



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 June 13, 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

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 meeting graphic	<p>Attendees: Linda Ward (Chair.); William R. Inlow (Vice Chair.); Sharon Brinkworth; Linda Deschenes; Sarah Everhart Skeels; Timothy Flynn; Roger Harris; Elaina Goldstein; Laura Jones; Jean Lawlor; Arthur M. Plitt; Joseph Reppucci; Theresa Thaelke; & Angelina Stabile</p> <p>Absentees: Ray Bandusky; Rebecca Boss; Rosemary C. Carmody; Julie DeRosa; Kathleen Heren; Maureen Maigret; Kate McCarthy-Barnett; Paula Parker; Gwendolyn Reeve; & Msgr. Gerard O. Sabourin</p>
<p>Guests:</p>	<p>Catherine Taylor (DEA), Anthony Robinson (House of Representatives)</p>
<p>Staff:</p>	<p>Bob Cooper</p>

	Agenda Topics	Moderator/Leader	Time
 Clock graphic	<p>Call to Order and Acceptance of the Minutes</p>	<p>Linda Ward, Chairperson</p>	<p>3:00</p>
<p>Chair calls the meeting to order at 3:00 PM Introductions of Commissioners and guests</p>			
<p>MOTION: To accept the minutes of the previous meeting as presented TF/LD Passed unanimously</p>			

Action Items:			
 new graphic	<p>Consideration of New Bills/Budget Articles</p>		<p>3:05</p>
<p>Purpose/Goal: To review new bills and determine their impact on people with disabilities.</p> <p>H 5886/S 0952 as Amended An Act Relating To Highways By : Rep. Martin in House Municipal Government Committee, Held for further study Sen. DiPalma on Senate Desk Recommend Passage</p> <p>This act would require the department of transportation to use complete street design principles to accommodate the mobility needs of all users and would request the department of transportation to publish a report showing how the agency has complied with the requirements. In the project development process the department of transportation shall consult with transportation, land-use and environmental officials, including representatives from: local and state government agencies, transit operations, disability rights groups, aging groups, bicycle and pedestrian</p>			

	Agenda Topics	Moderator/Leader	Time
<p>advocates, and developers. This act would take effect upon passage.</p>			

- 1-1 SECTION 1. Title 24 of the General Laws entitled "HIGHWAYS" is hereby amended by
1-2 adding thereto the following chapter:
1-3 **CHAPTER 16**
1-4 **SAFE ACCESS TO PUBLIC ROADS**
1-5 **24-16-1. Legislative findings.** - It is hereby found and declared as follows:
1-6 (1) Rhode Island must provide for the consideration of safe travel by all users of the road
1-7 network, including motorists, pedestrians, bicyclists, and public transportation users, regardless of
1-8 age or ability, through the use of complete street design features for safe travel in the planning,
1-9 design, construction, reconstruction, and rehabilitation not including resurfacing, maintenance or
1-10 pavement recycling of all state, and local transportation facilities that are eligible for both federal
1-11 and state funding and are subject to department of transportation oversight.
1-12 **24-16-2. Complete street design.** - (a) When the State of Rhode Island constructs or
1-13 modifies roads and highways, the relative department must incorporate complete street design
1-14 features that facilitate safe travel by all users that expands upon currently accepted state and
1-15 federal design requirements to accommodate all users, including current and projected users,
1-16 particularly pedestrians, bicyclists and individuals of all ages and mobility capabilities. These
1-17 features of complete street design shall include, but not be limited to, sidewalks, paved shoulders
1-18 suitable for use by bicyclists, lane striping, bicycle lanes, share the road signage, crosswalks,
1-19 pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks and ramps and traffic
2-1 calming measures.
2-2 (b) Exceptions to subsection (a) of this section shall be permissible only after the agency
2-3 with jurisdiction over the project, fully demonstrates, with supporting documentation which shall
2-4 be available to the public, that one of the following exists:
2-5 (1) Use by bicyclists and pedestrians is prohibited by law, such as within interstate
2-6 highway corridors; or
2-7 (2) The cost would be disproportionate to the need as determined by factors including,
2-8 but not limited to, the following: (i) Land use context; (ii) Current and projected traffic volumes
2-9 including non-motorized traffic; and (iii) population density; or
2-10 (3) Demonstrated lack of need as determined by factors, including, but not limited to: (i)
2-11 Land use; (ii) Current and projected traffic volumes including non-motorized traffic; and (iii)
2-12 population density.
2-13 **24-16-3. Reports.** - (a) No later than two (2) years after the effective date of this chapter,
2-14 the department of transportation shall publish a report showing how the department of
2-15 transportation agencies have complied with this section of highway law and changed their
2-16 procedures to institutionalize complete streets design features into planning, project scoping,
2-17 design and implementation of highway and road projects. The report shall include, but not be
2-18 limited to, a discussion of the review of and revisions to various guidance documents regarding
2-19 lane width, design speed, average daily traffic thresholds, level of service and roadway
2-20 classification. The report shall also show any best practices that the transportation agency utilized
2-21 in complying with section 24-16-2 of the highway law.
2-22 (b) In establishing such best practices, consideration shall be given to the procedures for
2-23 identifying the needs of the mix of users, including primary and secondary users and the
2-24 identification of barriers, and summary of the documentation required by subsection 24-16-2(b)
2-25 of the highway law regarding why the transportation agency could not comply with subsection
2-26 (a).
2-27 **24-16-4. Department of transportation consultation.** - (a) In the project development
2-28 process the department of transportation shall consult with transportation, land-use and
2-29 environmental officials, including representatives from:
2-30 (1) *Counties*¹, cities and towns;

¹ The Senate amendment deletes the word "counties", RI has no county government.

- 2-31 [\(2\) Metropolitan planning organizations;](#)
- 2-32 [\(3\) Public transit operators;](#)
- 2-33 [\(4\) Relevant state agencies; and](#)
- 2-34 [\(5\) Other relevant stakeholders, including, but not limited to, representatives from](#)
- 3-1 [disability rights groups, aging groups, bicycle and pedestrian advocates, and developers.](#)
- 3-2 SECTION 2. This act shall take effect upon passage.



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MOTION: To find beneficial H 5886/S 0952 An Act Relating To Highways AP/JL Passed, LD Abstained

11 S 0971 An Act Relating To Labor And Labor Relations - Jobs Match Program
by Sen. Sheehan, in Senate Labor Committee Scheduled for consideration

This act would create the Rhode Island enhanced jobs match program to facilitate, employers access to high quality, skilled job seekers. It would create a “governor’s workforce cabinet” comprised of the cabinet-level officials from the state agencies with workforce-related roles. The workforce cabinet would: coordinate and integrate interagency policies and programs to focus and enhance state workforce and job development activities; provide a forum for cross-departmental data sharing and working in collaboration with the governor’s workforce board; assess the potential for the department of labor and training web-based workforce development and job match (“EmployRI”) system to be enhanced through inter-agency support, to ensure that employers and job seekers have easy access to job-matches and training opportunities; analyze the structure and sources of funding necessary for enhancements and interagency supports to the web-based workforce development and job match system; and implement the Rhode Island enhanced jobs match program.

This act would take effect upon passage

- 1-1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
- 1-2 GOVERNMENT" is hereby amended by adding thereto the following chapter:
- 1-3 **CHAPTER 154**
- 1-4 **THE RHODE ISLAND ENHANCED JOBS MATCH PROGRAM**
- 1-5 **42-154-1. Short title. -- This chapter shall be known and may be cited as “The Rhode**
- 1-6 **Island Enhanced Jobs Match Program Act.”**
- 1-7 **42-154-2. Legislative findings. -- The general assembly hereby finds and declares that:**
- 1-8 **(1) Rhode Island’s statewide career pathways systems must be driven by local business**
- 1-9 **and industry needs;**
- 1-10 **(2) Despite high unemployment, businesses report difficulties and frustration in locating**
- 1-11 **employment candidates with the requisite knowledge, skills, and abilities they need;**
- 1-12 **(3) Locating, training and preparing candidates to fill job openings is an expense that few**
- 1-13 **companies can afford;**
- 1-14 **(4) The state needs a focused interagency collaboration to provide easy access for**
- 1-15 **businesses to find competent employees and job seekers to obtain necessary resources, training**
- 1-16 **and skills development;**
- 1-17 **(5) The state needs to take a cross-departmental approach to build upon the efforts of the**
- 1-18 **department of labor and training to facilitate employers’ access to high quality, skilled job seekers**
- 1-19 **and reduce the number of unemployed individuals in Rhode Island.**
- 2-1 **42-154-3. Creation and Duties of the Governor’s Workforce Cabinet. -- (a) There is**
- 2-2 **hereby created a “governor’s workforce cabinet” comprised of the cabinet-level officials from the**
- 2-3 **state agencies with workforce-related roles. These agencies include: (1) The director of the**
- 2-4 **department of labor and training; (2) The director of the economic development corporation; (3)**
- 2-5 **The director of the department of human services; (4) The director of the department of**
- 2-6 **behavioral health, disabilities and hospitals; (5) The director of the department of children, youth**
- 2-7 **and families; (6) The commissioner of office of higher education; (7) The commissioner of**
- 2-8 **elementary and secondary education; (8) The secretary of the executive office of health and**
- 2-9 **human services; (9) The director of the department of corrections; (10) The director of the**

- 2-10 department of elderly affairs; and (11) The director of the department of veterans' affairs.
- 2-11 (b) The duties of the cabinet shall include:
- 2-12 (1) Coordinating and integrating interagency policies and programs to focus and enhance
- 2-13 state workforce and job development activities;
- 2-14 (2) Providing a forum for cross-departmental data sharing and working in collaboration
- 2-15 with the governor's workforce board;
- 2-16 (3) Holding meetings at least quarterly;
- 2-17 (4) Assessing the potential for the department of labor and training web-based workforce
- 2-18 development and job match ("EmployRI") system to be enhanced through inter-agency support,
- 2-19 to ensure that employers and job seekers have easy access to job-matches and training
- 2-20 opportunities;
- 2-21 (5) Analyzing the structure and sources of funding necessary for enhancements and
- 2-22 interagency supports to the web-based workforce development and job match system;
- 2-23 (6) Implementing the Rhode Island enhanced jobs match program and maintaining it in
- 2-24 accordance with section 42-154-4;
- 2-25 (7) As necessary, making recommendations for legislative action relating to the web-
- 2-26 based workforce development system and financing;
- 2-27 (8) Being subject to the provisions of chapter 38-2, access to public records act, and
- 2-28 chapter 42-46, open meetings act;
- 2-29 (9) Working with the governor's workforce board to designate funds as appropriate to
- 2-30 address skill gaps identified by the enhanced job match program; and
- 2-31 (10) Creating a subcommittee including business and worker representatives to provide
- 2-32 input into the implementation of the enhanced job match program.
- 2-33 **42-154-4. The RI Enhanced Jobs Match Program. -- The workforce cabinet shall**
- 2-34 **implement the enhanced jobs match system using the current department of labor and training**
- 3-1 **web based workforce and job system as a basis, with significant interdepartmental enhancements,**
- 3-2 **as follows:**
- 3-3 (1) The system shall be easy for employers to participate in, update and receive responses
- 3-4 from job seekers, addressing potential barriers to participation;
- 3-5 (2) The system shall be understandable, accessible and productive for job seekers,
- 3-6 including measures to ensure language and literacy based accessibility;
- 3-7 (3) The system shall allow for the prompt identification of workers who are partial, but
- 3-8 not fully matches for job openings, resulting in timely skill gap remediation plans;
- 3-9 (4) The system shall have the ability to address identified skill gaps through the provision
- 3-10 of training and/or education;
- 3-11 (5) The system shall notify the department of labor and training of the nature of the skill
- 3-12 gaps which exist between job openings and job seekers, and shall have the ability to aggregate
- 3-13 skill gap reports for the governor's workforce cabinet;
- 3-14 (6) The system shall be promoted and advertised to maximize business and employment
- 3-15 use; and
- 3-16 (7) The system shall be coordinated with the higher education assistance authority's
- 3-17 career and educational pathways planning website (known as "waytogori.org").
- 3-18 SECTION 2. This act shall take effect upon passage.



No position taken

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H 6129 House Resolution Creating A Special Legislative Commission To Study The Issuance Of Handicapped Designated Vehicle Registration Plates

By Rep. Guthrie House Municipal Government Committee Referred to Committee

That a special legislative commission be and the same is hereby created consisting of seven (7) members to make a comprehensive study and analysis of the issuance of handicapped designated vehicle registration plates. That the commission shall report its findings and recommendations to the House of Representatives no later than January 5, 2012, and said commission shall expire on March 5, 2012.

1-1 RESOLVED, That a special legislative commission be and the same is hereby created
 1-2 consisting of seven (7) members: three (3) of whom shall be members of the Rhode Island House
 1-3 of Representatives, not more than two (2) from the same political party, to be appointed by the
 1-4 Speaker of the House; one of whom shall be the Administrator of the Rhode Island Division of
 1-5 Motor Vehicles, or designee; one of whom shall be the Chair of the Rhode Island DMV's Board
 1-6 of Medical Revue, or designee; one of whom shall be the Chair of the RI Governor's Commission
 1-7 on Disabilities; and one of whom shall be the Executive Administrator of the Rhode Island
 1-8 Disabilities Law Center, or designee.
 1-9 In lieu of any appointment of a member of the legislature to a permanent advisory
 1-10 commission, a legislative study commission, or any commission created by a General Assembly
 1-11 resolution, the appointing authority may appoint a member of the general public to serve in lieu
 1-12 of a legislator, provided that the Majority Leader or the Minority Leader of the political party
 1-13 which is entitled to the appointment consents to the member of the general public.
 1-14 The purpose of said commission shall be to make a comprehensive study and analysis of
 1-15 the issuance of handicapped designated vehicle registration plates.
 1-16 Forthwith upon passage of this resolution, the members of the commission shall meet at
 1-17 the call of the Speaker of the House and organize and shall select a chairperson.
 1-18 Vacancies in said commission shall be filled in like manner as the original appointment.
 2-1 The membership of said commission shall receive no compensation for their services.
 2-2 All departments and agencies of the state shall furnish such advice and information,
 2-3 documentary and otherwise, to said commission and its agents as is deemed necessary or
 2-4 desirable by the commission to facilitate the purposes of this resolution.
 2-5 The Speaker of the House is hereby authorized and directed to provide suitable quarters
 2-6 for said commission; and be it further
 2-7 RESOLVED, That the commission shall report its findings and recommendations to the
 2-8 House of Representatives no later than January 5, 2012, and said commission shall expire on
 2-9 March 5, 2012.

 **MOTION: To find harmful H 6129 House Resolution Creating A Special Legislative Commission To Study The Issuance Of Handicapped Designated Vehicle Registration Plates, AS/TT Passed, LD Abstained**

	Commission's Legislative Package	Bob Cooper	3:35
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Purpose/Goal:
Status of GCD's Legislative Package List on 6/7/2011
Commission Supports
Passed and Referred to
House Health, Education, & Welfare Committee
11 S 0268 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE COORDINATING COMMITTEE ON DISABILITY RIGHTS Sen. Cote Requested by the Governor's Commission on Disabilities
 Sent House Letter 5/17/2011 Sent Senate Letter 3/1/2011 Senate Testimony 3/9/2011
House Municipal Government Committee
11 S 0207 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES
 Sen. Algieri Requested by the Governor's Commission on Disabilities
 Sent House Letter 5/17/2011 Sent Senate Letter 3/1/2011 Senate Testimony 3/31/2011
Senate Housing and Municipal Government Committee
11 H 5284 As Amended AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE Rep. McCauley Requested by the Governor's Commission on Disabilities
 Sent House Letter 3/22/2011 Sent Senate Letter 6/7/2011 House Testimony 3/23/2011

Recommend Passage

Senate Desk

11 S 0206 AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE Sen. Fogarty
Requested by the Governor's Commission on Disabilities

Sent Senate Letter 3/1/2011

Senate Testimony

3/31/2011

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5479 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION Rep. Kennedy Requested by the Governor's Commission on Disabilities
Sent House Letter 3/2/2011 House Testimony 5/11/2011

11 H 5613 AN ACT RELATING TO CRIMINAL OFFENSES -- ADULT CRISIS INTERVENTION AND PROTECTIVE SERVICES Rep. Naughton Requested by the Governor's Commission on Disabilities

Sent House Letter 3/4/2011 House Testimony 5/12/2011

11 H 5789 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION FUND Rep. O'Grady

Sent House Letter 4/6/2011 House Testimony 5/18/2011

11 H 5913 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING RESOURCES ACT OF 1998 Rep. Slater

Sent House Letter 3/22/2011 House Testimony 5/31/2011

House Judiciary Committee

11 H 5665 AN ACT RELATING TO HEALTH AND SAFETY -- CRIMINAL BACKGROUND CHECKS Rep. Marcello Requested by the Governor's Commission on Disabilities

Sent House Letter 3/22/2011 House Testimony 3/23/2011

House Municipal Government Committee

11 H 5300 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES

Rep. Jacquard Requested by Governor's Commission on Disabilities

Sent House Letter 3/3/2011 House Testimony 3/3/2011

Senate Finance Committee

11 S 0148 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION FUND Sen. DiPalma

Sent Senate Letter 4/6/2011 Senate Testimony 4/7/2011

11 S 0571 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING RESOURCES ACT OF 1998 Sen. Pichardo

Sent Senate Letter 3/22/2011 Senate Testimony 5/26/2011

Senate Health and Human Services Committee

11 S 0304 AN ACT RELATING TO CRIMINAL OFFENSES -- ADULT CRISIS INTERVENTION AND PROTECTIVE SERVICES Sen. McCaffrey Requested by the Governor's Commission on Disabilities

Sent Senate Letter 3/1/2011 Senate Testimony 4/13/2011

Senate Judiciary Committee

11 S 0693 AN ACT RELATING TO HEALTH AND SAFETY -- CRIMINAL BACKGROUND CHECKS Sen. Goodwin Requested by the Governor's Commission on Disabilities

Sent Senate Letter 3/22/2011 Senate Testimony 3/24/2011

Referred to Committee

Senate Finance Committee

11 S 0356 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION Sen. Tassoni Requested by the Governor's Commission on Disabilities

Sent Senate Letter 3/1/2011

Commission Supports if amended

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5330 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES Rep. Walsh Requested by the Governor's Commission on Disabilities

Sent House Letter 3/1/2011 House Testimony 3/2/2011

11 H 5618 AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES Rep. Naughton Requested by the Governor's Commission on Disabilities

Sent House Letter 3/4/2011

11 H 5894 Art. 10 Governor's Amendment AN ARTICLE RELATING TO THE DEPARTMENT OF EDUCATION

Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011 Senate Testimony 4/5/2011
11 H 5894 Art. 11 AN ARTICLE RELATING TO THE CHILDREN'S HEALTH ACCOUNT Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011 House Testimony Senate Testimony 4/5/2011
11 H 5894 Art. 22 AN ARTICLE RELATING TO REGISTRATION FEES Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011
11 H 5894 Art. 31 AN ARTICLE RELATING TO HUMAN SERVICES--ABUSED AND NEGLECTED CHILDREN
Rep. Melo Requested by the Governor
Sent House Letter 4/6/2011 Sent Senate Letter 4/5/2011 Senate Testimony 4/7/2011

Referred to Committee

House Finance Committee

11 H 5969 AN ACT RELATING TO PUBLIC PROPERTY AND WORKS Rep. Keable Requested by the Department of Behavioral Healthcare, Development Disabilities, and Hospitals
Sent House Letter 4/12/2011

Commission Supports as amended

Passed and Referred to

House Finance Committee

11 S 0301 Sub A AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES Sen. Felag Requested by the Governors Commission on Disabilities
Sent House Letter 5/23/2011 Sent Senate Letter 4/6/2011 House Testimony Senate Testimony 4/13/2011
11 S 0352 Sub A AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES Sen. Lanzi Requested by the Governor's Commission on Disabilities
Sent House Letter 5/23/2011 Sent Senate Letter 3/1/2011 Senate Testimony 3/24/2011
11 S 0772 Sub A as Amended AN ACT RELATING TO PUBLIC PROPERTY AND WORKS Sen. Perry Requested by the Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals
Sent House Letter 5/24/2011 Sent Senate Letter 4/12/2011 Senate Testimony 4/13/2011

Commission Opposes

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5894 Art. 16 Governor's Amendment AN ARTICLE RELATING TO THE MEDICAID REFORM ACT Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011 Senate Testimony 4/5/2011
11 H 5894 Art. 28 AN ARTICLE RELATING TO THE RHODE ISLAND VETERANS' HOME Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011 Senate Testimony 4/7/2011

Senate Education Committee

11 S 0432 AN ACT RELATING TO EDUCATION - BOARD OF REGENTS Sen. Algieri
Sent Senate Letter 5/4/2011 Senate Testimony 5/4/2011

Commission Opposes unless amended

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5894 Art. 27 Governor's Amendment AN ARTICLE RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY Rep. Melo Requested by the Governor
Sent House Letter 4/5/2011 Sent Senate Letter 4/5/2011 Senate Testimony 4/7/2011

Legislation Committee finds these bills Beneficial

Resolution Adopted

House Resolution 2011 - 171 Effective Date: 3 /30/2011

11 H 5402 HOUSE RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING AND EXPIRATION DATES FOR THE SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH AN OLMSTEAD DECISION TASK FORCE IN THE STATE OF RHODE ISLAND Rep. Naughton
Sent House Letter 3/22/2011

Passed and Referred to

House Health, Education, & Welfare Committee

11 S 0060 Sub A AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM Sen. Crowley

Sent House Letter 5/17/2011 Sent Senate Letter 3/15/2011

House Labor Committee

11 S 0236 As Amended AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES Sen. Ciccone

Sent House Letter 5/23/2011 Sent Senate Letter 3/16/2011

House Municipal Government Committee

11 S 0539 Sub A as Amended AN ACT RELATING TO HUMAN SERVICES - SUPPORT OF HOMELESS Sen. DeVall

Sent House Letter 5/17/2011 Sent Senate Letter 4/12/2011

Senate Judiciary Committee

11 H 5089 Sub A AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE Rep. Ajello

Sent House Letter 3/1/2011 Sent Senate Letter 6/7/2011

11 H 5441 Sub A AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSES Rep. Bennett

Sent House Letter 3/22/2011 Sent Senate Letter 6/7/2011

Passed

House Desk

11 H 5276 Sub A AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PATIENT-CENTERED MEDICAL HOME ACT Rep. Naughton

Sent House Letter 5/11/2011

Recommend Passage

House Desk

11 S 0770 Sub A as Amended AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT Sen. Crowley
Requested by the Lieutenant Governor

Sent Senate Letter 5/11/2011

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5324 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION
Rep. Naughton

Sent House Letter 3/22/2011

11 H 5393 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION

Rep. Naughton

Sent House Letter 3/22/2011

11 H 6056 AN ACT RELATING TO EDUCATION - CHILDREN WITH DISABILITIES Rep. Morrison

Sent House Letter 5/11/2011

House Health, Education, & Welfare Committee

11 H 5173 AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK

REDUCTION PILOT PROGRAM Rep. Naughton

Sent House Letter 3/15/2011

11 H 5275 AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS Rep. Palumbo

Sent House Letter 3/1/2011

11 H 5440 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT
Rep. Gallison

Sent House Letter 3/15/2011

11 H 5798 AN ACT RELATING TO INSURANCE -- COMMUNICATION ACCESS Rep. Handy

Sent House Letter 5/11/2011

11 H 5799 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF
Rep. Handy

Sent House Letter 3/22/2011

House Judiciary Committee

11 H 5294 AN ACT RELATING TO EDUCATION -- CRIMINAL RECORDS BACKGROUND CHECKS Rep. Nunes

Sent House Letter 3/15/2011

11 H 5357 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES Rep. Menard

Sent House Letter 3/22/2011

11 H 5361 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES Rep. Menard

Sent House Letter 3/22/2011
11 H 5444 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CHILD RESTRAINTS Rep. Mattiello
Sent House Letter 3/22/2011
11 H 5449 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE Rep. Williams
Sent House Letter 3/22/2011
11 H 5455 AN ACT RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL Rep. Keable
Sent House Letter 3/15/2011
11 H 5506 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES Rep. Walsh
Sent House Letter 3/22/2011
11 H 5519 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- HABITUAL OFFENDERS Rep. Marcello
Sent House Letter 3/22/2011

House Labor Committee

11 H 5222 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES Rep. Carnevale
Sent House Letter 3/15/2011

Senate Education Committee

11 S 0291 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT Sen. Felag
Sent Senate Letter 3/15/2011
11 S 0439 AN ACT RELATING TO EDUCATION - RECOVERY HIGH SCHOOLS Sen. Tassoni
Sent Senate Letter 4/12/2011

Senate Health and Human Services Committee

11 S 0107 AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS Sen. O'Neill E
Sent Senate Letter 3/1/2011
11 S 0460 AN ACT RELATING TO INSURANCE Sen. Gallo
Sent Senate Letter 5/11/2011

Senate Judiciary Committee

11 S 0022 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE Sen. Tassoni
Sent Senate Letter 3/22/2011
11 S 0241 AN ACT RELATING MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES Sen. Sosnowski
Sent Senate Letter 3/22/2011
11 S 0665 AN ACT RELATING TO EDUCATION -- CRIMINAL RECORDS BACKGROUND CHECKS Sen. Pinga
Sent Senate Letter 3/22/2011

Scheduled for consideration

Senate Health and Human Services Committee

6/8/2011 @ Rise in rm 212

11 S 0302 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF Sen. Walaska
Sent Senate Letter 3/22/2011

Scheduled for hearing and/or consideration

House Health, Education, & Welfare Committee

6/8/2011 @ Rise in rm 135

11 S 0666 AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN Sen. Metts
Sent House Letter 06/08/2011 Sent Senate Letter 4/12/2011

Senate Health and Human Services Committee

6/8/2011 @ Rise in rm 212

11 H 5852 Sub A as Amended AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - LICENSING OF FACILITIES AND PROGRAMS FOR PEOPLE WHO ARE MENTALLY ILL AND/OR DEVELOPMENTALLY DISABLED Rep. Slater
Sent House Letter 5/11/2011

Referred to Committee

Senate Finance Committee

11 S 0613 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE Sen. Metts
Sent Senate Letter 4/12/2011

Senate Health and Human Services Committee

11 S 0267 AN ACT RELATING TO HEALTH AND SAFETY - RIGHTS OF NURSING HOME PATIENTS Sen. Lanzi

Sent Senate Letter 4/12/2011

Senate Judiciary Committee

11 S 0121 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – STATE POLICE Sen. Miller

Sent Senate Letter 3/1/2011

11 S 0225 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Sen. Metts

Sent Senate Letter 3/1/2011

11 S 0881 AN ACT RELATING TO EDUCATION - CHILDREN WITH DISABILITIES Sen. Gallo

Sent Senate Letter 5/11/2011

Legislation Committee finds these bills Beneficial if amended

Passed and Referred to

House Health, Education, & Welfare Committee

11 S 0677 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – CORRECTIONS DEPARTMENT

Sen. McCaffrey Requested by the Department of Corrections

Sent House Letter 5/17/2011 Sent Senate Letter 3/22/2011

House Judiciary Committee

11 S 0638 AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE Sen.

McCaffrey Requested by the Department of Corrections

Sent House Letter 5/17/2011 Sent Senate Letter 4/12/2011

Scheduled for hearing and/or consideration

House Finance Committee

6/8/2011 @ 1 in rm 35

11 H 5628 AN ACT RELATING TO HUMAN SERVICES Rep. Naughton Requested by the Attorney General

Sent House Letter 4/12/2011

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5588 AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES Rep. Naughton

Sent House Letter 3/22/2011 House Testimony 5/12/2011

House Health, Education, & Welfare Committee

11 H 5499 AN ACT RELATING TO HEALTH AND SAFETY – PROHIBITION OF CHILDREN'S BOTTLES CONTAINING BISPHENOL A Rep. Kennedy

Sent House Letter 4/12/2011

11 H 5626 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – CORRECTIONS DEPARTMENT Rep. Lally Requested by the Department of Corrections

Sent House Letter 3/15/2011

House Judiciary Committee

11 H 5757 AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE Rep.

Bennett Requested by the Department of Corrections

Sent House Letter 4/12/2011

House Labor Committee

11 H 5041 AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN TO WORK ACT Rep. McNamara

Sent House Letter 4/12/2011

Senate Finance Committee

11 S 0609 AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM Sen.

Pichardo

Sent Senate Letter 3/22/2011

Senate Health and Human Services Committee

11 S 0202 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM CARE OMBUDSPERSON ACT OF 1995 Sen. Perry

Sent Senate Letter 3/1/2011 Senate Testimony 3/9/2011

Senate Judiciary Committee

11 S 0828 AN ACT RELATING TO HUMAN SERVICES Sen. McCaffrey Requested by the Attorney General

Sent House Letter 4/12/2011 Sent Senate Letter 5/3/2011 Senate Testimony 5/3/2011

Senate Labor Committee

11 S 0131 AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN

TO WORK ACT Sen. Tassoni
Sent Senate Letter 4/12/2011

Withdrawn by sponsor

House Finance Committee

11 H 5326 AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM Rep.
Cimini
Sent House Letter 3/22/2011

House Health, Education, & Welfare Committee

11 H 5278 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM CARE
OMBUDSPERSON ACT OF 1995 Rep. Coderre E
Sent House Letter 3/2/2011 Letters sent to H. Corp on 3/1/11 to House HEW on 3/2/11

Legislation Committee finds these bills Harmful

Passed and Referred to

House Health, Education, & Welfare Committee

11 S 0203 AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH
CARE
EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES Sen. Perry
Sent House Letter 5/17/2011 Sent Senate Letter 3/22/2011

House Judiciary Committee

11 S 0400 Sub A AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION Sen. Metts Requested by the
Secretary of State
Sent House Letter 5/17/2011 Sent Senate Letter 3/22/2011

Held for Further Study, Continued, or Heard

House Finance Committee

11 H 5057 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID Rep. Edwards
Sent House Letter 4/12/2011
10 H 5157 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX Rep. Phillips
Sent House Letter 3/1/2011
11 H 5158 AN ACT RELATING TO TAXATION - CIGARETTE TAX Rep. Phillips
Sent House Letter 4/12/2011

House Health, Education, & Welfare Committee

11 H 5632 AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH
CARE
EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES Rep. McNamara
Sent House Letter 3/22/2011

House Judiciary Committee

11 H 5450 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION Rep. Baldelli-Hunt
Sent House Letter 3/22/2011
11 H 5680 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION Rep. Brien Requested by the Secretary
of State
Sent House Letter 3/22/2011
11 H 5749 AN ACT RELATING TO ALCOHOLIC BEVERAGES Rep. Malik
Sent House Letter 3/22/2011
11 H 5809 AN ACT RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS Rep. Marcello
Sent House Letter 3/22/2011

House Municipal Government Committee

11 H 5374 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID Rep. Chippendale
Sent House Letter 4/12/2011

Senate Education Committee

11 S 0433 AN ACT RELATING TO EDUCATION -- THE PAUL W. CROWLEY RHODE ISLAND STUDENT
INVESTMENT INITIATIVE Sen. Picard
Sent Senate Letter 5/11/2011

Postponed by sponsor

House Labor Committee

11 H 5544 AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION --
GENERAL PROVISIONS Rep. Silva
Sent House Letter 3/22/2011

Referred to Committee

Senate Education Committee

11 S 0522 AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS Sen. Metts
Sent Senate Letter 4/12/2011

Senate Finance Committee

11 S 0053 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX Sen. Felag
Sent Senate Letter 3/1/2011

Withdrawn by sponsor

House Judiciary Committee

11 H 5525 AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION Rep. Costa
Sent House Letter 3/22/2011

Review of Draft Substitute Bills:

H 5613/S 304 Acts Relating to Adult Crisis Intervention And Protective Services

Proposed changes:

In the criminal statutes 11-5-10.2. Assault on persons with severe impairments causing serious bodily injury, 11-5-11; Assault on persons with severe impairments; 11-5-12. Abuse, neglect and/or exploitation of adults with severe impairments: it replaces the words "department of mental health, retardation, and hospitals" with "executive office of health and human services" (pursuant to RIPL 2009 Chapter 068 Article 05 Section 01). Page 2 line 9; Page 2 line 32; and Page 4 line 2

It retains the ACLU's provision requiring the victim to be informed of his or her right to refuse crisis intervention and/or supportive services. Page 2 lines 14 - 15; Page 3 lines 4 - 5; Page 4 lines 7 - 8

It replaces in the law the words "department of mental health, retardation, and hospitals" with the words "department of behavioral healthcare, developmental disabilities, and hospitals" in the:

23-17.8-2. Abuse in Health Care Facilities Law. Page 5 line 15

23-17.8-3.1 Physician's, certified registered nurse practitioner's and physician assistant's report of examination - Duty of facility law. Page 6 line 13

40.1-5-40.1 Mental Health - Duty to Report Law. Page 8 lines 5 - 6

40.1-5.3-17 Incompetency to Stand Trial and Persons Adjudged Not Guilty By Reason of Insanity - Duty to report Law. Page 8 lines 24 - 25

40.1-27-2 Penalties for Abuse of Persons with Developmental Disabilities - Duty to report Law. Page 9 lines 4 - 5

40.1-27-3 Duties of the director of the department of mental health, retardation, behavioral healthcare, developmental disabilities, and hospitals - Duty to report Law. Page 9 lines 20 - 21 and 26-27 and Page 10 lines 6 -7 and 11 - 12

40.1-27-5 Physician's report of examination - Duty of program page 10 lines 25 - 26

In 40-8.5-2 Health Care for Elderly and Disabled Residents Act - Services for adult victims with severe impairments of abuse, neglect and/or exploitation, it would:

Rename that section "Crisis intervention services for adult victims with severe impairments of abuse, neglect and/or exploitation".

Add a definition of "secretary" = EOHHS Secretary

Replace the words "department of mental health, retardation, and hospitals" with "executive office of health and human services" (pursuant to RIPL 2009 Chapter 068 Article 05 Section 01).

Require the secretary to establish a 24 hour, 7 days a week statewide toll free hot line to report abuse, neglect, and exploitation and/or request crisis intervention and/or supportive services for adults victim with severe impairments.

The sections dropped from the draft Sub A are:

11-5-10. Assault on persons 60 years of age or older causing bodily injury

11-5-10.1. Assault on persons 60 years of age or older causing serious bodily injury
11-5-10.3. Assault on persons 60 years of age or older by caretaker causing bodily injury
11-5-10.4. Assault on persons 60 years of age or older by caretaker causing serious bodily injury
Chapter 12-1.4 Citizens' Commission For The Safety And Care Of The Elderly
23-17.2-5 Accountability of Services to Patients of Nursing or Personal Care Homes - Duty to report violations
Chapter 42-7.2 Office of Health and Human Services
42-9.2-3 Office of Elder Justice Prosecution Unit
42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons -- Duty to report.
42-66.7-5 Long-Term Care Ombudsperson Act of 1995 - Powers and duties
42-66-8.1. Abuse of elderly persons -- Telephone line

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

4 **11-5-10.2. Assault on persons with severe impairments causing serious bodily injury.**

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

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

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

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

17 (3) Causes serious permanent disfigurement.

18 (c) For the purposes of this section:

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

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

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

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

27 (e) After July 1, 2007 pursuant to § 40-8.5-2, the local police department ~~may~~ shall request the
28 ~~department of mental health, retardation, and hospitals~~ executive office of health and human services
29 provide crisis intervention services for the adult victim with severe impairments when:

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

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

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

34 **11-5-11. Assault on persons with severe impairments.**

35 (a) For the purposes of this section:

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

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

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

1 (b) Any person who shall commit an assault and battery upon a person who is severely impaired as
2 defined in subsection (a) of this section, causing bodily injury, shall be deemed to have committed a
3 felony and shall be imprisoned not exceeding five (5) years, or fined not exceeding two thousand dollars
4 (\$2,000), or both.

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

6 (d) After July 1, 2007 pursuant to § 40-8.5-2, the local police department ~~may~~ shall request the
7 ~~department of mental health, retardation, and hospitals~~ executive office of health and human services
8 provide crisis intervention services for the adult victim with severe impairments when:

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

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

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

14 **11-5-12. Abuse, neglect and/or exploitation of adults with severe impairments.**

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

21 (b) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 SECTION 2. Section 23-17.8-2 & 23-17.8-3.1 of Chapter 23-17.8 the General Laws entitled "Abuse in
13 Health Care Facilities" are hereby amended to read as follows:

14 **23-17.8-2. Duty to report.**

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

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

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

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

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

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

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

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

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

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

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

48 **23-17.8-3.1. Physician's, certified registered nurse practitioner's and physician assistant's report of
49 examination - Duty of facility.**

50 Whenever a facility shall receive a report by a person other than a physician or a certified registered
51 nurse practitioner or physician assistant that a patient or resident of the facility has been harmed as a
52 result of abuse, neglect, or mistreatment, the facility shall have the patient examined by a licensed
53 physician or a certified registered nurse practitioner or physician assistant. It shall be mandatory for the
54 physician or certified registered nurse practitioner or physician assistant to make a preliminary report of
55 his or her findings to the department of health for a health care facility, or to the department of ~~mental~~
56 ~~health, retardation~~ behavioral healthcare, developmental disabilities, and hospitals for a community

1 residence for people who are mentally retarded or persons with developmental disabilities and to the
2 facility within forty-eight (48) hours after his or her examination, and a written report within five (5) days
3 after his or her examination.

4 SECTION 3. Section 40-8.5-12 of Chapter 40-8.5 the General Laws entitled "Health Care for
5 Elderly and Disabled Residents Act" are hereby amended to read as follows:

6 **40-8.5-2 Crisis intervention services Services for adult victims with severe impairments of abuse, neglect
7 and/or exploitation.** - (a) As used in this section the terms:

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

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

12 (ii) Is an alleged victim of abuse, neglect or exploitation pursuant to § 11-5-12; or assault pursuant to §
13 11-5-10.2 or 11-5-11 by a caregiver of the victim;

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

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

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

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

24 (4) "Secretary" means the secretary of the executive office of health and human services; and

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

27 (b) After July 1, 2007, local police departments may request the ~~department of mental health,~~
28 ~~retardation, and hospitals~~ executive office of health and human services provide crisis intervention
29 services for the adult victim with severe impairments when:

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

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

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

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

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

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

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

48 (e) The secretary shall provide, for the use of the general public, a statewide toll free, twenty-four (24)
49 hour a day, seven (7) days a week telephone line, to report abuse, neglect, and exploitation and/or
50 request crisis intervention and/or supportive services for adults victim with severe impairments.

51 SECTION 4. Section 40.1-5-40.1 of Chapter 40.1-5 of the General Laws entitled "Mental Health Law"
52 is hereby amended to read as follows:

53 **40.1-5-40.1 Duty to report.** - Any employee who has reasonable cause to believe that an assault or a
54 battery has been committed upon a patient shall make an immediate report, including the identity of
55 parties and witnesses and details of the incident, to the director of the department of ~~mental health,~~
56 ~~retardation,~~ behavioral healthcare, developmental disabilities, and hospitals or his or her designee. The

1 director of the department shall cause the report to be investigated immediately and further shall notify
2 the mental health advocate and appropriate law enforcement agencies of the investigation. Any person
3 who fails to make a report shall be guilty of a misdemeanor punishable by a fine of not more than five
4 hundred dollars (\$500).

5 SECTION 5. Section 40.1-5.3-17 of Chapter 40.1-5 of the General Laws entitled "Incompetency to
6 Stand Trial and Persons Adjudged Not Guilty By Reason of Insanity" is hereby amended to read as
7 follows:

8 **40.1-5.3-17. Penalties for deprivation of rights - Disciplinary action - Duty to report.**

9 (a) Any person who willfully withholds from or denies to a person committed to a facility pursuant to
10 this chapter any of his or her rights as herein granted, shall, on conviction thereof, be fined not exceeding
11 two thousand dollars (\$2,000) or imprisoned not exceeding two (2) years.

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

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

24 SECTION 6. Sections 40.1-27-2, 40.1-27-3, and 40.1-27-5 of Chapter 40.1-27 the General Laws
25 entitled "Penalties for Abuse of Persons with Developmental Disabilities" are hereby amended to read as
26 follows:

27 **40.1-27-2. Duty to report.**

28 (a) Any person within the scope of their employment at a program or in their professional capacity
29 who has knowledge of or reasonable cause to believe that a participant in a program has been abused,
30 mistreated or neglected shall make, within twenty-four (24) hours or by the end of the next business day,
31 a written report to the director of the department of behavioral healthcare, developmental disabilities,
32 ~~mental health, retardation,~~ and hospitals or his or her designee. The report shall contain:

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

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

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

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

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

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

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

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

45 **40.1-27-3. Duties of the director of the department of ~~mental health, retardation,~~ behavioral healthcare,**
46 **developmental disabilities, and hospitals.**

47 The director of the department of ~~mental health, retardation,~~ behavioral healthcare, developmental
48 disabilities, and hospitals or his or her designee shall:

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

51 (2) Investigate and evaluate or cause to be investigated and evaluated the information reported in
52 those reports. The investigation and evaluation shall be made within twenty-four (24) hours if the director
53 of the department of ~~mental health, retardation,~~ behavioral healthcare, developmental disabilities, and
54 hospitals has reasonable cause to believe the participant's health or safety is in immediate danger of
55 further abuse or neglect and within seven (7) days for all other reports. The investigations shall include a
56 visit to the program, an interview with the participant allegedly abused, mistreated or neglected, an

1 interview with all witnesses to the alleged incident, a determination of the nature, extent, and cause of
2 causes of the injuries, the identity of the person or persons responsible therefor, all other pertinent facts
3 and recommendations to prevent further abuse, mistreatment or neglect of the participant or other
4 program participants. The determination shall be in writing;

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

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

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

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

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

23 40.1-27-5. Physician's report of examination - Duty of program.

24 Whenever a program shall receive a report by a person other than a physician that a participant has been
25 harmed as a result of abuse, neglect, or mistreatment, the program shall have the patient examined by a
26 licensed physician. It shall be mandatory for the physician to make a preliminary report of his or her
27 findings to the director of the department of ~~mental health, retardation,~~ behavioral healthcare,
28 developmental disabilities, and hospitals and to the program within forty-eight (48) hours after his or her
29 examination, and a written report within five (5) days after his or her examination.

30 SECTION 7. The act shall take effect July 1, 2011.



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**MOTION: To support the draft substitute for H 5613/S 304 Acts Relating to
Adult Crisis Intervention And Protective Services TF/AP Passed, BI No TT,
LD, & EG Abstained**

H 5588/S 301 Acts Relating to Human Services-Health Care Assistance For Working People With Disabilities

Proposed changes:

Page 1 line 6 replacing the words "social services" with "employment support services",
and

Page 2 lines 1 - 4 inserting a definition of "employment support services" from the RI
Global Compact Consumer Choice Waiver 1115 Waiver Taskforce Employment
Workgroup recommendations Paper, September 30, 2009: pages 3 & 9.

Page 2 lines 8 - 11 retaining the authorization for the Community choice First provision.

Page 2 lines 12 - 16 retaining the authorization for the CORE benefits, but moving that
provision from the eligibility section to the authorization section.

Page 2 line 33 to page 3 line 3 referencing the general Medicaid review and appeal
procedure, instead of creating a separate procedure for the Buy-In.

Page 3 line 10 inserting "individual's or married couple's earned income" rather than the
suggested "household's" earned income. Household earned income could include
unrelated individuals living in the same residence, especially inhaled living settings.

Page 3 lines 24 - 28 revising the employer premiums by using the language in 40-8.4-7,
and requiring those regulations to be developed in consultation with the Health
Insurance Commissioner.

Page 4 lines 1 to 3 reinserting the requirement for quarterly progress reports during the

start up period (July 2011 to March 2013) to be filed with the chairpersons of the House and Senate Finance Committees.

Page 4 line 3 pushing back to date for the initial Sherlock Plan annual report to March 2013 to allow a full year of enrollment.

Page 4 line 30 requesting that the MIG undertake an evaluation of the current program and (on page 5 line 18) expand the strategies to include the 2014 Medicaid Expansion.

1 SECTION 1. Sections 40-8.7.3, 40-8.7-4, 40-8.7-5, 40-8.7-6, and 40-8.7-7 of the General Laws in
2 Chapter 40-8.7 entitled "Health Care Assistance for Working People With Disabilities" are hereby
3 amended to read as follows:

4 **40-8.7-3. Purpose.** - The purpose of the Medicaid buy-in program is to:

5 (1) Enable individuals with disabilities to enter and reenter the work force as soon as possible;

6 (2) Provide health care and ~~social~~ employment support services² to individuals with disabilities that
7 will enable those individuals to reduce their dependency on cash benefit programs; and

8 (3) Allow individuals with disabilities the option to purchase Medicaid coverage that is necessary to
9 enable such individuals to obtain and/or maintain employment; ~~and~~

10 ~~(4) Authorize the department of human services to amend the state plan for personal care services
11 limited to employment-related personal care services for individuals with disabilities to continue their
12 employment activity.~~

13 **40-8.7-4. Definitions.** - As used in this chapter, the term:

14 (1) "Individual with a disability" means a person who has been designated, but without regard to his or
15 her ability to engage in substantial gainful activity, as specified in the Social Security Act, 42 U.S.C. §
16 423(d)(4), as a totally and permanently disabled individual by the Social Security Administration or the
17 Rhode Island Medicaid program, pursuant to an application for benefits under Title II, Title XVI or Title
18 XIX of the Social Security Act, regardless of current receipt of cash benefits under the Social Security
19 Act.

20 (2) "Employed" means the individual with disabilities is engaged in a work effort that meets substantial
21 and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the
22 department of human services and as permitted by federal law.

23 (3) "Employment Support Services" means activities needed to sustain paid work by Sherlock
24 beneficiaries; including supervision; benefits counseling, customized employment, job coaching,
25 vocational evaluation, case management, job development, and job training; transportation; training;
26 tools, equipment and technology; and child care.¹

27 ~~**40-8.7-5. Authorization for the Medicaid buy-in program**~~ **Authorization for the Medicaid buy-in program
28 and personal care services.** - (a) The department of human services is hereby authorized and directed to
29 amend its title XIX state plan to initiate a Medicaid buy-in program for employed individuals with
30 disabilities.

31 (b) The department of human services is hereby authorized and directed to amend its title XIX state
32 plan to initiate Community Choice First (Section 2401 in the Affordable Care Act-Section 1915 (k) in the
33 Social Security Act, this provision provides states with additional FMAP) for personal care services for
34 individuals with disabilities to continue their employment activity long term.

35 (c) The department of human services is hereby authorized and directed to amend its title XIX state
36 plan to initiate services authorized under 1915(i) of the Social Security Act, for Medicaid buy-in
37 participants who are eligible upon assessment, for the CORE benefits specified in the Global Compact
38 Consumer Choice Waiver agreement between the US Department of Health and Human Services-Center
39 for Medicare and Medicaid Services (CMS) and the state of Rhode Island, subject to CMS approval.³

40 **40-8.7-6. Eligibility.** - (a) To be eligible for benefits under the, Medicaid buy-in program:

41 (1) The person shall be an individual with disabilities as defined in § 40-8.7-4, but without regard to his
42 or her ability to engage in substantial gainful activity, as specified in the Social Security Act, 42 U.S.C. §
43 423(d)(4);

44 (2) The person shall be employed as defined in § 40-8.7-4;

² Definition of employment support services is from the RI Global Compact Consumer Choice Waiver 1115 Waiver Taskforce Employment Workgroup Recommendations Paper, September 30, 2009: pages 3 & 9.

³ Consolidated all authorization subsections into § 40-8-5.

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

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

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

12 (b) Appeals Process. The director or someone designated by him or her shall review each application
13 for benefits filed in accordance with regulations, and shall make a determination of whether the
14 application will be honored and the extent of the benefits to be made available to the applicant, and shall
15 within thirty (30) days after the filing notify the applicant, in writing, of the determination. If the application
16 is rejected, the notice to the applicant shall set forth therein the reason therefor. The director may at any
17 time reconsider any determination. Any applicant for or recipient of benefits aggrieved because of a
18 decision, or delay in making a decision, shall be entitled to an appeal and shall be afforded reasonable
19 notice and opportunity for a fair hearing conducted by the director, pursuant to chapter 40-8.⁴

20 **40-8.7-7. Premiums and cost sharing Premiums.** - (a) The department of human services is authorized
21 and directed to promulgate such rules to establish the monthly premium payments for employed
22 individuals with disabilities who opt to participate directly in the Medicaid buy-in program. To participate in
23 the Medicaid buy-in program, the employed individual with disabilities shall be required to make payment
24 for coverage in accordance with a monthly payment or payment formula to be established by the
25 department which shall count ~~the individual's monthly unearned income in excess of the medically needy~~
26 ~~income limit [MNIL] and~~ a portion of ~~their~~ the individual's or married couple's⁵ earned income on a sliding
27 scale as is, in accordance with rules to be established by the department;

28 (b) The department is further authorized and directed to promulgate such rules that encourage
29 businesses, ~~especially small businesses~~ to hire individuals with disabilities, and ~~to~~ allow employed
30 individuals with disabilities who have access to employer-based health insurance and who are
31 determined eligible by the department pursuant to this chapter, ~~to determine the optimal health insurance~~
32 ~~coverage in consultation with the employer and the Medicaid agency to coordinate health insurance~~
33 ~~coverage options. The rules shall take into consideration but not be limited to:~~

34 (1) Enrollment in the employer-based health insurance plan as a condition of participation in the
35 Medicaid buy-in program under this chapter, provided that enrollment in the employer-based health
36 insurance plan is cost-effective and its benefits are comparable to the benefits provided by the Medicaid
37 program; and

38 (2) The insurer shall accept the enrollment of the individual and/or the family in the employer-based
39 health insurance plan without regard to any enrollment season restrictions.

40 (c) The department of human services, in consultation with the Health Insurance Commissioner, shall
41 investigate and develop opportunities for individuals and/or employers to buy into, at the individual's
42 and/or employer's expense, one or more programs the department may establish under this chapter.⁶
43 The employer premium contribution shall be no greater than the employer's premiums in the existing
44 employer based health insurance.

45 **40-8.7-9. Regulations and commencement of program.** - (a) The department of human services shall
46 promulgate the rules regulations necessary to implement the provisions of this act by September 30,
47 2011 ~~January 1, 2005~~, and enrollment of individuals with disabilities in the Medicaid buy-in program shall
48 commence under the new rules on or before January 1, 2012 ~~January 1, 2006~~.

49 (b) The department is directed to report to the House and Senate finance committee members within
50 sixty (60) days of passage of this act, a work plan to ensure that rules related to this provision are
51 enacted.

⁴ Addressed grievance procedures by reference to the general Medicaid application review & appeal provisions § 40-8-6 to 40-8-6
⁵ Proposed using "individual's or married couple's earned income" rather than the suggested "household's" earned income, since it could include
unrelated individuals living in the same residence, especially in shared living settings.
⁶ Language modeled after 40-8.4-7.

1 (c) The department of human services shall provide quarterly progress reports to the chairpersons of
2 the House and Senate finance committees by the fifteenth (15th) day of the following month of each
3 quarter, from date of passage, until March 2013.

4 (d) The department shall report to the governor and the general assembly on or before March 31,
5 2013 and annually thereafter, with regard to the effectiveness of this act in achieving its purpose which
6 report shall include, but not be limited to:

7 (1) The number of applications for the Sherlock Plan, the number of beneficiaries approved who are
8 new to Medicaid, the number of beneficiaries who were in another Medicaid eligibility category just prior
9 to the Sherlock Plan, and beneficiaries who have or have access to employer based health insurance
10 coverage;

11 (2) Demographics including: age; sex; employment supports provided; and primary disabling
12 condition, as permissible under the health Insurance Portability and Accountability Act of 1996 (HIPAA)
13 privacy and security rules;

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

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

18 (5) Statistics regarding the amounts of premiums collected;

19 (6) Medicaid claims data including pre-buy-in, while on the buy-in, and if disenrolled, after buy-in; and

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

23 SECTION 2. Chapter 40-8.7 of the General Laws entitled "Health Care Assistance for Working People
24 with Disabilities" is hereby amended by adding thereto the following section:

25 **40-8.7-10. Independent Evaluation of Medicaid Buy-in program.** - General Assembly members are
26 seeking to understand Rhode Island buy-in enrollment trends and its impact on Medicaid therefore
27 require a full evaluation of the Sherlock Plan since its inception. The low number of individuals who have
28 been or are on the buy-in warrants an in-depth data analysis per buy-in participant. Within six months of
29 passage of this legislation the House and Senate finance committees requests a report be submitted by
30 the state's Medicaid infrastructure grant (MIG) recipient that responds to the following:

31 (1) How do employment outcomes vary according to whether buy-in participants who were once
32 enrolled in Medicaid change after they enrolled in the buy-in? Medicaid enrollment and claims data pre-
33 buy-in, while on buy-in and if disenrolled, after buy-in will be necessary to perform an analysis of
34 costs/per member per month of buy-in enrollees provided by the Medicaid agency to the MIG, as
35 provided for in the data sharing agreement;

36 (2) The report shall include demographic characteristics; primary disabling condition; prior and current
37 participation in other public programs: SSDI, SSI (including the 1619(b) provision) and Medicare-;
38 earned income pre buy-in, earnings while on the buy-in, and any premiums paid, hours worked, and
39 availability of employer health insurance coverage;

40 (3) The report shall compare expenditures by primary disability, for people who participate in the buy-
41 in and are new to Medicaid compared to people who transfer from another Medicaid eligibility category to
42 the buy-in disenrollment information as to why people leave the buy-in whether disenrollees access other
43 kinds of health coverage (or are eligible for other Medicaid coverage) after leaving the buy-in: and
44 whether disenrollees return to the buy-in after a period off the MBI (aka churning);

45 (4) Findings and recommendations with regard to "best practices" used by other states in the New
46 England region and nationwide that should be considered to increase employment among Medicaid
47 beneficiaries with disabilities and how to best support Medicaid beneficiaries with disabilities who are
48 working; and

49 (5) Identification and strategies that the Finance Committees should consider regarding challenges or
50 opportunities for workers with disabilities in Rhode Island as the Affordable Care Act is implemented;
51 including but not limited to ensuring that employment supportive policies and supports are integrated into
52 the state's design and implementation of the following long-term care Affordable Care Act provisions:
53 Section 10202-Balancing Incentive Payments Plan (BIPP); 1915(i) State Plan Amendment; Section
54 2401-Community First Choice (CFC); Section 2703-Health Homes for Individuals with chronic conditions;
55 Money Follows the Person; 2014 Medicaid Expansion; and the dual eligible integrated care plan models.

1 SECTION 3. This act shall serve as a Joint Resolution required pursuant to Rhode Island General
2 Laws § 42-12-12.4-1, et seq.

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

5 WHEREAS, Rhode Island General Law §42-12.4-7 provides that any change that requires the
6 implementation of a rule or regulation or modification or a rule or regulation in existence prior to the
7 implementation of the global consumer choice section 1115 demonstration (“the demonstration”) shall
8 require prior approval of the general assembly; and further provides that any category II change or
9 category III change as defined in the demonstration shall also require prior approval to the general
10 assembly; and

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

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

22 *Modify the Sherlock Act.* The department of human services proposes refining the determination of
23 eligibility and premiums of workers with disabilities enrolled in the Medicaid Buy-In program. Now,
24 therefore, be it

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

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

31 SECTION 4. This act shall take effect as of July 1, 2011.



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**MOTION: To endorse the draft substitute, as revised⁷ for H 5588/S 301
Acts Relating to Human Services-Health Care Assistance For Working
People With Disabilities AP/BI Passed, BI No, LD Abstained**

H 5628/S 828 Acts Relating to Human Services (PCA License)

Proposed changes:

It does not repeal the state PCA program.

It does not require PCA’s to get a license.

It will require all home and community based health care and personal care assistance employees to undergo a national criminal background check (BCI), which will require fingerprinting of all persons hired after March 1, 2012.

It will require the job applicant or employing agency to pay a \$50 - \$80 fee for the national BCI check. The state BCI check is only \$5. Current national BCI check is \$39.

It provides a “volunteer” exemption, but only if the volunteer does not have “duties that are equivalent to the duties of a direct patient access employee and those duties involve or may involve one-on-one contact with a patient or resident of the covered facility.”

⁷ The revisions are highlighted in yellow.

1 SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is hereby
2 amended by adding the following chapter:

3 **Chapter 42-9.4**
4 **Criminal Background Check Act**

5 **42-9.4-1. Definitions.** - As used in this chapter:

6 (a) "Adult" means a person eighteen (18) years of age or older.

7 (b) "Applicant" means a person applying to be a direct patient access employee at a covered
8 facility or a person providing services under chapter 40-8.1.

9 (c) "Attorney General" means the attorney general of the state of Rhode Island, or his or her
10 designee.

11 (d) "Criminal Background Check" means a national criminal records check that shall include
12 fingerprints submitted to the federal bureau of investigation (FBI).

13 (e) "Conviction" means, in addition to judgments of conviction entered by a court subsequent to a
14 finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo
15 contendere and has received a sentence of probation and those instances where a defendant has
16 entered into a deferred sentence agreement with the attorney general.

17 (f) "Covered Facility" means:

18 (1) A nursing facility; a home nursing care provider; a home care provider; or a hospice service
19 that is or is required to be licensed, registered or certified with the state pursuant to chapter 23-17;

20 (2) An assisted living residence that is or is required to be licensed with the state pursuant to
21 chapter 23-17.4;

22 (3) A nursing services agency that is or is required to be licensed with the state pursuant to
23 chapter 23-17.7.1;

24 (4) Any facility or program licensed by the department of behavioral healthcare, developmental
25 disabilities and hospitals pursuant to chapter 40.1-24;

26 (5) Any facility or program operated by the department of behavioral healthcare, developmental
27 disabilities and hospitals; and

28 (4) Any other long term care facility or provider.

29 (g) "Day(s)" means calendar days.

30 (h) "Department" means the department of attorney general.

31 (i) "BCI" means the bureau of criminal identification of the department

32 (j) "Direct Patient Access Employee" means:

33 (1) A person who has access to a patient or resident of a covered facility through employment or
34 through a contract with such covered facility and has duties that involve or may involve one-on-one
35 contact with a patient or resident of the covered facility; or

36 (2) A person who has access to the belongings or funds of a patient or resident of a covered
37 facility through employment or through a contract with such covered facility.

38 (3) These provisions do not include volunteers unless the volunteer has duties that are equivalent
39 to the duties of a direct patient access employee and those duties involve or may involve one-on-one
40 contact with a patient or resident of the covered facility.

41 (k) "EOHHS" means the Rhode Island Executive Office of Health and Human Services or its
42 designee.

43 (l) "Livescan Vendor" means an entity whose equipment has been certified by the department to
44 collect an individual's demographics and inkless fingerprints and, in a manner prescribed by the
45 department, electronically transmit the fingerprints and a daily file of required data to the department.
46 The department shall negotiate a contract with one or more vendors that effectively demonstrate that the
47 vendor has demonstrated sufficient experience transmitting fingerprints electronically to the department
48 and that the vendor can successfully transmit the required data in a manner prescribed by the
49 Department.

50 (m) "Long Term Care Facility or Provider" means a facility or provider that receives payment for
51 services under title XVIII or XIX of the Social Security Act and is:

52 (1) A long-term care hospital (as described in section 1886(d)(1)(B)(iv) of the Social Security Act
53 (42 U.S.C. 1395ww(d)(1)(B)(iv));

54 (2) A provider of personal care services as defined in the state's waiver under Title XIX of the
55 Social Security Act relating to the provision of home- and community-based services;

56 (3) A provider of adult day care; or

1 (3) An intermediate care facility for the mentally retarded (as defined in section 1905(d) of the
2 Social Security Act (42 U.S.C. 1396d(d)).

3 (n) “Provisionally employed” means that the applicant is employed by a covered facility or
4 provides services as provided in chapter 40-8.1, during a period of time after the applicant’s fingerprints
5 have been submitted for the processing of a criminal background check, but before the results of the
6 criminal background check have been received. During this time, the applicant shall not have
7 supervisory or disciplinary power or routine contact with patients or residents without the presence of
8 others.

9 **42-9.4-2. Criminal Background Check.** - (a) Any adult person seeking employment in any
10 covered facility as a direct patient access employee or who provides personal care attendant services as
11 a direct patient access employee as provided in chapter 40-8.1⁸, whether compensated or not, shall
12 undergo a criminal background check to be processed prior to employment or providing such services,
13 except as otherwise provided in this section. All persons who, as of the date of enactment of this section,
14 are already employed by a covered facility or who provide services under chapter 40-8.1 as of such date
15 shall be exempted from the requirements of this section.

16 (b) The applicant, through the covered facility, shall apply to the BCI for a criminal background
17 check. The BCI may utilize a Livescan vendor as designee to fulfill the requirements of this chapter.

18 (c) If the results of the criminal background check have not been received within seven (7) days
19 upon verification that an applicant has submitted his or her fingerprints for the processing of a criminal
20 background check, the applicant may be provisionally employed by the covered facility or provide
21 services under chapter 40-8.1 until the results of the criminal background check are completed, but in no
22 case may this exceed sixty (60) calendar days.

23 (d) Upon the discovery of any disqualifying information as defined in § 42-9.4-3 and in accordance
24 with the rules and regulations promulgated by the department, the BCI will inform the applicant of the
25 nature of the disqualifying information; and, without disclosing the nature of the disqualifying information,
26 will notify the covered facility that disqualifying information has been discovered. Upon the applicant’s
27 receipt of the notice of disqualifying information, he or she may request a reconsideration of
28 disqualification as provided in section 42-9.4-4. If a covered facility provisionally employed an applicant
29 as provided in subsection (c), upon the covered facility’s receipt of the notice of disqualifying information,
30 the covered facility must terminate the applicant’s employment within ten (10) days, unless the applicant
31 requests reconsideration in accordance with section 42-9.4-4(b) and, in doing so, requests to remain
32 provisionally employed while the request for consideration is reviewed.

33 (e) In those situations in which no disqualifying information has been found, the BCI shall inform
34 the applicant and the covered facility of this fact.

35 (f) The covered facility shall initiate a criminal background check on all direct patient access
36 applicants, the results of which will be maintained by the BCI. Failure to initiate criminal background
37 checks on any prospective direct patient access employee would be grounds to revoke the license or
38 registration of the covered facility. The covered facility shall maintain on file, subject to inspection by the
39 department of health, evidence that criminal records checks have been initiated on all direct patient
40 access employees employed by or performing services at or for the covered facility after the date
41 specified in this subsection, and the results of such checks. Failure to maintain that evidence would be
42 grounds to revoke the license or registration of the covered facility. The date specified in this subsection
43 is either:

44 (1) October 1, 1991, if the covered facility is a nursing facility, a home nursing care provider, a
45 home care provider, or an assisted living residence; or

46 (2) The date of enactment of this section, if the covered facility is any other type of facility,
47 program, or provider.

48 (g) It shall be the responsibility of the applicant to pay for the criminal background check fees.
49 The fees shall be established by rules and regulations promulgated pursuant to section 42-9.4-9 of this
50 chapter.

51 **42-9.4-3. Disqualifying information.** - (a) Information produced by a criminal background check
52 pertaining to conviction for the following crimes will disqualify the applicant from employment: murder,
53 manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault,

⁸ Personal Care Attendant Program

1 assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies
2 (murder, robbery, rape, burglary, or the abominable and detestable crime against nature), felony assault,
3 patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug
4 offenses, felony obtaining money under false pretenses, felony embezzlement, abuse, neglect and/or
5 exploitation of adults with severe impairments, exploitation of elders, felony larceny, or felony banking
6 law violations; or

7 (b) Information produced by a criminal background check pertaining to conviction for a crime
8 under section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)) will disqualify the applicant from
9 employment.

10 **42-9.4-4. Reconsideration of Disqualification.** - (a) An applicant who is subject to disqualification
11 may request a reconsideration of the disqualification. The reconsideration shall be limited only to the
12 accuracy of the information provided in the criminal background check.

13 (b) The applicant must submit the request for reconsideration in writing to the department within
14 fourteen (14) days of the applicant's receipt of the disqualification notice provided in section 42-9.4-2(d).
15 The applicant requesting reconsideration must submit information showing that the accuracy of the
16 information provided in the criminal background check is erroneous. If the applicant fails to provide the
17 required information, the department may deny the person's request. If the applicant is provisionally
18 employed and wishes to remain provisionally employed while the request for reconsideration is reviewed,
19 the request for reconsideration must so specify.

20 (c) Upon receipt of an applicant's request to remain provisionally employed during the
21 reconsideration process, the department shall inform the relevant covered facility that the disqualified
22 individual has requested reconsideration and advising the covered facility that the individual may remain
23 provisionally employed until the date the covered facility receives the department's response to the
24 reconsideration request or until the applicant has been employed for sixty (60) days, whichever date is
25 earlier.

26 (d) The department shall respond in writing to all reconsideration requests within twenty (20) days
27 of receipt of a request and all required information.

28 (e) The department shall rescind the disqualification if it finds that the information provided in the
29 criminal background check is erroneous. If an applicant's disqualification is rescinded, the department
30 shall notify the applicant and covered entity of the decision. In the rescission notice, the department must
31 inform the applicant and the covered facility that the information relied upon to disqualify the applicant
32 was erroneous.

33 (f) The department shall notify the applicant and the covered facility that the disqualification was
34 not rescinded due to the information in the criminal background check being found valid or that the
35 applicant failed to submit a timely request for reconsideration.

36 **42-9.4-5. Automated Fingerprint Identification System Database.** - The department may establish
37 and maintain an automated fingerprint identification system database that would allow the department to
38 store and maintain all fingerprints submitted under this chapter and would provide for an automatic
39 notification if and when a subsequent criminal arrest fingerprint card submitted into the system matches a
40 set of fingerprints previously submitted under the chapter. Upon such notification, the department shall
41 immediately notify each covered facility with which that applicant is associated. The information in the
42 database established under this section is confidential and is not subject to disclosure under the access
43 to public records act, chapter 2 of title 38 of the general laws.

44 **42-9.4-6. Electronic Web-based Registry System.** - The department or EOHHS shall maintain an
45 electronic web-based system to assist covered facilities required to check relevant registries and conduct
46 criminal background checks of direct patient access employees and to provide for an automated notice to
47 those covered facilities for those persons inputted in the system who, since the initial criminal
48 background check, have been convicted of a disqualifying offense or have been the subject of a
49 substantiated finding of abuse, neglect or misappropriation of property. The department or EOHHS may
50 charge a covered facility a one-time set up fee of up to one hundred dollars for access to the electronic
51 web-based system under this section.

52 **42-9.4-7 Immunity from liability.** - The department and a covered facility who disqualifies an
53 applicant from employment or continued employment on the basis of a disqualification notice as
54 described in § 42-9.4-2(d) or of a criminal background check relating to disqualifying information shall not
55 be liable for civil damages or subject to any claim, demand, cause of action, or proceeding of any nature
56 as a result of the disqualification.

1 [42-9.4-8 Rules and regulations.](#) - The department is authorized to promulgate rules and
2 [regulations to carry out the intent of this chapter.](#)

3 **SECTION 2.** Section 42-9-8.1 of the General Laws in Chapter 42-9 entitled "Department of
4 Attorney General" is hereby amended to read as follows:

5 **42-9-8.1 Office of investigation - Powers and duties of investigators.** -(1) Establishment. There is
6 hereby established within the department of attorney general an office of investigation.

7 (2) Scope and purpose. The scope and purpose of the office of investigation shall be:

8 (a) To assist special assistant and assistant attorneys general in carrying out investigations
9 relating to grand jury investigations, pre-trial preparation and other litigation efforts;

10 (b) To coordinate their efforts in investigating criminal activity with existing federal, state and local
11 law enforcement resources; and

12 (c) To initiate criminal investigations for violations of the law at the direction of the attorney
13 general.

14 (3) Composition and powers. The office of investigation shall consist of a chief, ~~and not more than~~
15 ~~five (5)~~ field investigators, [to be designated by the attorney general](#), and support personnel. The chief
16 and the field investigators shall have the following powers:

17 (a) The power to arrest independently or in conjunction with local, state or federal law
18 enforcement agencies;

19 (b) The power to, with the written authorization by the attorney general or his or her designated
20 deputy, apply for and execute search warrants; and

21 (c) The power to serve civil and criminal process.

22 (4) Qualifications. No person shall be appointed as chief of the office of investigation or as a field
23 investigator in the office unless he or she has successfully completed the basic course of instruction for
24 police officers at the Providence police training academy, the Rhode Island municipal police training
25 academy, or the Rhode Island state police training academy, and has at least three (3) years of active
26 law enforcement experience, or has served as a member of the United States Marshal's Service or as a
27 special agent of the Federal Bureau of Investigation, a criminal law enforcement agency of the United
28 States Department of Justice, the United States Department of State, the United States Department of
29 the Treasury or the United States Postal Inspection Service and has at least three (3) years of active law
30 enforcement experience, or has been certified as a police officer by the duly-constituted state
31 commission on police officer standards and training of another state, and has at least three (3) years of
32 active law enforcement experience.

33 (5) Appointment background check. The attorney general shall appoint the chief, field
34 investigators, and the support personnel of the office of investigation. Prior to the appointment of any
35 individuals, a background examination shall be conducted utilizing federal, state and local law
36 enforcement agencies, bureau of criminal identification, national crime information center, and any and
37 all relevant records existing within the federal and state court systems.

38 (6) Standards. The office shall adopt and implement such standards as may be applicable to its
39 scope and purpose as promulgated by the commission for the accreditation of law enforcement agencies.

40 **SECTION 3.** Section 23-17-34 of the General Laws in Chapter 23-17 entitled "Licensing of Health
41 Care Facilities" is hereby amended to read as follows:

42 **23-17-34. Criminal records review - Nursing facilities - Home nursing care providers and home**
43 **care providers.** -(a) Any [adult](#) person seeking employment [as a direct patient access employee, whether](#)
44 [compensated or not](#), in a nursing facility, a home nursing care provider, or a home care provider which is
45 or is required to be licensed, registered or certified with the department of health ~~if that employment~~
46 ~~involves routine contact with a patient or resident without the presence of other employees~~, shall undergo
47 a criminal background check [as provided in chapter 42-9.4](#) ~~to be initiated prior to or within one week of~~
48 ~~employment. All employees hired prior to the enactment of this section shall be exempted from the~~
49 ~~requirements of this section.~~

50 (b) The director of the department of health may by rule identify those positions requiring criminal
51 background checks. ~~The identified employee, through the employer, shall apply to the bureau of criminal~~
52 ~~identification of the state police or local police department for a statewide criminal records check.~~
53 ~~Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in §~~
54 ~~23-17-37 and in accordance with the rule promulgated by the director of health, the bureau of criminal~~
55 ~~identification of the state police or the local police department will inform the applicant, in writing, of the~~

1 nature of the disqualifying information; and, without disclosing the nature of the disqualifying information,
2 will notify the employer, in writing, that disqualifying information has been discovered.

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

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

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

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

16 **SECTION 4.** Chapter 23-17 of the General Laws in entitled "Licensing of Health Care Facilities"
17 is hereby amended to by repealing the following sections:

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

24 ~~**23-17-37. Disqualifying information.** (a) Information produced by a criminal records review
25 pertaining to conviction, for the following crimes will result in a letter to the employee and employer
26 disqualifying the applicant from employment: murder, voluntary manslaughter, involuntary manslaughter,
27 first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on
28 persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery,
29 rape, burglary, or the abominable and detestable crime against nature) felony assault, patient abuse,
30 neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, larceny, or
31 felony banking law violations. An employee against whom disqualifying information has been found may
32 request that a copy of the criminal background report be sent to the employer who shall make a judgment
33 regarding the continued employment of the employee.~~

34 (b) ~~For purposes of this section, "conviction" means, in addition to judgments of conviction
35 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
36 defendant has entered a plea of nolo contendere and has received a sentence of probation and those
37 instances where a defendant has entered into a deferred sentence agreement with the attorney general.~~

38 ~~**23-17-39. Immunity from liability.** No employer who disqualifies an individual from employment
39 or continued employment within thirty (30) days of receipt of a letter containing disqualifying information
40 as defined in § 23-17-37 or of a criminal background report relating to the individual shall be liable for civil
41 damages or subject to any claim, demand, cause of action or proceeding of any nature as a result of the
42 disqualification.~~

43 **SECTION 5.** Section 23-17.7.1-17 of the General Laws in Chapter 23-17.7.1 entitled "Licensing
44 of Nursing Service Agencies" is hereby amended to read as follows:

45 ~~**23-17.7.1-17. Criminal records review.** (a) Any adult person seeking employment as a direct
46 patient access employee, whether compensated or not, in a facility which is or is required to be licensed
47 or registered with the department of health ~~if that employment involves routine contact with a patient or~~
48 ~~resident without the presence of other employees~~, shall undergo a criminal background check as
49 provided in chapter 42-9.4, which shall be initiated prior to, or within one week of, employment. All
50 employees hired prior to the enactment of this section shall be exempted from the requirements of this
51 section.~~

52 (b) The director of the department of health may, by rule, identify those positions requiring
53 criminal background checks. ~~The employee, through the employer, shall apply to the bureau of criminal
54 identification of the state police or local police department for a statewide criminal records check.~~
55 ~~Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in §
56 23-17.7.1-20 and in accordance with the rule promulgated by the director of the department of health, the~~

1 bureau of criminal identification of the state police or the local police department will inform the applicant,
2 in writing, of the nature of the disqualifying information; and, without disclosing the nature of the
3 disqualifying information, will notify the employer, in writing, that disqualifying information has been
4 discovered.

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

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

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

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

17 **SECTION 6.** Chapter 23-17.7.1 of the General Laws in entitled "Licensing of Nursing Service
18 Agencies" is hereby amended by repealing the following sections:

19 ~~**23-17.7.1-18. Prior criminal records checks.** — If an applicant for employment has undergone a
20 statewide criminal records check within eighteen (18) months of an application for employment, then an
21 employer may request from the bureau of criminal identification or local police a letter indicating if any
22 disqualifying information was discovered. The bureau of criminal identification will respond without
23 disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the
24 requirements of this chapter.~~

25 ~~**23-17.7.1-20. Disqualifying information.** — (a) Information produced by a criminal records review
26 pertaining to conviction, for the following crimes will result in a letter to the employee and employer
27 disqualifying the applicant from the employment: murder, voluntary manslaughter, involuntary
28 manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault,
29 assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies
30 (murder, robbery, rape, burglary, or the abominable and detestable crime against nature), felony assault,
31 patient abuse, neglect or mistreatment of patients, first degree arson, robbery, felony drug offenses,
32 larceny, or felony banking law violations.~~

33 (b) Information produced by a criminal records review pertaining to convictions for crimes other
34 than those listed in subsection (a) of this section shall entitle, but not obligate the employer to decline to
35 hire the applicant. An employee against whom conviction information related to this subsection has been
36 found may request that a copy of the criminal background report be sent to the employer who shall make
37 a determination regarding the continued employment of the employee.

38 (c) For purposes of this section "conviction" means, in addition to judgments of conviction entered
39 by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has
40 entered a plea of nolo contendere and has received a sentence of probation and those instances where a
41 defendant has entered into a deferred sentence agreement with the attorney general.

42 ~~**23-17.7.1-21. Immunity from liability.** — No employer who disqualifies an individual from
43 employment or continued employment within thirty (30) days of receipt of a letter containing disqualifying
44 information as defined in § 23-17.7.1-20 or of a criminal background report relating to that information
45 shall be liable for civil damages or subject to any claim, cause of action, or proceeding of any nature as a
46 result of the disqualification.~~

47 **SECTION 7.** Section 23-17.4-27 of the General Laws in Chapter 23-17.4 entitled "Assisted Living
48 Residence Licensing Act" is hereby amended to read as follows:

49 ~~**23-17.4-27. Criminal records review.** - (a) Any adult person seeking employment as a direct
50 patient access employee, whether compensated or not, in any assisted living residence licensed under
51 this act ~~and having routine contact with a resident or having access to a resident's belongings or funds~~
52 shall undergo a criminal background check as provided in chapter 42-9.4 ~~to be processed prior to or~~
53 ~~within one week of employment. All employees hired prior to the enactment of this section shall be~~
54 ~~exempted from the requirements of this section.~~~~

55 (b) The director of the department of health may by rule identify those positions requiring criminal
56 background checks. ~~The employee, through the employer, shall apply to the bureau of criminal~~

1 identification of the state police or local police department for a statewide criminal records check.
2 Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in §
3 23-17.4-30 and in accordance with the rule promulgated by the director of health, the bureau of criminal
4 identification of the state police or the local police department will inform the applicant in writing of the
5 nature of the disqualifying information; and, without disclosing the nature of the disqualifying information,
6 will notify the employer in writing that disqualifying information has been discovered.

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

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

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

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

20 **SECTION 8.** Chapter 23-17.4 of the General Laws entitled "Assisted Living Residence Licensing
21 Act" is hereby amended by repealing the following sections:

22 ~~**23-17.4-28. Prior criminal records checks.**—If an applicant for employment has undergone a
23 statewide criminal records check within eighteen (18) months of an application for employment, then an
24 employer may request from the bureau of criminal identification or local police a letter indicating if any
25 disqualifying information was discovered. The bureau of criminal identification will respond without
26 disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the
27 requirements of this chapter.~~

28 ~~**23-17.4-30. Disqualifying information.**—(a) Information produced by a criminal records review
29 pertaining to conviction, for the following crimes will result in a letter to the employee and employer
30 disqualifying the applicant from employment: murder, voluntary manslaughter, involuntary manslaughter,
31 first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on
32 persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery,
33 rape, burglary, or the abominable and detestable crime against nature) felony assault, patient abuse,
34 neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, larceny or
35 felony banking law violations. An employee against whom disqualifying information has been found may
36 request that a copy of the criminal background report be sent to the employer who shall make a judgment
37 regarding the continued employment of the employee.~~

38 (b) ~~For purposes of this section, "conviction" means, in addition to judgments of conviction
39 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
40 defendant has entered a plea of nolo contendere and has received a sentence of probation and those
41 instances where a defendant has entered into a deferred sentence agreement with the attorney general.~~

42 ~~**23-17.4-32. Immunity from liability.**—No employer who disqualifies an individual from employment
43 or continued employment within thirty (30) days of receipt of a letter containing disqualifying information
44 as defined in § 23-17.4-30 or of a criminal background report relating to disqualifying information shall be
45 liable for civil damages or subject to any claim, demand, cause of action or proceeding of any nature as a
46 result of the disqualification.~~

47 **SECTION 9.** Section 40.1-25.1-3 of the General Laws in Chapter 40.1-25.1 entitled "Employee
48 Criminal Records Check" is hereby amended to read as follows:

49 **40.1-25.1-3. Criminal records check requirement.** ~~—(a) Any facility or program licensed by the
50 department pursuant to § 40.1-24-1 et seq. and any facility or program operated by the department shall
51 require all adult applicants for employment, as a direct patient access employee, whether compensated
52 or not, if that employment involves routine contact with patients, residents or clients without the presence
53 of other employees, to apply to the bureau of criminal identification ~~of the state police or the local police
54 department for a nationwide criminal records check~~ for criminal background check as provided in chapter
55 42-9.4. ~~The check will conform to the applicable federal standards, including the taking of fingerprints of
56 the applicant.~~~~

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~~(b) If any disqualifying information is discovered with respect to the applicant, the bureau of criminal identification of the state police or the local police department will inform the employer, in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying nature has been discovered. In addition, 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. An applicant 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 employment of the applicant.~~

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

(d) The employer will maintain on file, subject to investigation by the department, evidence that criminal records checks in accordance with this statute have been initiated on all employees seeking employment after August 1, 2001 and the results of the checks. Failure to maintain the evidence on file will be prima facie grounds to revoke the license or certification of the operator of any facility or program licensed or certified by the department.

~~(e) It shall be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the national criminal records check for the applicant.~~

SECTION 10. Chapter 40.1-25.1 entitled "Employee Criminal Records Check" is hereby amended by repealing the following sections:

~~**40.1-25.1-4. Prior criminal records check.** If an applicant has undergone a national criminal records check within eighteen (18) months of an application for employment, then an employer may request from the bureau of criminal identification of the state police or the local police, a letter indicating if any disqualifying information was discovered. The bureau of criminal identification of the state police or the local police department shall respond without disclosing the nature of any disqualifying information. The letter shall be maintained on file to satisfy the requirements of this chapter.~~

~~**40.1-25.1-5. Destruction of fingerprint records.** At the conclusion of any background check required by this chapter, the state police or the local police department will promptly destroy the fingerprint card of the applicant.~~

SECTION 11. The Act shall take effect on March 1, 2012; however, section 2 of the Act shall take effect upon passage.

<input checked="" type="checkbox"/>	MOTION: To endorse the draft substitute for H 5628/S 828 Acts Relating to Human Services TF/JL Passed, BI No			
voting check off graphic				
 meeting graphic	Public Forums	Bob Cooper	4:00	
	Purpose/Goal: To listen to the concerns of people with disabilities and their families			
	Discussion: The dates and locations confirmed (as of 6/7/11) are:			
	Date	Time	Location	Host
	Monday 7/25	2:30 - 4:30 PM	Barrington Public Library's Gallery Room 281 County Road	Brain Injury Association of RI
	Tuesday 7/26	1 - 3 PM	Warwick Public Library's Community Rm 600 Sandy Lane	Ocean State Center for Independent Living
	Wednesday 7/27	10-noon	Cumberland Library's Hayden Meeting Center Room 1, 1464 Diamond Hill Road,	????
	Wednesday 7/27	2 - 4 PM	Middletown Public Library's Community Room, 700 West Main Road	Looking Upwards / Opportunities Unlimited
	Thursday 7/28	4 - 5 PM	Blackstone Valley Visitor Center 175 Main Street, Pawtucket	????

Date	Time	Location	Host
Wednesday 8/3*	3:30 - 5:30 PM	Independent Square 25 West Independence Way, Kingston	RI Parent Information Network
8/4 Thursday	5 - 7 PM*	RI Department of Administration Conference Rm A, 2 nd Floor, Providence	DOH, Office of Special Healthcare Needs

* Time is being changed from 3 - 5 to 5 - 7 for parking.

	Announcements	Linda Ward	4:20
	Agenda and Scheduling the Next Meeting	Linda Ward	4:25
<p>Items to be placed on the next meeting's agenda: Status of Legislative Package Planning for the Public Forums</p>			
<p>Next meeting will be on: July 11, 2011</p>			
	Adjournment	Linda Ward	4:30
	MOTION: To adjourn at 4:50 PM TF/BI Passed unanimously		