



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

Governor's Commission on Disabilities Legislation Committee

Monday May 14, 2012 3-4:30 PM

John O. Pastore Center, 41 Cherry Dale Court,
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 meeting graphic	<p>Attendees: Linda Ward (Chair.); William R. Inlow (Vice Chair.); Sharon Brinkworth; Regina Connor; Linda Deschenes; Arthur M. Plitt; Gwendolyn Reeve; & Angelina Stabile</p> <p>Absentees: Rosemary C. Carmody; Heather Daglieri; Julie DeRosa; Sarah Everhart Skeels; Timothy Flynn; Elaina Goldstein; Roger Harris; Kathleen Heren; Kate McCarthy-Barnett; Paula Parker; & Msgr. Gerard O. Sabourin; & Dawn Wardyga</p>		
Staff:	Bob Cooper, Executive Secretary & Jessica Burrows, EJS Legislative Fellow		
	Agenda Topics	Moderator/Leader	Time
 Clock graphic	Call to Order and Acceptance of the Minutes	Linda Ward, Chairperson	3:00
Chair calls the meeting to order at 3:08 Introductions of Commissioners and guests			
MOTION: To accept the minutes of the previous meeting as presented AP/AS unanimously			
Action Items:			
 law graphic	Status of the Commission's Legislative Package	Bob Cooper, Executive Secretary	3:05
<p>Purpose/Goal: To decide if the Commission's/Committee's findings need to be revised because of changes in bills.</p> <p>Discussion: 12 S 2446 & H 7739 Sub A ACTS RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES</p> <p>These acts would update some of the departments referenced in the original statute, as well as require one representative of service providers to adults with developmental disabilities and one representative of community-based providers of adult behavioral healthcare services, appointed by the director of BHDDH, to be present on the interagency transition council. Also, transition planning would be started by age 14, or younger if the individualized education plan (IEP) team deems it appropriate.</p> <p>This act shall take effect upon passage.</p> <p><i>The substitute retains the name of DCYF's Mental Health Services.</i></p> <p><i>DCYF now wants to remove the reference to Mental Health Services, just leaving DCYF as an entity that has a representative on the Interagency Transition Council.</i></p> <p>The Governor's Commission on Disabilities drafted these bills to improve the transition of students with disabilities from high school to adult services, college, or job training. To</p>			

often support services abruptly end at graduation, leaving the young adult and family floundering for months, and ground gained through the education system is lost before the young adult connects up with the appropriate adult support systems.

1 SECTION 1. Section 16-24-18 of the General Laws in Chapter 16-24 entitled "Children with Disabilities" is hereby
2 amended to read as follows:

3 **16-24-18. Transition from school to self-sufficient adulthood for students with disabilities.** -- (a) There is
4 established within the department of elementary and secondary education an interagency transition council (the
5 "transition council") composed of:

6 (1) The administrators or their designees of the following:

7 (i) Department of human services -- office of rehabilitation services;

8 (ii) Department of ~~mental health, retardation~~ [behavioral healthcare, developmental disabilities](#) and hospitals --
9 division of developmental disabilities;

10 (iii) Department of ~~mental health, retardation~~ [behavioral healthcare, developmental disabilities](#) and hospitals --
11 division of ~~mental health~~ [behavioral healthcare](#);

12 (iv) Department of children, youth, and families -- **mental health services**;

13 (v) Department of elementary and secondary education -- ~~special education~~ office of [student, community and](#)
14 [academic supports](#);

15 (vi) Department of elementary and secondary education -- ~~vocational~~ [office of adult and career](#) and technical
16 education;

17 (vii) Department of labor and training -- human resource investment council;

18 (viii) Department of health -- division of [community, family health, and equity](#); and

19 (2) Commissioner of higher education or his or her designee; and

20 (3) Two (2) young persons with disabilities, two (2) parents of young persons with disabilities, and two (2)
21 representatives of local school districts and one transition coordinator from one of the regional educational
22 collaboratives, appointed by the ~~governor~~ [commissioner of elementary and secondary education](#).

23 [\(4\) One representative of community-based providers of services to adults with developmental disabilities and one](#)
24 [representative of community-based providers of adult behavioral healthcare services, appointed by the director of](#)
25 [the department of behavioral healthcare, developmental disabilities and hospitals.](#)



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MOTION: To continue support of 12 S 2446 & H 7739 Sub A ACTS
RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (with the
2nd DCYF amendment) AS/AP passed Abstained LD

**Discussion: 12 S 2730 As Amended & H 7839 ACTS RELATING TO CRIMINAL
OFFENSES - ASSAULTS**

These acts would replace references to the department of mental health, retardation, and hospitals with the department of behavioral healthcare, developmental disabilities and hospitals in the criminal assault and abuse laws protecting adults with severe impairments. The act would also require a statewide toll free, twenty-four (24) hour a day, seven (7) day a week telephone line, to report abuse, neglect, and exploitation and/or request crisis intervention and/or supportive services for adult victim with severe impairments. The act would clarify the right of an adult victim with severe impairments of an assault, to refuse crisis intervention and/or supportive services.

This act would take effect on July 1, 2012.

The Floor Amendment makes 2 changes: 1) retains "may" instead of "shall" with regards to police departments contacting the crisis intervention hotline, and 2) replaces "provide" with "recognize ... quality assurance hotline operated by the department of behavioral healthcare developmental disabilities and hospitals," the 24 hour crisis intervention hotline.

The Commission drafted this bill to creating a single emergency hot line for reporting abuse, assaults, and neglect for adults with severe disabilities, and to update references to the Department of Mental Health, Developmental Disabilities, and Hospitals.

- 1 (e) After July 1, 2007 pursuant to section 40-8.5-2, the local police department **may** request the department of ~~mental~~
 2 ~~health, retardation,~~ [behavioral healthcare, developmental disabilities](#) and hospitals provide crisis intervention services
 3 for the adult victim with severe impairments when:
 4 (1) Necessary to ensure the immediate health and safety of the adult victim; ~~and~~
 5 (2) The adult victim relies on the person believed to have committed the assault and/or battery, for assistance in
 6 performing three (3) or more major life activities; and
 7 (3) After the victim is informed of his or her right to refuse crisis intervention and/or supportive services.
 8 ++++++
- 9 (e) The secretary shall recognize the statewide toll free, twenty-four (24) hour a day, seven (7) days quality
 10 assurance hotline operated by the department of behavioral healthcare developmental disabilities and hospitals, and
 11 authorized pursuant to section 40.1-26-10, for the use of the general public to report abuse, neglect, and exploitation
 12 and/or request crisis intervention and/or supportive services for adult victims with severe impairments.



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MOTION: To continue support of 12 S 2730 As Amended & H 7839 ACTS RELATING TO CRIMINAL OFFENSES - ASSAULTS (once amended to match S 2730 as Amended) WI/GR passed Abstained LD

Discussion: 12 H 7734 & S 2866 ACTS RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT

This act would require that individuals who are providing personal care attendant services (assistance with daily living, homemaking and companionship that allow an individual with a disability to live at home) be certified. A complaint process would be established, as well as penalties for practicing without certification and providing false information when applying for a certificate. It also would require that the consumer is made aware of their rights when services begin and on an annual basis thereafter. Individuals who have a clean criminal background check and have worked 300 hours or more in Rhode Island before January 31, 2013 will be issued a certificate. This act does not apply to individuals who are providing similar services on an unpaid basis.

This act shall take effect on January 1, 2013.

Legislation Committee finds this bill Beneficial. In-home personal care assistance is often provided with no-one in the home other than the consumer and the provider. The potential for abuse is great. Ensuring properly trained providers who have undergone a criminal background check, may reduce that potential.

Attorney General's Office comment on the PCA bill, we submitted the Sub A that I sent you via email on April 25.



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MOTION: To find harmful unless amended to incorporation the changes the Commission requested in the BCI bills (H 7806 & S 2904) in addition to the changes in the draft sub A of 12 H 7734 & S 2866 ACTS RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT AP/GR passed, Abstained LD

Discussion: 12 H 7323 Art. 31 AN ARTICLE RELATING TO MEDICAID REFORM ACT OF 2008

This article requests general assembly approval of the following proposals to amend the demonstration:

(a) Elimination of Adult Dental Services. The Medicaid agency proposes to eliminate the optional dental benefit coverage for Medicaid beneficiaries aged twenty-one (21) and older. Emergency and palliative services dental services would be retained when deemed medically necessary.

(b) Nursing Home Rate Reduction. The Medicaid agency proposes, at its discretion, to reduce nursing home per-diem reimbursement rates that would otherwise be in effect for FY 2012 and FY 2013, however, the decrease would be no greater than 1.8 percent. It

clarify that the reduction taken in FY 2010 impacted the base rate assumed for the facilities. The FY 2012 enacted budget assumed this reduction, but without this legislation it appears approximately \$5.9 million from all sources would be required in both years. (c) Medicaid Managed Care Plan Refinements - New Components. The Medicaid single state agency proposes to reduce hospital readmissions, promote better health and nutrition and encourage non-invasive approaches to address obesity by incorporating a nutritional education and exercise component into the benefit package offered to certain Medicaid beneficiaries.

The Governor's Amendment add two subsections to the Resolution. The first subsection reduces payments for durable medical equipment provided to beneficiaries to 85 percent of the Medicare payment rate, while the second subsection provides that the Medicaid Agency shall pursue any requirements and/or opportunities established under the Affordable Care Act of 2010.

The Commission opposes the elimination of adult dental services, for the reasons cited in our testimony on Article 17.

Our concern with the nursing home rate reductions as proposed is how do we maintain quality care; good preventative care; and individualized care to each resident. All nursing home residents are not alike. One-size will not fit all. A 3.6% rate reduction on top of the change in the methodology of nursing home reimbursement, will have a negative impact of services, as we are seeing with the changes brought about by the reimbursement of services to adults with developmental disabilities.



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MOTION: To continue opposition of 12 H 7323 Art. 31 AN ARTICLE RELATING TO MEDICAID REFORM ACT OF 2008, with the Governor's Amendment GR/AP passed, Abstained LD

Discussion: 12 H 7806 & S 2904 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT

These acts would create a new chapter entitled "Criminal Background Check Act" that would provide for national background checks for all persons applying to be direct patient access employees in a long-term care facility or provider, including, but not limited to, those facilities licensed under chapters 23-17, 23-17.4, 23-17.7.1 and 40.1-24.

This act would take effect on January 1, 2013.

Attorney General's Office comment for the Background Check Grant, OHHS is working on amendment, I have sent it to grant consultants for initial approval, but more changes will still be made I believe. OHHS is waiting for their departments to get back to them.

Discussion: 12 H 7555, H 7838 & S 2652 ACTS RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS

These acts would make various amendments to the access to public records act, including: making public all records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, including and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files unless individually-identifiable records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

It also would amend the access to public records requirements by ordering compliance with a request to take place within seven (7) business days and up to an additional twenty (20) business days once it is shown that the request is of a voluminous nature.

This act would take effect on September 1, 2012.

The Legislation Committee finds the bills harmful. Repealing the existing exemption from public inspection of records that identify individual patients, school students, or clients will devastate health, human services and education and will have a direct impact on people with disabilities and public and private agencies. Confidentiality is critical to establishing a level of trust, that is essential to proper treatment, in health care and counseling. Without an assurance that confidentiality will be honored, vital information is withheld and it is impossible to ensure that proper course of treatment is prescribed. The bill's post-facto revocation of confidentiality will scare families away from seeking critical services in times of crisis. Rather than seeking assistance early, they will wait until too late, until serious harm or death occurs.

The bill should be amended by retaining on page 2 lines 12 through 17 the following:

"(A)(I)(a) All records which are identifiable to an individual applicant for benefits, client, patient, or student, including, but not limited to, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, or student performance."

On page 2 lines 14 & 15, In addition to lawyer/client and doctor/patient relationships, the act should also exempt clergy counseling relationships for government chaplains.

Attorney General's Office comment today was both the House and the Senate are working on Sub A's individually, so I can't really provide on update to that at this point, as I haven't seen the Sub A.

Discussion: 12 H 7573 AN ACT RELATING TO INSURANCE - PRESCRIPTION DRUG BENEFITS

This act would prohibit insurers from requiring a patient to pay more than 500% of the lowest co-pay available for tier IV, tier V or specialty medications. Furthermore, these expenses shall either be counted towards a total out-of-pocket limit for benefits or shall not exceed \$1,000 for an individual and \$2000 for a family per year. This provision does not apply to limited benefit plans.

Elizabeth White of Advocacy Solutions LLC (on behalf of Pfizer) "Rep. Keable is working with the attached Sub A language on the specialty tiers bill (H7573). Sen. Miller is willing to introduce this language as a bill - I think it may help if you reached out to let him know about the Governor's Commission on Disabilities' support and willingness to testify in support of this bill if/when the bill is introduced and scheduled for a hearing. Please let me know if you're willing to do that - I suggested the same thing to Meredith from the MS Society, to help push Sen. Miller to introduce this soon."

The Commission supports. Life sustaining medications that are unaffordable are of no use to people with severe impairments. With affordable medicines they can remain productive members of their community. Without the medicine they will end up needing government financial support and healthcare services.



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MOTION: To find beneficial the draft Sub A - Health Insurance Commissioner conduct a study 12 H 7573 AN ACT RELATING TO INSURANCE - PRESCRIPTION DRUG BENEFITS if amended to require public comment/hearing GR/AP passed, abstained LD



New Bill - Review Requested

Bob Cooper

4:00

Purpose/Goal:

Discussion: 12 S 2214 & H 7483 ACTS RELATING TO MOTOR AND OTHER VEHICLES - PASSING, USE OF LANES, AND RULES OF THE ROAD

These acts would provide a penalty of traffic safety classes, 10-200 community service hours, license suspension for one year, and a fine between \$85.00 and \$5,000 for failing to exercise due care to avoid colliding with a vulnerable road user, resulting in injury or death. A vulnerable road user includes a person using a wheelchair (motorized or not), emergency responders on duty, a highway worker on duty, a person on a skateboard, or using inline or roller skates, or riding on an animal.

This act would take effect upon passage.

Barry Shiller of the Coalition for Transportation Choices has asked the Commission to support this bill.

1-1 SECTION 1. Chapter 31-15 of the General Laws entitled "Passing, Use of Lanes, and
1-2 Rules of the Road" is hereby amended by adding thereto the following section:

1-3 **31-15-19. Unsafe passing of a vulnerable road user.** – (a) This section shall be known
1-4 and may be cited as "Frank's Law".

1-5 (b) For purposes of this section, "vulnerable road user" means: (1) A pedestrian; (2) A
1-6 bicyclist; (3) A police officer or emergency responder on duty while outside of a vehicle; (4) A
1-7 highway worker performing duties outside a vehicle; (5) A person riding on or driving a
1-8 wheelchair, motorized or not; (6) A person using a skateboard, inline skates, or rollerskates; (7) A
1-9 person riding on or driving an animal.

1-10 (c) Notwithstanding any other provision of the general or public laws to the contrary, any
1-11 person, while operating a motor vehicle on a street or highway, who fails to exercise due care to
1-12 avoid colliding with a vulnerable road user causing physical injury or death to the vulnerable road
1-13 user shall be guilty of an offense pursuant to this section and shall be sentenced in addition to any
1-14 other applicable criminal or civil statute as follows:

1-15 (1) To complete a traffic safety training session to be determined by the sentencing judge;

1-16 (2) To perform not less than ten (10) and not more than two hundred (200) hours of
1-17 community service;

1-18 (3) A suspension of his or her motor vehicle operator's license for a period of more than
1-19 one year; and

2-1 (4) A fine of not less than eighty-five dollars (\$85.00) and not more than five thousand
2-2 dollars (\$5,000).

2-3 Said fines and/or penalties are in addition to any other applicable criminal or civil
2-4 penalties provided by the general laws.

2-5 (d) Any person required to perform community service or traffic safety training pursuant
2-6 to this section shall complete such training session and perform such community service within
2-7 one year of the date of sentencing. If the court determines that such person has not successfully
2-8 completed the training session and performed the community service, the court shall grant the
2-9 person an extension for good cause shown, or impose an additional fine of not more than five
2-10 thousand dollars (\$5,000) and suspend such person's motor vehicle operator's license for a period
2-11 of not more than one year.

2-12 SECTION 2. This act shall take effect upon passage.



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The Committee took no position on 12 S 2214 & H 7483 ACTS RELATING TO MOTOR AND OTHER VEHICLES - PASSING, USE OF LANES, AND RULES OF THE ROAD

 <small>meeting graphic</small>	Public Forums		
Purpose/Goal: To spread the word about the public forums earlier this year.			
Discussion: The dates, times and locations have been scheduled. We are still looking for hosts for many of the forums:			
<p style="text-align: center;">Monday July 23, 2012 6 - 8 pm Warwick Public Library's Community Room, 600 Sandy Lane, Warwick Hosted by the Ocean State Center for Independent Living</p>			
<p style="text-align: center;">Tuesday July 24, 2012 3 - 5 pm Barrington Public Library's Gallery Room, 281 County Road, Barrington Hosted by the Brain Injury Association of RI</p>			
<p style="text-align: center;">Tuesday, July 24, 6-8 PM South Providence Library, 441 Prairie Avenue, Providence Hosted by? Try Dorcas Place, International Institute and Get Spanish Interpreter</p>			
<p style="text-align: center;">Wednesday July 25, 2012 3-5 pm South Kingstown Public Library. 1057 Kingstown Road, Peace Dale Hosted by the National MS Society, Rhode Island Chapter</p>			
<p style="text-align: center;">Thursday July 26, 2012 3- 5 pm Woonsocket Harris Public Library, 303 Clinton Street, Woonsocket Hosted by [REDACTED]</p>			
<p style="text-align: center;">Friday July 27, 2012 3 - 5 pm Middletown Public Library's Community Room, 700 West Main Road, Middletown Hosted by Looking Upwards & Opportunities Unlimited for People with Differing Abilities</p>			
<p>The Statewide Independent Living Council would like to be able to present a 10 minute PowerPoint presentation of the survey at each forum, if possible, prior to distributing the survey flyer. In return they would cover up to about \$800 of advertising, but the RISILC survey would need to be included in the advertisement in order to justify the expense to the feds.</p>			
 <small>voting check off graphic</small>	MOTION: To accept the RI Statewide Independent Living Council's request to make a 10 minute presentation and distribute their survey at each of the forums (at the end of the forum). WI/AP passed unanimously		
 <small>Announcer graphic</small>	Announcements	Linda Ward	4:20
 <small>calendar graphic</small>	Agenda and Scheduling the Next Meeting	Linda Ward	4:25
Items to be placed on the next meeting's agenda: 1. Status of Commission's Legislative Package 2. Public Forums			
Next meeting will be on: Monday June 11, 2012 @ 3 PM			



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Adjournment

Linda Ward

4:30



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MOTION: To adjourn at 4:30 AS/AP passed unanimously