwide and statewide ~~Criminal~~ criminal background checks of persons seeking employment at adult supportive care homes shall be conducted in accordance with the standards and procedures contained in 23-17.4-27, 23-17.4-28 and 23-17.4-30.

(e) It shall be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the criminal records check to the applicant for employment without charge to either the employee or the employer.

(f) An adult supportive care home shall provide a qualified on-duty staff person over the age of eighteen (18) on the premises at all times that any supportive care residents are on the premises of the home.

Section 5. Section 39-18-4.1 of the General Laws in Chapter 39-18 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

39-18-4.1 Health and safety of passengers. – (a) The authority shall have the power to establish reasonable rules of conduct for passengers for the protection of the health and safety of passengers and employees of the authority. The rules shall incorporate the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101 et seq., and 28-5.1-7, chapter 28 of title 11 and chapter 87 of title 42 and be promulgated in accordance with the provisions of chapter 35 of title 42.

(b) All controversies arising out of application of any provision of this section shall be determined by the general manager or his or her designated hearing officer, who shall afford a hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a written decision. The decision of the general manager or hearing officer shall be final except that the passenger aggrieved by the decision shall have a right of appeal to the superior court, which shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be conducted in accordance with the provisions of chapter 35 of title 42.

(c) Notice shall be provided to the RIde funding agency or agencies for any hearing regarding their client/passengers on RIde vehicles. A representative of the RIde funding agency or agencies may attend the hearing. The general manager or hearing officer will consider the recommendation of the RIde funding agency's representative in rendering his/her decision.

(d) The decision of the general manager or hearing officer may include:

(1) Refusing to transport a person whose violation of the rules of the authority threatens the health and safety of passengers or employees of the authority, for a period not to exceed six (6) months; and/or

(2) Revoking a passenger's ticket, pass, or other fare medium, regardless of the number of trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger's continued presence on an authority vehicle or at an authority facility threatens the health or safety of the authority's

other passengers or employees. The authority shall within a reasonable time after such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare medium.

(e) Nothing under this section precludes any other action permitted by law.

(f) All RIde buses shall be installed with passenger security cameras when federal funds become available for this purpose.

(g) Any person seeking employment as a RIde bus driver shall undergo a criminal background check to be initiated prior to or within one week of employment. All employees hired prior to the enactment of this subsection shall be exempted from its requirements.

(1) The applicant shall apply to the bureau of criminal identification (BCI), department of attorney general, state police or local police department where he or she resides, for a nationwide and statewide criminal records check. Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in 23-17-37, the bureau of criminal identification of the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer, in writing, that disqualifying information has been discovered.

(2) An individual against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the ability of the individual to drive a RIde bus. In those situations in which no disqualifying information has been found, the bureau of criminal identification, state police or local police department shall inform the applicant and the employer in writing of this fact.

(3) The criminal record check requirements of this section shall apply only to persons seeking to drive RIde buses.

Section 6. Sections 40-13.2-4.1, 40-13.2-5.1, and 40-13.2-6 of the General Laws in Chapter 40-13.2 entitled "Certification of Child Care and Youth Serving Agency Workers" are hereby amended to read as follows:

40-13.2-4.1 Human services - Criminal records check – Operators of youth serving agencies. – (a) Any person seeking to operate a facility or program which is a youth serving agency shall apply to the bureau of criminal identification of the attorney general's office for a nationwide and statewide criminal records check. Those items of information appearing on a criminal records check, which have been determined to constitute disqualifying information by the director pursuant to 40-13.2-4 of this chapter, shall also constitute items of disqualifying information pursuant to this section.

(b) Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the director, the bureau of criminal identification of the attorney general's office will inform the applicant, in writing, of the nature of the disqualifying information. In addition, the bureau of criminal identification of the attorney general's office will inform the applicant, in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered.

(c) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the attorney general's office will inform the applicant, in writing, of this fact.

(d) The operator or proposed operator of the youth serving agency will maintain on file a document issued by the bureau of criminal identification of the attorney general's office stating that no disqualifying information has been discovered as regards the operator or proposed operator of the youth serving agency, and this document shall be made available for inspection by the parent(s)/guardian(s) of any child enrolled in the programs of the youth serving agency. The operator will also maintain on file, and make available for inspection by the parent(s)/guardian(s) of any child enrolled in the programs of the youth serving agency, evidence that criminal records checks have been obtained on all employees of the youth serving agency pursuant to 40-13.2-5.1, and the results of the checks.

40-13.2-5.1 Criminal records check – Employee of youth serving agency. – (a) Any person seeking employment, if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility or program which is a youth serving agency shall file with the employer the affidavit required by 40-13.2-3. Said affidavit shall be maintained on file by the employer and shall be made available for inspection by the parent(s)/guardian(s) of any child who is enrolled in the programs of the youth serving agency.

(b) Any person seeking employment, if that employment involves supervisory or disciplinary authority over a child or children or involves routine contact with a child or children without the presence of other

233 employees, in any youth serving agency, shall apply to the bureau of criminal identification of the attorney
234 general's office for a nationwide and statewide criminal records check.
235 (c) Those items of information appearing on a criminal records check which have been determined to
236 constitute disqualifying information by the director pursuant to 40-13.2-4 of this chapter shall also be
237 items of disqualifying information pursuant to this section.
238 (d) Upon the discovery of any disqualifying information as defined in accordance with the rule
239 promulgated by the director, the bureau of criminal identification of the attorney general's office will inform
240 the applicant, in writing, of the nature of the disqualifying information. In addition, the bureau of criminal
241 identification of the attorney general's office will inform the applicant, in writing, without disclosing the
242 nature of the disqualifying information, that an item of disqualifying information has been discovered.
243 (e) In those situations in which no disqualifying information has been found, the bureau of criminal
244 identification of the attorney general's office will inform both the applicant and the employer, in writing, of
245 this fact. The employer will maintain on file, and make available for inspection by the
246 parent(s)/guardian(s) of any child enrolled in the programs of the youth serving agency, evidence that
247 criminal records checks have been obtained on all employees of the youth serving agency pursuant to
248 40-13.2-5.1, and the results of the checks. The criminal records checks will be provided to the applicant
249 for employment without charge.
250 **40-13.2-6 Prior criminal records checks.** – If an applicant for employment has undergone a
251 nationwide and statewide criminal records check pursuant to 40-13.2-4, 40-13.2-4.1, 40-13.2-5 or 40-
252 13.2-5.1 within eighteen (18) months of an application for employment, then an employer may request
253 from the bureau of criminal identification of the state police or the local police department or the attorney
254 general's office for employees of youth serving agencies pursuant to 40-13.2-4.1 and 40-13.2-5.1 a letter
255 indicating if any disqualifying information was discovered. The bureau of criminal identification will
256 respond by stating if an item of disqualifying information was discovered without disclosing the nature of
257 the disqualifying information or by stating that no disqualifying information was discovered. The letter
258 may be maintained on file to satisfy the requirements of 40-13.2-4, 40-13.2-4.1, 40-13.2-5 or 40-13.2-5.1.
259 Section 7. Sections 40-13.2-4.1, 40-13.2-5.1, and 40-13.2-6 of the General Laws in Chapter 40.1-25.1
260 entitled "Behavioral Healthcare, Developmental Disabilities and Hospitals - Employee Criminal Records
261 Check" are hereby amended to read as follows:
262 **40.1-25.1-3 Criminal records check requirement.** – (a) Any facility or program licensed by the
263 department pursuant to 40.1-24-1 et seq. and any facility or program operated by the department shall
264 require all applicants for employment, if that employment involves routine contact with patients, residents
265 or clients without the presence of other employees, to apply to the bureau of criminal identification of the
266 state police or the local police department for a nationwide criminal records check. The check will
267 conform to the applicable federal standards, including the taking of fingerprints of the applicant.
268 (b) If any disqualifying information is discovered with respect to the applicant, the bureau of criminal
269 identification of the state police or the local police department will inform the employer, in writing, without
270 disclosing the nature of the disqualifying information, that an item of disqualifying nature has been
271 discovered. In addition, the bureau of criminal identification of the state police or the local police
272 department will inform the applicant, in writing, of the nature of the disqualifying information. An applicant
273 against whom disqualifying information has been found may request that a copy of the criminal
274 background report be sent to the employer who shall make a judgment regarding the employment of the
275 applicant.
276 (c) In those situations in which no disqualifying information has been found, the bureau of criminal
277 identification of the state police or the local police department shall inform both the applicant and the
278 employer of this fact.
279 (d) The employer will maintain on file, subject to investigation by the department, evidence that
280 criminal records checks in accordance with this statute have been initiated on all employees seeking
281 employment after August 1, 2001 and the results of the checks. Failure to maintain the evidence on file
282 will be prima facie grounds to revoke the license or certification of the operator of any facility or program
283 licensed or certified by the department.
284 (e) It shall be the responsibility of the bureau of criminal identification of the state police or the local
285 police department to conduct the national and statewide criminal records check for the applicant for
286 employment without charge to either the employee or the employer.

287 SECTION 2. This act shall take effect on July 1, 2011.

☑ voting check off graphic	MOTION: To submit legislation to require national Bureau of Criminal Identification checks of in-home personal care service workers, uniform system with "reason for changes" AP/LJ passed Abstain TT,PP, LD,RB
	10. Assist in creating rules for: c) RI Department of Human Services – address the Workers' Compensation liability of the person w/ the disability who employs in-home care
☑ voting check off graphic	MOTION: To *gather more information* regarding Workers' Compensation liability of the person w/ the disability who employs in-home care and refer to Exec. Cmte. if legislation is needed. BI/TT passed
	3. Transportation to Employment, job training, education, health care, etc.: a) Maintain the existing RIPTA/RIde service areas and b) Advocate for adequate funding; c) Outside of the RIPTA/Ride service areas/hours: i) Watch the startup of the RI Public Transit Authority's John J. MacDonald Jr. Transportation /New Freedom Initiative [accessible taxicabs] and ii) Prepare legislative if needed; d) Join the RI Coalition for Transportation Choices;
	Status: The RIPTA has begun the process of selecting regional taxicab companies. There will be 5 regions; each will receive 2 accessible taxicabs. The projected delivery is the summer of 2011. Commission has not designated a representative to the RI Coalition for Transportation Choices.
	4. Global Medicaid Consumer Choice Waiver a) Make sure the 2008 level of services stay in place for persons with severe disabilities: i) Keep the children with special health care needs programs, the 2008 Katie Beckett and children with autism spectrum disorders eligibility rules; ii) Expand the Sherlock (employee buy-in health care) Plan; and iii) Keep the right to medically necessary brand name drugs. Do not require 2 generic failures before allowing brand name drugs; and b) Prepare legislation if needed to address any rollbacks
	ii. Expand the Sherlock (employee buy-in health care) Plan, last year's version with the dates revised.

It is enacted by the General Assembly as follows:

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

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

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

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

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

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

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

(a) The department of human services shall promulgate the rules or regulations necessary to implement the provisions of this act by ~~January 1, 2005~~ July 1, 2011, and enrollment of individuals with disabilities in the Medicaid buy-in program shall commence on or before September 30, 2011 ~~January 1, 2006~~.

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

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

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

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

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

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

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

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

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

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

WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that requires the implementation of a rule or regulation or modification of a rule or regulation in existence prior to the implementation of the global consumer choice section 1115 demonstration ("the demonstration") shall

require prior approval of the general assembly; and further provides that any category II change or category III change as defined in the demonstration shall also require prior approval to the general assembly; and

WHEREAS, Rhode Island General Law § 42-7.2-5 states that the Secretary of the Office of Health and Human Services is responsible for the "review and coordination of any Global Consumer Choice Compact Waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category I or II changes" as described in the demonstration, with "the potential to affect the scope, amount, or duration of publicly-funded health care services, provider payments or reimbursements, or access to or the availability of benefits and services provided by Rhode Island general and public laws"; and

WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound and sustainable, the Secretary requests that the following proposal to amend the demonstration be approved by the general assembly;

Modify the Sherlock Act. The department of human services proposes refining the determination of eligibility, premiums and co-sharing of workers with disabilities enrolled in the Medicaid Buy-In program.

Now, therefore, be it

RESOLVED, that the general assembly hereby approves the changes set fourth in the proposal listed above to amend the demonstration; and be it further

RESOLVED, that the secretary of the office of health and human services is authorized to pursue and implement any such necessary waiver amendments, category II or category III changes, state plan amendments and/or changes to the applicable department's rules, regulations and procedures approved herein and as authorized by § 42-12.4-7.

☑ voting check off graphic	MOTION: To submit legislation to Expand the Sherlock (employee buy-in health care) Plan, as presented AP/SES passed Abstain PP, LD, RB
	5. Home Modifications (access changes) so family members with severe disabilities can remain at home rather than be placed in costly institutions: a) Increase funding to address the 1 - 2 year backlog and b) Establish a Home Modifications Revolving Fund for People with Disabilities and the Elderly, similar to the Commonwealth of Massachusetts
	Discussion: Home Modifications Revolving Fund Bill, updated version of 2008 H 7384

It is enacted by the General Assembly as follows:

SECTION 1. **Legislative findings** -- (a) The general assembly hereby finds and declares that:

(1) All Rhode Islanders, regardless of age or disability, want to live independently in the community or housing arrangement of their choice;

(2) The Medical Assistance - Long-Term Care Service and Finance Reform Act targeted goal "of spending fifty percent (50%) of Medicaid long-term care dollars on nursing facility care and fifty percent (50%) on home and community-based services", can only be accomplished if people with disabilities and the elderly are able to remain in the community;

(3) The lack of available, affordable and accessible housing for people with disabilities and the elderly prevent many Rhode Islanders from obtaining this goal;

(4) The use of home modifications provides people with disabilities and elders the opportunity to live and remain in the living environment of their choice;

(5) Accessibility features can assist an individual in completing daily living tasks as well as enhance opportunities for work, community or social events, and supportive services;

(6) Without necessary home modifications, many people feel isolated from the community and some are left with no choice but to move into a nursing home or institutional setting;

(7) Currently, in Rhode Island, there is limited funding for home modifications and the funding that is available is difficult to identify and obtain;

(8) The implementation of a home modification revolving loan fund will provide loans for accessibility modifications to the residences, whether rentals or purchased homes, of people with disabilities and the elderly so they can remain active members of our society.

SECTION 2. **Proposition to be submitted to the people.** -- At the general election to be held on the Tuesday next after the first Monday in November 2012, there shall be submitted to the people for their approval or rejection the following proposition:

"Shall the action of the general assembly, by an act passed at the January 2011 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the state in the amount of five million dollars ($5,000,000) be approved, and the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the provisions of said act?"

SECTION 3. **Ballot labels and applicability of general election laws.** - The secretary of state shall prepare and deliver to the state board of elections ballot labels for the project provided for in section 2 hereof with the designations "approve" or "reject" provided next to the description of each such project to enable voters to approve or reject each such proposition. The general election laws, so far as consistent herewith, shall apply to this proposition.

SECTION 4. Chapter 42-55 of the General Laws entitled "Rhode Island Housing and Mortgage Finance Corporation" is hereby amended by adding thereto the following section:

42-55-31. Home modification revolving loan fund program for people with disabilities and the elderly. - (a) There is created, as a separate fund within the treasury, the home modifications revolving loan fund for people with disabilities and the elderly. The fund shall consist of general obligation bonds and temporary notes approved by the people, any sums that the state may from time to time appropriate, as well as money received from donations, gifts, bequests, or otherwise form any public or private source, which money is intended for the purpose of making home modifications to the primary residence of persons who:

(1) Have a disability; or (2) are age 65 or older; or (3) are the caregiver of a family member who has a disability who lives in the caregiver's primary residence, to allow such persons improved accessibility and/or an opportunity to live more independently in the community.

(b) The treasurer shall contract with the Rhode Island housing and mortgage finance corporation for the administration and disbursement of funding. The Rhode Island housing and mortgage finance corporation shall adopt rules and regulations in consultation with the department of elderly affairs, governor's commission on disabilities and rhodes to independence consistent with the purposes of this section and the Administrative Procedures Act, chapter 35 of this title, which provides for the orderly and equitable disbursement and repayment of funds.

(c) All funds placed in the home modifications revolving loan fund for people with disabilities and the elderly shall be made available to make loans to individuals, and landlords for the purpose of making modifications to the primary residence of persons who: (1) have a disability; or (2) are age 65 or older; or (3) are the caregiver of a family member who has a disability and lives in the caregiver's primary residence, to allow such persons to live more independently in the community and for necessary costs for the administration of the program.

(d) Loans made available under the provisions of this section may be made directly, or in cooperation with independent living centers, other public and private lenders, or any agency, department, or bureau of the federal government or the state.

(1) The loans pursuant to this section shall be available on the basis of a sliding scale relative to the homeowner's income and assets to the cost of the home modifications.

(2) Interest rates shall be means tested and may be determined pursuant to income standards developed by the director of the Rhode Island housing and mortgage finance corporation.

(3) Repayment of any loan pursuant to this chapter may be delayed until the sale of the principal residence by the homeowner.

(e) The proceeds from the repayment of any loans made for that purpose shall be deposited in and returned to the home modifications revolving loan fund for people with disabilities and the elderly to constitute a continuing revolving loan fund for the purposes provided in this section.

(f) Nothing contained herein shall be construed as giving rise to enforceable legal rights on entitlement to any services.

(g) The director of Rhode Island housing and mortgage finance corporation shall submit annually reports to the general assembly detailing the status of the home modification revolving loan fund program.

(h) As used in this section the term:

(1) "Home modification" shall mean an adaptation to the physical living environment for ease of use, safety, security and/or to allow such persons to live more independently in the community;

(2) "Major life activities" include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself; and

(3) "Person who has a disability" shall mean a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities.

SECTION 5. Sections 1, 2, and 3 of this act shall take effect upon passage. As to section 4, if a majority of the people voting on the proposition provided for in section 2 of this act shall vote to approve the proposition as to any project provided for in section 2 hereof, section 4 shall take effect upon approval of voters.

☑ voting check off graphic	MOTION: To authorize and direct the Executive Secretary to locate sponsors for the Commission's Home Modifications Revolving Fund bill as presented RC/AP passed Abstain PP, LD, RB
	6. Disability Business Enterprise program's purchasing rules are in place. Members reviewed the BHDDH concept paper and listened to Tom Kane of CranstonArc explain the concept. TT reported that no one from BHDDH attended the DBE Committee meeting on December 15th, so the Committee was unable to take a position on the concept. The Executive Committee voted to table until a bill to Create a State Agency Purchasing Set-Aside for Community Rehabilitation Providers has been prepared.
	The draft below would require DoA to adopt DBE purchasing rules on or before September 30, 2011 (page 27 line 53) and authorizes the use of formulas in awarding contracts, i.e. if DBE bid is within 5% of the lowest responsible bidder, the award would go to the DBE (page 27 line 52). Copied from the MBE law. The draft also includes language from the federal Javits-Wagner-O'Day Act, Section 1 (41 U.S.C.§ 46) Committee for Purchase from People Who Are Blind or Severely Disabled, regarding set-asides for rehabilitation facilities.

It is enacted by the General Assembly as follows:

SECTION 1. Sections 37-2.2-2, 37-2.2-3, 37-2.2-3.1 and 37-2.2-4 of Chapter 37-2.2 entitled "Disability Business Enterprises" is hereby amended to read as follows:

37-2.2-2 Definitions. – As used in this chapter, the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:

(1) "Persons with disabilities" or "person with a disability" shall mean any individual who has a physical or mental impairment which constitutes a substantial barrier to employment as certified by the department of human services or the department of mental health, retardation, and hospitals.

(2) "Products" shall mean any goods or merchandise provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the products are performed by persons with disabilities.

(3) "Rehabilitation facility" or "rehabilitation facilities" shall mean a facility which is operated for the primary purpose of providing vocational rehabilitation services to and gainful employment for persons with disabilities. The rehabilitation services, listed below, may be provided directly or by the facility's parent corporation. The facility must provide singly or in combination one or more of the following services for persons with disabilities:

(i) Comprehensive rehabilitation services which shall include under one management: medical, psychological, social, and vocational services;

(ii) Testing, fitting, or training in the use of prosthetic and orthotic services;
(iii) Pre-vocational evaluation or recreational therapy;
(iv) Physical and occupational therapy;
(v) Speech and hearing services;
(vi) Psychological and social services;
(vii) Evaluation;
(viii) Personal and work adjustment;
(ix) Vocational training in combination with other rehabilitation services;
(x) Evaluation or control of special disabilities; and
(xi) Transitional or long-term employment for persons who have severe disabilities and cannot be readily absorbed into the competitive labor market.

(4) "Services" shall mean any services provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the services are performed by persons with disabilities.

(5) "Small disadvantaged businesses owned and controlled by persons with disabilities " shall mean small business concern, which is at least fifty-one percent (51%) owned by one or more person(s) with disabilities or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more disabled person, whose management and daily business operations are controlled by one or more person(s) with disabilities, and have fifty or fewer employees.

(6) "A physical or mental impairment" shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(7) "Vocational rehabilitation services" shall mean any goods and services including diagnostic and related services necessary to render a person with a disability fit to engage in a gainful occupation and services to the families of persons with disabilities when those services will contribute substantially to the rehabilitation of those individuals.

(8) "Direct labor" includes all work required for preparation, processing, and packing of a commodity, or work directly relating to the performance of a service, but not supervision, administration, inspection, or shipping.

37-2.2-3 Preference for products and services produced by persons with disabilities. – (a) Whenever any products made, manufactured by, or services provided by nonprofit rehabilitation facilities, or in profit making facilities where sixty percent (60%) of the work hours or direct labor is performed by employees who are disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers.

(b) All departments, institutions, and agencies supported, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies. If any entity of the government intends to procure any commodity or service on the procurement list, that entity shall, in accordance with rules and regulations of the disability business enterprise committee, procure such commodity or service, at the price established by the Committee, from a qualified nonprofit rehabilitation facility if the commodity or service is available within the period required by that government entity.

(c) A procurement list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared by the governor's commission on disabilities', disability business enterprise committee in cooperation with the state office of rehabilitation services. The governor's commission on disabilities shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.

37-2.2-3.1 Policy and applicability. – It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of

72 procurements and projects as outlined in this chapter. This chapter shall apply to any and all state
73 purchasing, including, but not limited to, the procurement of goods and services, construction projects, or
74 contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or
75 otherwise, the state expends or administers or in which the state is a signatory to the construction
76 contract.
77 The director of administration, in consultation with the governor's commission on disabilities, is
78 authorized and directed to establish rules and regulation~~s~~ formulas for awarding contracts to small
79 disadvantaged businesses owned and controlled by persons with disabilities in the procurement of
80 goods, services, construction projects, or contracts funded in whole or in part by state funds, in
81 accordance with 37-2-9(b)(14), on or before September 30, 2011.
82 **37-2.2-4 Disability business enterprise committee – Membership – Duties. –** (a) There is hereby
83 established within the governor's commission on disabilities a committee, consisting of nine (9) persons,
84 to be known as the disability business enterprise committee.
85 (b) The committee, shall consist of the director of the department of human services or his or her
86 designee; the director of the department of mental health, retardation, and hospitals or his or her
87 designee; the director of the economic development corporation or his or her designee; the state
88 purchasing agent or his or her designee; and two (2) persons with disabilities and three (3)
89 representatives of rehabilitation facilities in the state of Rhode Island appointed by the chairperson of the
90 governor's commission on disabilities. All members of the committee shall serve without compensation.
91 Of the number appointed originally under this chapter, one-third (1/3) shall be appointed for a term of one
92 year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3) shall be appointed
93 for a term of three (3) years. Thereafter, vacancies created by expiration of terms shall be filled with
94 appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed
95 themselves. The chairperson of the governor's commission on disabilities or his or her designee shall
96 serve as chairperson of the committee. The members of the committee shall elect a vice chairperson and
97 other officers as are necessary from amongst themselves annually.
98 (c) The governor's commission on disabilities shall promulgate such rules and regulations, in
99 accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and proper to
100 ensure responsible management, operation, oversight of the committee, and ensure that all facilities,
101 both nonprofit and profit-making, referred to in 37-2.2-3 and 37-2.2-3.1 meet all applicable government
102 regulations and standards, including those of the United States department of labor, the state department
103 of human services, and the chief purchasing officer with regard to developing a program which involves
104 small disadvantaged businesses as contractors, 37-2-9(b)(14).
105 (d) The committee shall establish a procedure to certify small disadvantaged disability businesses and
106 rehabilitation facilities that qualify under their regulation for a preference under 37-2.2-3 or 37-2.2-3.1
107 and submit a list of the certified small disadvantaged disability businesses and rehabilitation facilities and
108 the products and services provided by them to the chief purchasing officer at least once a year. The chief
109 purchasing officer shall utilize that procurement list in the program which involves small disadvantaged
110 businesses as contractors established by 37-2-9(b)(14).
111 (e)The Committee shall determine the fair market price of commodities and services which are
112 contained on the procurement list and which are offered for sale to the government by any qualified
113 nonprofit rehabilitation facility. The Committee shall also revise from time to time in accordance with
114 changing market conditions its price determinations with respect to such commodities and services. The
115 Committee may make rules and regulations regarding (A) specifications for commodities and services on
116 the procurement list, (B) the time of their delivery, and (C) such other matters as may be necessary to
117 carry out the purposes of this chapter.
118 Section 2. This act shall take effect on July 1, 2011.

voting check off graphic

MOTION: To authorize and direct the Executive Secretary to locate sponsors for the Commission's Disability Business Enterprise bill revised to include all DBE & Community rehab facility in the set-aside provision. AP/WI passed Aye TT, WI, MS, ESE, & AP Abstain everyone else.

7. Housing Support and other services for people with behavioral health concerns a) Advocate for continued funding of the Neighborhood Opportunities Program and b) Support the creation of a supportive housing program;
As soon legislation to fund the Neighborhood Opportunities Program and create of a supportive housing program are introduced, they will be placed on the Legislation Committee's agenda.
8. Affordable Care Act (national health care reform): a) Watch the impact on people with special health care needs and b) Prepare legislation if needed
Will monitor the Lt. Governor's Health Care Exchange Commission and other steps to implement National Health Care Reform
9. Respite for Family Caregivers of non-elderly adults with non-developmental disabilities: a) Advocate for expansion of services to cover the family caregivers of 22 – 60 year old adults who have disabilities other than developmental
LIFESPAN RESPITE COALITION Ellen Kreutler, Lifespan Respite Project Coordinator, Parent Support Network of Rhode Island e.kreutler@psnri.org 1395 Atwood Avenue, Suite 114, Johnston, RI 02919 Voice: 401.467.6855 ext. 307 Fax: 401.467.6903 www.psnri.org www.timebanks.org

RESPITE TRAINING *FREE OF CHARGE* FOR CAREGIVERS AND PROVIDERS

≈ *Help find your Match* ≈

REGISTER NOW FOR FREE CLASSES (where you can earn up to 20 Time Dollars):

5 sessions from 6 - 8 p.m. on Mondays in 2011- January 24, 31, February 7, 21, 28

at the Parent Support Network of RI, 1395 Atwood Ave., Suite 114, Johnston, RI.

WHO? Caregivers and current and potential Respite providers

WHY? Caregivers will get that chance for a much needed break from care giving for loved ones, no matter what their age or special need, and will get information about choosing and training a respite provider.

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FOR BOTH CAREGIVERS AND RESPITE PROVIDERS, FREE SERVICES THROUGH TIMEBANKS

IF YOU SPEND 3 HOURS HELPING A FAMILY WITH RESPITE, THEN YOU COULD GET:

2 HOURS OF YARD WORK AND A COOKED MEAL

IF YOU OR SOMEONE IN YOUR FAMILY HELPS BY WALKING A DOG, GIVING A MUSIC LESSON, AND READING TO SOMEONE, THEN YOU CAN GET 3 HOURS OF RESPITE

10. Assist in creating rules for:
a) RI Department of Transportation - accessible (pedestrian) crosswalks have curb cuts on both sides;
b) RI Housing/Housing Resources Commission - allowing clothes washing & drying machines in apartments in low cost housing as an accommodation for people with chemical sensitivities

On hold until all the Commission legislation has been introduced.

11. Transition from Youth services (education, Medicaid, etc.) to Employment, or postsecondary education or adult services:
a) Request information from the RI Dept of Education on barriers to smooth transition and
b) Prepare legislation if needed;

J. David Sienko, Director Office of Student, Community & Academic Supports, Rhode Island Department of Elementary & Secondary Education reviewed the forum testimony and responded:

"As I reviewed the testimony there appeared to be two primary issues.

1. The testimony from a parent of a young adult with traumatic brain injury who shared her frustration with navigating the service system.

Although she mentioned the fact her son was approaching transition age, there was little in the testimony specifically about what information, support or resources were missing from this young man's transition; particularly from the school.

2. The same person expressed concerns with the statewide special education transportation system including the length of travel and the amount of money the state is saving.

I appreciate the guidance the Commissioners provided to the parent about the resources of RIPIN and the availability of the RIDE Special Education Call Center. I also appreciate the fact that the Commissioners avoided citing regulations when they clearly did not have the information available at the public hearing regarding transportation.

Based on what I have read, I am not sure we have systemic issues or a case where this individual is not getting access to helpful information.

Based on what I have read here, I can commit to three things:

1. I will have a census report generated for the number of youth ages 14-21 with TBI currently enrolled in RI schools. I will review this census count with the 5 Regional Transition Center Coordinators and ask that they do a "check -in" with each district with students enrolled with TBI of transition age to be sure they are aware of how the RTC can assist.
2. I will ask Denise Achin, our RITAP consultant who works closely with DHS, to review the protocols for eligibility for youth with TBI and advise me if there are things DHS and/or the CEDARR programs would recommend that RIDE could do to assist students with TBI in transition.
3. I will review the transportation concerns with the Statewide Transportation vendor and the Transportation Advisory Committee. I will acknowledge that the concerns expressed here have been heard before and have been resolved. I am not sure if this parent connected with the statewide transportation system and allowed them the time to make corrective steps. I have attached a slide to this message from a briefing presented to the State Special Education Advisory Committee (SEAC) in the fall which high lights some of the accomplishments of the statewide transportation system; the savings have been substantial and the inconvenience for families has been minimized. SEAC has monitored this system carefully and has a parent participating on the advisory committee. For clarity, the regulations require the LEA to notify a family if a child's ride time exceeds one hour. It does not restrict ride times over one hour. The statewide system has made every effort to hold even the furthest routes (Westerly to Meeting St. School for instance) to under 1.5 hours; the direct drive time alone from Westerly to Meeting St. through Providence at rush hour exceeds one hour.
Naturally calls to the statewide transportation office are frequent when the school year and summer sessions begin but the office has been very responsive to people and the complaints this year have been minimal. On the attached slide you will see the link for the statewide transportation web site; please feel free to share it with all.
In terms of legislative action, I don't believe there is enough evidence here of a systemic nature to propose legislation. The Commissioners may want to investigate what services exist for young adults with TBI after they exit public education to see if action is warranted there.
Historically, youth who incurred TBI before the age of 22 were eligible for supports through the Division of Developmental Disabilities but I see no mention of this on the new BHDDH web site.
Thank you for bringing the concerns to our attention.

☑ voting check off graphic

MOTION: To gather additional information regarding the Transition from School to Adult Services and refer to Exec Cmte. LJ/AP passed unanimously

12. Update RI's Access Building Code to match the 2012 US Access Guidelines

It is enacted by the General Assembly as follows:

1 SECTION 1. of the General Laws entitled " " is hereby amended to read as follows:
2 **23-27.3-100.1.5. Building code - Adoption and promulgation by committee.**
3 The state building standards committee has the authority to adopt, promulgate, and
4 administer a state building code, which shall include: (a) provisions and amendments as
5 necessary to resolve conflicts between fire safety codes and building codes, as provided for in
6 § 23-28.01-6; and (b) a rehabilitation building and fire code for existing buildings and structures.
7 The building code may be promulgated in several sections, with a section applicable to one and

two (2) family dwellings, to multiple dwellings and hotels and motels, to general building construction, to plumbing, and to electrical. The building code and the sections thereof shall be reasonably consistent with recognized and accepted standards adopted by national model code organizations and recognized authorities. To the extent that any state or local building codes, statutes, or ordinances are inconsistent with the Americans with Disabilities Act, Title III, Public Accommodations and Services Operated by Private Entities, 42 U.S.C. 12181 et seq., and its regulations and standards, they are hereby repealed. The state building code standards committee is hereby directed to adopt rules and regulations consistent with the Americans with Disabilities Act, ~~Title~~ Titles II and III (28 CFR 35 and 28 CFR 36 as amended), as soon as possible, but no later than ~~January 26, 1992~~ September 30, 2011, to take effect on or before January 1, 2012.

SECTION 2. This act takes effect upon passage.

☑ voting check off graphic	Potential MOTION: To authorize and direct the Executive Secretary to locate sponsors for the Commission's Accessibility Building Code bill revised to authorize automatic updates whenever the US Access Code is amended AP/LJ passed Abstain PP, LD, & RB

The Commission at its December meeting decided to recommend the repeal of : § 42-51-10 State coordinating committee on disability rights and the annual reporting provisions of § 31-28-7.3 Disability parking enforcement program

	Repeal of § 42-51-10 State Coordinating Committee on Disability Rights

It is enacted by the General Assembly as follows:

Section 1. Section 42-51-10 of Chapter 42-51 entitled "Governor's Commission on Disabilities" is hereby repealed.

~~**42-51-10 State coordinating committee on disability rights.** – The commission shall establish a state coordinating committee on disability rights to advise and assist the commission to implement self-evaluation and compliance plans as required by federal and state laws protecting the rights of individuals with disabilities. The committee shall be composed of thirteen (13) members who shall be as follows: one representative of each of the general officers of the state, appointed by that general officer; one representative of the house of representatives, appointed by the speaker of house; one representative of the senate, appointed by the president of the senate; one representative of the judiciary, appointed by the chief justice of the supreme court; one representative of each of the boards of education, appointed by the chairperson of that board; one representative of the public transit authority, appointed by the chairperson of the authority, and those additional representatives the chairperson of the governor's commission on disabilities may appoint from the executive branch and the general public. Those persons acting as committee members on July 21, 1992 shall continue to so act until their successors are appointed. Each member shall serve at the pleasure of the appointing authority. The chairperson of the governor's commission on disabilities shall preside at meetings of the committee. The executive secretary of the governor's commission on disabilities shall serve as vice chairperson of the committee.~~

Section 2. This act shall take effect upon passage

	Repeal of the annual reporting provisions of § 31-28-7.3 Disability parking enforcement program

It is enacted by the General Assembly as follows:

Section 1. Section 31-28-7.3 of Chapter 42-51 entitled "Parking Facilities and Privileges " is hereby amended to read as follows:

31-28-7.3 Disability parking enforcement program. – (a) The state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall establish a disability parking enforcement enhancement programs no later than January 1, 2000. The program will be designed to improve enforcement of disability parking

laws on state-owned property and in parking facilities serving space leased or owned by the state, including state departments, agencies, boards, commissions, and quasi-governmental corporations. Citations issued in conjunction with this program shall be submitted to the traffic tribunal or its successor entity for collection pursuant to §§ 31-28-7 and 31-28-7.1 and the fines collected through shall be paid over to the state agency or college that issued the citation.

(b) The several cities and towns shall establish disability parking enforcement enhancement programs. Citations issued in conjunction with local enforcement programs shall be submitted to the municipal court, where established, or to the traffic tribunal or its successor entity. Fines collected through citations issued in accordance with local enforcement program specifications shall be paid over to the city or town or pursuant to §§ 31-28-7 and 31-28-7.1.

(1) The state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall submit a disability parking enforcement enhancement plan to the governor's commission on disabilities.

(2) Cities and towns shall submit a disability parking enforcement enhancement plan to the governor's commission on the disability.

(3) The disability parking enforcement enhancement plans shall describe the enforcement program which the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, the state operated colleges or the municipality intends to establish.

(4) The disability parking enforcement enhancement plan shall be reviewed by governor's commission on disabilities within sixty (60) days of receipt and suggest improvements to the disability parking enforcement enhancement plans, that shall not be construed as required amendments.

(d) ~~Beginning January 1, 2001 and on each January 1 thereafter, cities and towns and the state police, department of environmental management, airport corporations, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall be required to submit to the governor's commission on disabilities an annual progress report chronicling the collections of fines, procedures used, convictions, and any problems or successes which result from the disability parking enforcement enhancement program. Following receipt of an annual program report, the governor's commission on disabilities may suggest improvements to a disability parking enforcement enhancement program.~~

~~(e)~~ The types of disability parking enforcement enhancement programs which may be put in place in each municipality, and by the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges, may include, but shall not be limited to:

(1) Enforcement programs which utilize persons deputized for the purpose of the disability parking enforcement enhancement program. The disability parking enforcement deputies shall be required to complete a minimum of four (4) hours training in parking enforcement before being assigned to the program. Each municipality and the state police, department of environmental management, airport corporation, capitol police, department of mental health, retardation and hospitals, and the state operated colleges shall provide adequate training and shall assume all liability associated with disability parking enforcement.

(2) Enforcement programs which specifically designate paid and trained personnel as staff for the disability parking enforcement enhancement program. These personnel are not limited to on-duty police officers, but may also include officers to be paid overtime, auxiliary personnel, special forces, retired personnel, and other paid employee deemed by the responsible authority to be competent and qualified.

Section 2. This act shall take effect upon passage.

☑ voting check off graphic

MOTION: To authorize and direct the Executive Secretary to locate sponsors for the Commission's bill to repeal the:

1) State coordinating committee on disability rights law (42-51-10); &

2) Annual reporting provisions of the Disability parking enforcement program law (31-28-7.3d) as presented AP/WI passed Abstain LD,PP, RB, LW.

	MOTION: To express concern and urge cities and towns, state agencies, media, etc. regarding snow removal – parking, sidewalks, and curb cuts. AP/SES passed Abstain PP, LD, RB.		
	MOTION: To urge the General Assembly leadership and committee chairs to take into account the need for some witnesses with disabilities who are transportation dependent and must leave by 6 PM to be allow to testify out-of-turn and to comment the House and Senate for posting on-line the voting on bills. SB/WI passed Abstain PP, LD, RB		
Announcer graphic	**Announcements**	**Linda Ward**	4:20
calendar graphic	**Agenda and Scheduling the Next Meeting**	**Linda Ward**	4:25
	Next meeting will be on Monday February 14th @ 3 PM.		
alarm clock graphic	**Adjournment**	**Linda Ward**	4:30
voting check off graphic	MOTION: To adjourn @ 4:54 PM.		