



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 August 15, 2011 3-4:30 PM

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

(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711

(e-mail) disabilities@gcd.ri.gov

(website) www.disabilities.ri.gov



meeting graphic

Attendees: Linda Ward (Chair.); William R. Inlow (Vice Chair.); Rebecca Boss; Sharon Brinkworth; Julie DeRosa; Roger Harris; Arthur M. Plitt; Gwendolyn Reeve; Joseph Reppucci; & Angelina Stabile

Absentees: Ray Bandusky; Rosemary C. Carmody; Linda Deschenes; Sarah Everhart Skeels; Timothy Flynn; Kathleen Heren; & Elaina Goldstein; Laura Jones; Jean Lawlor; Maureen Maigret; Kate McCarthy-Barnett; Paula Parker; Msgr. Gerard O. Sabourin; & Theresa Thaelke

Guests:

Staff:

Bob Cooper

	Agenda Topics	Moderator/Leader	Time
	Call to Order and Acceptance of the Minutes Chair calls the meeting to order at 3:12 PM Introductions of Commissioners and guests	Linda Ward, Chairperson	3:00
MOTION: To accept the minutes of the previous meeting as presented AP/SB passed unanimously			

Action Items:

	Commission's Legislative Package Purpose/Goal: To recommend recipients for the John E. Fogarty and Joseph Vanni Awards	Bob Cooper	3:05
---	--	------------	------

Discussion: The following Commission sponsored bills were enacted:

Expand the Sherlock (employee buy-in health care) Plan

- *Rep. Eileen Naughton, Deputy Vice Chair House Finance Committee (H 5618) and Sen. Walter Felag, 1st Vice Chair Senate Finance Committee (S 0301)*

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

- *Rep. John McCauley, Deputy Speaker ([H 5284](#)) and Sen. Paul Fogarty ([S 0206](#)), Chair Senate Labor Committee*

Repeal of laws: The annual reporting provisions of § 31-28-7.3 Disability parking enforcement program

- *Sen. Dennis Algieri ([S 0207](#)), Senate Minority Leader and Rep. Robert Jacquard ([H-5300](#)), member House Municipal Government Committee*

John E. Fogarty Memorial Award

The Governor's Commission on Disabilities created the John E. Fogarty Memorial Award to recognize the efforts of members of the RI General Assembly in enacting laws to improve the quality of life of the 172,000 Rhode Islanders with Disabilities. The Commission has been awarding its John E. Fogarty Memorial Award, since 1987.

John E. Fogarty, the US House of Representative member from the 2nd Congressional District of Rhode Island (1940 -1967) was a strong advocate for the rights of individuals with disabilities. Congressman Fogarty was a leader, nationally and in Rhode Island to bring individuals with disabilities residing in large impersonal institutions (such as Ladd Center) to the community. Congressman Fogarty, although originally elected as a "labor" candidate, following his appointment to chair the House Appropriations Committee's Subcommittee on Labor - Health, Education, and Welfare in 1949, became the nation's leading advocate for children with mental retardation, mental health, health care financing, and international/national health care research.

Last year we were unable to schedule the award ceremony for the following Joseph E. Fogarty Awards:

09 S 0783 Sub A as Amended (Chapter 96) Criminal Offenses - Persons With Disabilities Sponsor: Sen. William McCaffrey amended the state's civil rights laws so as to incorporate definitions and other changes made by the federal ADA Amendments Act.

09 H 5949 Sub A (Chapter 97) Criminal Offenses - Persons With Disabilities Sponsor: Rep. Donald Lally amended the state's civil rights laws so as to incorporate definitions and other changes made by the federal ADA Amendments Act.

10 S 2133 Sub A as Amended (Chapter 213) Highways - Accessible Crosswalks Sponsor: Sen. John Tassoni requires the installation of curb cuts and/or ramps at both ends of any pedestrian crosswalk; including all privately developed sidewalks and pedestrian crosswalks that will be turned over to cities and towns (by the developer) to also meet state standards.

10 H 7300 Sub A (Chapter 206) Highways-Accessible Crosswalks Sponsor: Rep. Brian Kennedy requires the installation of curb cuts and/or ramps at both ends of any pedestrian crosswalk; including all privately developed sidewalks and pedestrian crosswalks that will be turned over to cities and towns (by the developer) to also meet state standards.

10 H 7498 Sub A (Chapter 201) Public Utilities and Carriers - Wheelchair Accessible Transportation Sponsor: Rep. Elaine Coderre direct the Rhode Island public transit authority, in consultation with the division of public utilities and carriers and the governor's commission on disabilities to develop the "John J. MacDonald, Jr. Transportation Initiative" for a statewide federally funded "New Freedom Program" to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities that need wheelchair accessible transportation beyond the requirements of the Americans with Disabilities Act (ADA) of 1990, by September 30, 2010. The implementation of the "John J. MacDonald, Jr. Transportation Initiative" would begin on or before January 1, 2011.

10 S 2674 Sub A (Chapter 210) Public Utilities and Carriers - Wheelchair Accessible Transportation Sponsor: Sen. William Walaska direct the Rhode Island public transit authority, in consultation with the division of public utilities and carriers and the governor's commission on disabilities to develop the "John J. MacDonald, Jr. Transportation Initiative" for a statewide federally funded "New Freedom Program" to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities that need wheelchair accessible transportation beyond the requirements of the Americans with Disabilities Act (ADA) of 1990, by September 30, 2010. The implementation of the "John J. MacDonald, Jr. Transportation Initiative" would begin on or before January 1, 2011.

Joseph Vanni Memorial Award

In 1993 the Governor's Commission on Commission created the Joseph Vanni Memorial Award to recognize the role of the average citizen in the enactment and implementation of laws to improve the quality of life of the children and adults with disabilities.

Joseph Vanni was the founding director of the RI Handicapped Action Committee, a social advocacy organization. Mr. Vanni was also a member of the RI Governor's Committee on Employment of the Handicapped, the predecessor agency to the Governor's Commission on Disabilities, in the late '70s. Mr. Vanni taught individuals with disabilities how to advocate for themselves, through group and individual action. Mr. Vanni was the first client of the state's Office of Rehabilitation Service to be trained as a community organizer. Individuals awarded the Joseph Vanni Memorial Award demonstrate his commitment to social change through individual involvement, the hallmark of a democratic society.

The Commissioners discussed awarding the Joseph Vanni Award to the Personal Choice Program consumers whose advocacy successfully restore 1/2 of the funding.



voting check off graphic

MOTION: To recommend the following legislators receive the John E. Fogarty Award: **Expand the Sherlock (employee buy-in health care) Plan**

- *Rep. Eileen Naughton, Deputy Vice Chair House Finance Committee (H 5618) and Sen. Walter Felag, 1st Vice Chair Senate Finance Committee (S 0301)*

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

- *Rep. John McCauley, Deputy Speaker ([H 5284](#)) and Sen. Paul Fogarty ([S 0206](#)), Chair Senate Labor Committee*

Repeal of laws: The annual reporting provisions of § 31-28-7.3 Disability parking enforcement program

- *Sen. Dennis Algieri ([S 0207](#)), Senate Minority Leader and Rep. Robert Jacquard ([H-5300](#)), member House Municipal Government Committee, and try to schedule with arrival of the accessible taxicabs.*

AP/RH passed unanimously

MOTION: To recommend the following consumers receive the Joseph Vanni Award: Personal Choice Program (PARI) consumer advocates, AP/JDR passed unanimously.



Balancing Budget graphic

Performance Management Initiative / FY 2011 Annual Report / Operational Plan for FY 2012 & 2013

Bob Cooper, Executive Secretary

3:05

Purpose/Goal: To identify the FY 2011 achievements and barriers, and complete the Performance Management Initiative's Program Information Questionnaire.

**Office of Governor Lincoln D. Chafee
Performance Management Initiative
Program Information**

Governor's Commission on Disabilities

1) Name of program/initiative

Advocacy

2) What is the intended purpose of the program?

To arouse community interest in the concerns of people with disabilities. To get adopted policies that will make sure every person with disabilities: Is able to work; is able to live in her/his own (with least amount of help); and is involved in her/his neighborhood.

The Commission's second duty is to advocate. This is accomplished by speaking out and speaking up on the concerns of people with disabilities and their families. The Commission educates policy makers on the effect of bills and rules on people with disabilities and their families.

Every year the Commission's Legislation Committee reviews all bills into the General Assembly. The Legislation Committee has representatives of all the state health and human service departments, the Secretariat, consumer organizations, service providers, individuals with disabilities and parents. It determines the bills effect on people with disabilities and their families. The Commission issues impact statements on a wide range of legislation.

3) How does this relate to the department's overall mission?

The Commission is the **only** state agency whose mission (duty) is to advocate (speak up) for **all people with disabilities** and their families, for **their inclusion in all services & opportunities** and for **all ages; pre-natal care to hospice care:**

For their right to employment, education, and job training.

For their right to affordable health care and social services.

For their right to affordable housing, food and transportation.

For their right to be involved in their neighborhood, to vote, to be part of the community.

4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.

RIGL 42-51-6. Governor's Commission on Disabilities - Duties.

“It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:

(a) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state; [and]

(b) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development;”

42-51-9. Governor's Commission on Disabilities - Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state" means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities.

RIGL 42-66.3-8. Home and Community Care Services to the Elderly – Home and community care advisory committee.

“(a) There is established a permanent state committee to be known as the home and community care services advisory committee established for the purpose of advising the director of elderly affairs relative to the needs and concerns of home and community care services care recipients.”

5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)

No

6) Who is the primary customer (user/recipient/beneficiary) of the program?

User/Recipients:

- **The General Assembly:** The Commission reviews many bills each year. The Legislation Committee reviewed 363 bills, in 2009. Last year it only reviewed 177. On average, an impact statement is sent on one-quarter to one-third of the bills. These statements are sent to the bills' sponsors and appropriate committees, and the Governor's Office. The statements include amendments (changes) to deal with any harm or to increase the benefits of the bill to people with disabilities.
- The Legislation Committee and staff drafts bills at the request of members of the General Assembly. They also work with interested parties to resolve any differences. Members of the Commission and/or staff testify when requested.
- **The Governor's Office:** The Commission provides the Governor with disability policy choices.
- **Government policy makers** (at federal, state, and local levels): The Commission is active in the development and review of policies that may affect the lives of people with disabilities and their families.

Beneficiaries: The community of persons with disabilities and their families, providers and the general public.

7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.

The Governor, General Assembly, department and agency directors, people with disabilities and their families, advocacy organizations and service providers.

8) How is success for this program defined? What outcomes are you trying to achieve?

Reduction of the number of bills passed that have a potential negative impact on people with disabilities
 And the number of bills passed that have a potential positive impact on persons with disabilities.
 The measure includes all bills that the Commission took a position. The measure is related to the commission's stated role of advocating for the concerns of all people with disabilities, RIGL 42-51-6(a) & (b).

9) Are you currently collecting performance/outcome measurements for the program?

Yes. The Commission tracks the following:

- The # of bills the Legislation Committee review
- # of all bills the Commission/Legislation Committee took a position on
- # of all bills the Commission/Legislation Committee was successful
- % of Total bills successfully disposed

10) Do you have a corrective action plan for program underperformance?

Yes, within available budgetary & personnel resources

11) How frequently do you review the metrics?

Annually

12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.

Yes, during the last week in July (around the anniversary of the signing of the Americans with Disabilities Act – July 26th) the Commission and over 20 community organizations, government and non-governmental agencies conduct a series of public forums on the concerns of people with disabilities and their families to listen to the community and develop plans to address those concerns during the next several years. The 2011 public forum sponsors were:

13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)

0.58

14) Do you use any contract employees for program management, implementation or outcome assessment?

No

15) Are any FTEs or contractors federally funded, either partly or fully?

No

16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?

General Revenue	\$80,103
Restricted Receipts	\$9,108

17) Is the function similar to any other public function? In what way is it different?

No

18) Can the process or function be accomplished in another way, or by another party?

No

19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?

Yes.

FY 2011 Achievements

Outcome of Commission’s Legislation enacted 3 of 11:

- Expansion of the Sherlock (employee buy-in health care) Plan (H 5618 and S 0301)
- Updating RI’s Access Building Code to match the 2012 US Access Guidelines (H 5284 and S 0206)
- Repealing the annual reporting provisions of § 31-28-7.3 Disability parking enforcement program (S 0207 and H-5300)

Outcome of legislative advocacy:

- Reviewed 322 Acts and Budget Articles
- Took Positions on 106 Acts and Budget Articles
- Position Sustained on 61 Acts and Budget Articles, 58%
- Position Rejected on 45 Acts and Budget Articles, -42%

FY 2011 Barriers Blocking Achievements

Legislature’s priorities; state & federal budgetary issues, staffing

FY 2012/13 Goals

Monitor and ensure implementation of this year’s enacted Sherlock Buy-In by the statute’s deadlines

To enact the 2011 Commission’s legislation that was not enacted in 2011

To enact legislation coming from the 2011 Public Forums

20) When was the process or function last examined or changed?

Annual operation reviews are conducted each September.

 <small>voting check off graphic</small>	MOTION: To adopt the Performance Management Initiative’s Program Information Questionnaire, as revised above GR/AP passed unanimously.
--	---

 <small>meeting graphic</small>	Public Forums	Bob Cooper	4:00
Purpose/Goal: To review the conduct of the public forums and make recommendations for next year's forums.			
Discussion: All the forums were well attended, there were problems with the interpreters leaving after 15 - 20 minutes (taken care of after contact with CDHH); CART projected broke in Middletown; sign-up sheets, brochures, posters, etc. arrived late in Pawtucket. The only transcript that has not arrived is from Kingston.			
 <small>voting check off graphic</small>	Members decided To recommend the following changes in conducting the forums in 2012: Move Cumberland to Woonsocket next year. On next year's sign-in sheet ask "How did you hear about this?" Post hearing locations/dates/times earlier to organizations, community bulletin board, distribute on Ride van's, & social media		
 <small>Announcer graphic</small>	Announcements	Linda Ward	4:20
Sept. 9 - 11 th Pawtucket Arts Festival Sept. 10 th 2 - 7 National Roger William's Park - National Recovery Day Sept. 25 th Autism Walk Oct 22 nd 5-K Brain Injury Walk/Run Nov 12 th MS Crafts Sale			
 <small>calendar graphic</small>	Agenda and Scheduling the Next Meeting	Linda Ward	4:25
Items to be placed on the next meeting's agenda: Establishing working groups to review the public forum testimony			
Next meeting will be on: Monday September 19 th 3 - 4:30 PM.			
 <small>alarm clock graphic</small>	Adjournment	Linda Ward	4:30
 <small>voting check off graphic</small>	MOTION: To adjourn at 4:36 PM RH/AP Passed unanimously		