



# Governor's Commission on Disabilities Legislation Committee Minutes

## Monday, January 14, 2013 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](mailto:disabilities@gcd.ri.gov)  
(website) [www.disabilities.ri.gov](http://www.disabilities.ri.gov)



**Attendees:** Linda Ward (Chair.); Bill Inlow (Vice Chair.); Sharon Brinkworth, Rosemary C. Carmody, Regina Connor, Joseph Cirillo\*, Heather Daglieri, Timothy Flynn, Casey Gartland, Kathleen Heren, Paula Parker\*, Arthur M. Plitt, Angelina Stabile, & Dawn Wardyga

**Absent:** Michael Burk, Julie DeRosa, Linda Deschenes, Sarah Everhart Skeels, Elaina Goldstein, Kate McCarthy-Barnett, Meredith Sheehan, Msgr. Gerard O. Sabourin,

**Guests:** Joe Lindbeck (Atty. Gen.), Chris Hunter (Advocacy Solutions)

**Staff:** Bob Cooper



Clock graphic

**3:00 Call to Order and Acceptance of the Minutes, Linda Ward, Chair**

Chair calls the meeting to order at 3:06  
Introductions of Commissioners and guests



voting check off graphic

**MOTION:** To accept the minutes of the previous meeting as presented  
TF/JC passed unanimously

### Action Items:

Insert graphic

**3:05 Commission's Legislative Package, Bob Cooper, Executive Secretary**

**Purpose/Goal:** To finalize draft bills for the Commission's Legislative Package

Issue	Approach
<p>1) <b>Transportation to Employment</b>, job training, education, health care, etc.</p> <ul style="list-style-type: none"> <li>a) Maintain the existing RIPTA/RIde service areas;</li> <li>b) Adequate funding/new &amp; stable funding source;</li> <li>c) Expand the RIPTA/RIde service areas/hours beyond the existing service/hours</li> </ul>	<p>Support RI Coalition for Transportation Choices' funding efforts and encouraging a phased in funding approach</p>
<p>2) <b>Global Medicaid Consumer Choice Waiver</b>; making sure the 2008 level of services stay in place for persons with severe disabilities:</p> <ul style="list-style-type: none"> <li>a) Restore the 2008 Katie Beckett and children with autism spectrum disorders eligibility rules;</li>   <li>b) Restore the right to medically necessary brand name drugs without requiring two generic failures before allowing brand name;</li> </ul>	<p>Support advocates for restoration of the Katie Beckett and autism spectrum disorder eligibility rules<sup>1</sup> Support advocates working on the right to medically necessary</p>

<sup>1</sup> Designated Dawn Wardyga to be the Commission's lead advocate on Katie Beckett program

Issue	Approach
<p>c) Improve services for adults with autism spectrum disorders;</p> <p>d) Retain multiple behavioral healthcare service delivery models;</p> <p>e) Maintain developmental disability service funding; and</p> <p>f) Post-Global Medicaid Consumer Choice Waiver Transition Plan</p>	<p>brand name drugs</p> <p>Support advocates working on legislation to improve services to adults with autism spectrum disorders</p> <p>Support advocates working on retaining multiple behavioral healthcare service delivery models<sup>2</sup></p> <p>Support advocates working on retaining developmental disability service funding<sup>3</sup></p> <p>Arrange for a subcommittee to meeting with EOHHS Secretary, monitor the development of the state's proposal to CMS and comment on the draft proposal<sup>4</sup></p>
<p>3) <b>Housing Supports</b> and other services for people with behavioral health concerns:</p> <p>a) Restore the Neighborhood Opportunities Program funding; and</p> <p>b) Create a supportive housing program; and</p> <p>c) Expansion of Affordable Housing - require at least 2 additional affordable housing units for cities and towns that have not met the affordable housing goals</p>	<p>Support RI Coalition for the Homeless' efforts to establish a stable funding source for the Neighborhood Opportunities Program &amp; supportive housing</p>
<p>4) Require Health Insurance Plans to cover <b>specialty drug</b> (Tier 4 Drug Category) in Tier 3</p>	<p>Support the National Multiple Sclerosis Society's efforts to require specialty drugs to be covered in Tier 3<sup>5</sup>.</p>
<p>5) Refocusing State and Municipal <b>Disability Pension Systems</b> to become Reemployment</p>	<p>Revise last year's bill with assistance from the Governor and General Treasurer's offices &amp; government employee unions</p>
<p>6) <b>Accessibility to Services:</b></p>	<p>Support Commission on</p>

<sup>2</sup> Designated Jon DuPre to be the Commission's lead advocate on behavioral healthcare services

<sup>3</sup> Designated Bob Cooper to be the Commission's lead advocate on developmental disability services

<sup>4</sup> Designated Bob Cooper to be the Commission's lead advocate on post global Medicaid consumer choice waiver transition plans

<sup>5</sup> **Chris Hunter of Advocacy Solutions will make a presentation of their Specialty Drug legislation at 3:45 PM.**

Issue	Approach
a) Provide interpreter services for ancillary healthcare programs or supports (including peer supports); and b) Provide closed captions of all Capitol Television programming	the Deaf and Hard of Hearing's funding efforts

Draft Bill Refocusing the State and Municipal Disability Pension Systems to become  
Reemployment Programs

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Sections 16-16-14, 16-16-16 and 16-16-19 of the General Laws in Chapter 16-16 entitled  
 2 "Teachers' Retirement" are hereby amended to read as follows:
- 3 **§ 16-16-14. Retirement for ordinary disability.** - (a) Application for ordinary disability may be made by a  
 4 teacher, his or her department head, or a person acting in the teacher's behalf, while in active service or on  
 5 leave of absence for illness, provided that the teacher has had five (5) or more years of total service of  
 6 which at least three (3) consecutive years shall have been as a teacher, and the teacher is not entitled to a  
 7 regular service retirement allowance. A statement from a physician shall accompany the application stating  
 8 that the teacher is physically or mentally incapacitated for the performance of ~~duty~~ [duties of the position](#)  
 9 [with or without reasonable accommodation](#) and that he or she should be retired.
- 10 (b) A medical examination of the teacher shall be made by three (3) physicians engaged by the  
 11 retirement board for this purpose, and should the medical examination show that the teacher is physically  
 12 or mentally incapacitated for the performance of duty and ought to be retired, the physicians shall so report  
 13 and certify to the retirement board and the retirement board, may retire the teacher for ordinary disability.
- 14 (c) The retirement board shall establish uniform eligibility requirements, standards, and criteria for  
 15 ordinary disability which shall apply to all members who make application for retirement for ordinary  
 16 disability.
- 17 [\(d\) The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative](#)  
 18 [employment and section 28-33-47 reinstatement of injured worker.](#)
- 19 **§ 16-16-16. Retirement for accidental disability.** - (a) Medical examination of an active teacher for  
 20 accidental disability, and investigation of all statements and certificates by him or her or in his or her behalf  
 21 in connection with the accidental disability, shall be made upon the application of the head of the  
 22 department in which the teacher is employed or upon application of the teacher, or of a person acting in his  
 23 or her behalf, stating that the teacher is physically or mentally incapacitated for the performance of service  
 24 as a natural and proximate result of an accident, while in the performance of duty, and certify the definite  
 25 time, place, and conditions of the duty performed by the teacher resulting in the alleged disability, and that  
 26 the alleged disability is not the result of willful negligence or misconduct on the part of the teacher, and is  
 27 not the result of age or length of service, and that the teacher should is physically or mentally incapacitated  
 28 for the performance of duties of the position with [with or without reasonable accommodation](#), therefore, be  
 29 retired.
- 30 (b) The application shall be made within five (5) years of the alleged accident from which the injury has  
 31 resulted in the teacher's present disability, and shall be accompanied by an accident report and a  
 32 physician's report certifying to the disability; provided, that, if the teacher was able to return to his or her  
 33 employment and subsequently reinjures or aggravates the same injury, the application shall be made  
 34 within the later of five (5) years of the alleged accident or three (3) years of the reinjury or aggravation. The  
 35 application may also state that the teacher is permanently and totally disabled [with or without reasonable](#)  
 36 [accommodation](#) from any employment.
- 37 (c) If a medical examination conducted by three (3) physicians engaged by the retirement board, and any  
 38 investigation that the retirement board may desire to make, shall show that the teacher is physically or  
 39 mentally incapacitated for the performance of service as a natural and proximate result of an accident,  
 40 while in the performance of duty, and that the disability is not the result of willful negligence or misconduct  
 41 on the part of the teacher, and is not the result of age or length of service, and that the teacher has not  
 42 attained the age of sixty-five (65) years, and that the teacher should be retired, the physicians who  
 43 conducted the examination shall so certify to the retirement board stating the time, place, and conditions of  
 44 service performed by the teacher resulting in the disability, and the retirement board may grant the teacher  
 45 an accidental disability benefit.

1 (d) The retirement board shall establish uniform eligibility requirements, standards, and criteria for  
2 accidental disability which shall apply to all members who make application for accidental disability  
3 benefits.

4 (e) The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative  
5 employment and section 28-33-47 reinstatement of injured worker.

6 **§ 16-16-19. Reexamination of disability beneficiaries - Reduction of benefit - Reinstatement to active**  
7 **service.** - (a) Once each year the retirement board may, and upon his or her application shall, require any  
8 disability beneficiary under the minimum age of service retirement to undergo a medical examination, the  
9 examination to be made at the place of residence of the beneficiary, or other place mutually agreed upon,  
10 by a physician or physicians engaged by the retirement board. If the examination indicates that the  
11 beneficiary is able to engage in a gainful occupation, his or her name shall be placed on appropriate lists of  
12 candidates prepared for appointment to positions in his or her department or agency for which he or she is  
13 stated to be qualified, of a salary grade not exceeding that from which he or she was last retired. Should  
14 the beneficiary be engaged in a gainful occupation with or without reasonable accommodations, or should  
15 he or she be offered service as a result of the placing of his or her name on a list of candidates, the  
16 retirement board shall adjust, and, from time to time readjust, the amount of his or her disability benefit to  
17 an amount which shall not exceed the rate of benefit upon which he or she was originally retired, and  
18 which, when added to the amount then earnable by him or her, shall not exceed his or her rate of annual  
19 compensation currently for the classification that the disability annuitant held prior to retirement. Should  
20 any disability beneficiary under the minimum age of service retirement refuse to submit to one medical  
21 examination in any year by a physician or physicians designated by the retirement board, his or her benefit  
22 shall be discontinued until his or her withdrawal of the refusal, and should his or her refusal continue for  
23 one year, all his or her rights in and to the benefit shall be revoked by the retirement board. A disability  
24 beneficiary, reinstated to active service, shall be reinstated as a member and participate in the rights of the  
25 retirement system, to the same extent as any other teacher.

26 (b) The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative  
27 employment and section 28-33-47 reinstatement of injured worker.

28  
29 SECTION 2. Chapter 16-16 entitled "Teachers' Retirement" is hereby amended by adding the following  
30 section:

31 **§16-16-44. Reinstatement of disabled teacher.** - (a) A teacher who absent as a result of the ordinary or  
32 accidental disability shall be reinstated by the teacher's employer to the teacher's former position of  
33 employment upon written demand for reinstatement, if the position exists and is available and the teacher  
34 is not disabled from performing the duties of the position with reasonable accommodation made by the  
35 employer in the manner in which the work is to be performed. A teacher's former position is "available"  
36 even if that position has been filled by a replacement while the teacher was absent as a result of the  
37 ordinary or accidental disability. If the former position is not available, the teacher shall be reinstated in any  
38 other existing position that is vacant and suitable. A certificate by the treating physician that the physician  
39 approves the teacher's return to the teacher's regular employment or other suitable employment shall be  
40 prima facie evidence that the teacher is able to perform the duties.

41 (b) The right of reinstatement shall be subject to the provisions for seniority rights and other employment  
42 restrictions contained in a valid collective bargaining agreement between the employer and a  
43 representative of the employer's employees, and nothing shall exempt any employer from or excuse full  
44 compliance with any applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 12101 et  
45 seq., and chapter 87 of title 42.

46  
47 SECTION 3. Sections 28-31-5 and 28-31-6 of the General Laws in Chapter 28-31 entitled "Workers'  
48 Compensation - State and Municipal Employees" is hereby amended to read as follows:

49 **§ 28-31-5. Payment of benefits for state employees.** - (a) The expenses incurred for and in behalf of the  
50 state under the provisions of §§ 28-31-3, 28-33-5, 28-33-12, 28-33-16, 28-33-17, 28-33-18, 28-33-19, 28-  
51 33-34, 28-33-35, 28-33-36, 28-33-37, and 28-33-39 and for benefits similar to the benefits provided for  
52 employees of employers other than the state under the provisions of § 28-37-8 as determined by a prior  
53 agreement or settled as provided by § 28-31-4 or by the department's preliminary determination or decree  
54 of the workers' compensation court, shall be paid out of any money in the state treasury not otherwise  
55 appropriated and the state controller shall draw his or her order or orders upon the general treasurer for

1 the payment of the claim in accordance with the provisions of the agreement, preliminary determination, or  
2 decree upon receipt by the controller of a copy of the agreement or preliminary determination certified by  
3 the director or of a copy of the decree certified by the administrator of the workers' compensation court.

4 (b) Payments for continuing total incapacity until the employee's total incapacity has ended or until his or  
5 her death similar to the payments which are provided for employees of employers other than the state by §  
6 28-37-8 shall in the case of an employee of the state be paid out of any money in the state treasury not  
7 otherwise appropriated.

8 (c) Benefits similar to the provisions of § 28-37-8 shall be paid to employees of the state whose final  
9 payment attaining the maximum limit for compensation for total incapacity as provided by § 28-33-17 is  
10 paid subsequent to January 1, 1969 and who continue to be totally incapacitated for work due to an injury  
11 sustained while employed by the state.

12 (d) The provisions of this section are subject to the provisions of § 28-33-18.2 [suitable alternative](#)  
13 [employment, and section 28-33-47, reinstatement of injured worker.](#)

14 **§ 28-31-6. Payment of benefits for municipal employees - Action for collection.** - (a) The expenses  
15 incurred for and in behalf of any town or city under the provisions of §§ 28-31-3 and 28-33-5 - 28-33-11,  
16 and the amount of compensation due an employee of a town or city as determined by an agreement with  
17 or paid by that town or city, or by the department's preliminary determination or decree of the workers'  
18 compensation court, shall be paid by the treasurer of that town or city out of any money of the town or city  
19 in its hands.

20 (2) The payment shall be made by the treasurer upon receipt by him or her of a certificate of those  
21 expenses satisfactory to him or her, or of a certified copy of the agreement, preliminary determination, or  
22 decree under which the compensation is to be paid; provided, that he or she shall not make any payment  
23 until the payment has been approved by the auditor of the city or town if there is any such officer, and if  
24 there is not any such officer, then payment shall first be approved by the mayor of the city or the president  
25 of the town council of the town.

26 (3) If more than one payment of money is made or required by any agreement, preliminary  
27 determination, or decree, the payments shall be made in the manner provided in this section as they  
28 become due.

29 (4) If any expenses or compensation required to be paid by a town or city under the provisions of  
30 chapters 29 - 38 of this title or any installment of them is not paid within twenty (20) days after the  
31 certificate or certified copy is filed with the treasurer of the town or city, the expenses or compensation may  
32 be collected in the manner in which a judgment against a town or city may be collected under the  
33 provisions of §§ 45-15-5 - 45-15-7.

34 (b) The provisions of this section are subject to the provisions of § 28-33-18.2 [suitable alternative](#)  
35 [employment, and section 28-33-47, reinstatement of injured worker.](#)

36

37 SECTION 4. Chapter 28-31 entitled "Workers' Compensation - State and Municipal Employees" is  
38 hereby amended by adding the following section:

39 **§ 28-31-16. Reinstatement of disabled employee.** - (a) [A employee who has sustained a compensable](#)  
40 [injury shall be reinstated by the employee's employer to the employee's former position of employment](#)  
41 [upon written demand for reinstatement, if the position exists and is available and the employee is not](#)  
42 [disabled from performing the duties of the position with reasonable accommodation made by the employer](#)  
43 [in the manner in which the work is to be performed. A employee's former position is "available" even if that](#)  
44 [position has been filled by a replacement while the employee was absent as a result of the ordinary or](#)  
45 [accidental disability. If the former position is not available, the employee shall be reinstated in any other](#)  
46 [existing position that is vacant and suitable. A certificate by the treating physician that the physician](#)  
47 [approves the employee's return to the employee's regular employment or other suitable employment shall](#)  
48 [be prima facie evidence that the employee is able to perform the duties.](#)

49 [\(b\) The right of reinstatement shall be subject to the provisions for seniority rights and other employment](#)  
50 [restrictions contained in a valid collective bargaining agreement between the employer and a](#)  
51 [representative of the employer's employees, and nothing shall exempt any employer from or excuse full](#)  
52 [compliance with any applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 12101 et](#)  
53 [seq., and chapter 87 of title 42.](#)

54

1 SECTION 5. Section 36-4-39 of the General Laws in Chapter 36-4 entitled "Merit System" are hereby  
2 amended to read as follows:

3 **§ 36-4-39. Retirement or transfer to light duty.** - (a) When an employee has become physically or  
4 mentally incapable of or unfit for the efficient performance of the duties of his or her position with or without  
5 reasonable accommodation by reason of infirmities due to advanced age or other disability, it shall be the  
6 duty of the appointing authority to transfer the employee to less arduous duties or to order his or her  
7 retirement. The appeal procedure established for dismissals shall apply to retirements ordered under  
8 authority of this section.

9 (b) The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative  
10 employment and section 28-33-47 reinstatement of injured worker.

11  
12 SECTION 6. Chapter 36-4 entitled "Merit System" is hereby amended by adding the following section:

13 **§ 36-4- 66. Reinstatement of disabled employee.** - (a) An employee who absent as a result of the  
14 ordinary or accidental disability shall be reinstated by the employee's employer to the employee's former  
15 position of employment upon written demand for reinstatement, if the position exists and is available and  
16 the employee is not disabled from performing the duties of the position with reasonable accommodation  
17 made by the employer in the manner in which the work is to be performed. A employee's former position is  
18 "available" even if that position has been filled by a replacement while the employee was absent as a  
19 result of the ordinary or accidental disability. If the former position is not available, the employee shall be  
20 reinstated in any other existing position that is vacant and suitable. A certificate by the treating physician  
21 that the physician approves the employee's return to the employee's regular employment or other suitable  
22 employment shall be prima facie evidence that the employee is able to perform the duties.

23 (b) The right of reinstatement shall be subject to the provisions for seniority rights and other employment  
24 restrictions contained in a valid collective bargaining agreement between the employer and a  
25 representative of the employer's employees, and nothing shall exempt any employer from or excuse full  
26 compliance with any applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 12101 et  
27 seq., and chapter 87 of title 42.

28  
29 SECTION 7. Sections 36-10-12, 36-10-14 and 36-10-17 of the General Laws in Chapter 36-10 entitled  
30 "Retirement System-Contributions and Benefits" are hereby amended to read as follows:

31 **§ 36-10-12. Retirement for ordinary disability.** - (a) Application for ordinary disability may be made by a  
32 member, his or her department head, or a person acting in the member's behalf, while in active service or  
33 on leave of absence for illness, provided that the member has had five (5) or more years of total service of  
34 which at least three (3) consecutive years shall have been as an employee of the state or as a teacher as  
35 defined in chapter 16 of title 16 and the member is not entitled to a regular service retirement allowance. A  
36 statement from a physician shall accompany the application stating that the member is physically or  
37 mentally incapacitated for the performance of ~~duty~~ duties of the position with or without reasonable  
38 accommodations and that he or she should be retired.

39 (b) A medical examination of the member shall be made by three (3) physicians engaged by the  
40 retirement board for this purpose, and should the medical examination show that the member is physically  
41 or mentally incapacitated for the performance of duty and ought to be retired, the physicians shall so report  
42 and certify to the retirement board, and the retirement board may retire the member for ordinary disability.

43 (c) The retirement board shall establish uniform eligibility requirement standards and criteria for ordinary  
44 disability which shall apply to all members who make application for retirement for ordinary disability.

45 (d) The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative  
46 employment and section 28-33-47 reinstatement of injured worker.

47 **§ 36-10-14. Retirement for accidental disability.** - (a) Medical examination of an active member for  
48 accidental disability and investigation of all statements and certificates by him or her or in his or her behalf  
49 in connection therewith shall be made upon the application of the head of the department in which the  
50 member is employed or upon application of the member, or of a person acting in his or her behalf, stating  
51 that the member is physically or mentally incapacitated for the performance of service as a natural and  
52 proximate result of an accident while in the performance of duty, and certify the definite time, place, and  
53 conditions of the duty performed by the member resulting in the alleged disability, and that the alleged  
54 disability is not the result of willful negligence or misconduct on the part of the member, and is not the  
55 result of age or length of service, and that the member is mentally or physically incapacitated for the

1 [performance of duties of the position with or without reasonable accommodation and](#) should, therefore, be  
2 retired.

3 (b) The application shall be made within five (5) years of the alleged accident from which the injury has  
4 resulted in the members present disability and shall be accompanied by an accident report and a  
5 physicians report certifying to the disability; provided that if the member was able to return to his or her  
6 employment and subsequently reinjures or aggravates the same injury, the application shall be made  
7 within the later of five (5) years of the alleged accident or three (3) years of the reinjury or aggravation. The  
8 application may also state the member is permanently and totally disabled from any employment [with or](#)  
9 [without reasonable accommodation](#).

10 (c) If a medical examination conducted by three (3) physicians engaged by the retirement board and  
11 such investigation as the retirement board may desire to make shall show that the member is physically or  
12 mentally incapacitated for the performance of service as a natural and proximate result of an accident,  
13 while in the performance of duty, and that the disability is not the result of willful negligence or misconduct  
14 on the part of the member, and is not the result of age or length of service, and that the member has not  
15 attained the age of sixty-five (65), and that the member should be retired, the physicians who conducted  
16 the examination shall so certify to the retirement board stating the time, place, and conditions of service  
17 performed by the member resulting in the disability and the retirement board may grant the member an  
18 accidental disability benefit.

19 (d) The retirement board shall establish uniform eligibility requirements, standards, and criteria for  
20 accidental disability which shall apply to all members who make application for accidental disability  
21 benefits.

22 [\(e\)The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative](#)  
23 [employment and section 28-33-47 reinstatement of injured worker.](#)

24 **§ 36-10-17. Reexamination of disability beneficiaries - Reduction of benefit - Reinstatement to active**  
25 **service.** - (a) Once each year the retirement board may, and upon his or her application shall, require any  
26 disability beneficiary under the minimum age of service retirement to undergo a medical examination. The  
27 examination to be made at the place of residence of the beneficiary or other place mutually agreed upon  
28 by a physician or physicians engaged by the retirement board. If the examination indicates that the  
29 beneficiary is able to engage in a gainful occupation [with or without reasonable accommodation](#), his or her  
30 name shall be placed on such appropriate lists of candidates as are prepared for appointment to positions  
31 in his or her department or agency for which he or she is stated to be qualified and for a salary grade not  
32 exceeding that from which he or she was last retired. Should the beneficiary be engaged in a gainful  
33 occupation or should he or she be offered service as a result of the placing of his or her name on a list of  
34 candidates, the retirement board shall adjust and from time to time readjust, the amount of his or her  
35 disability benefit to an amount which shall not exceed the rate of benefit upon which he or she was  
36 originally retired, and which, when added to the amount then earnable by him or her, shall not exceed his  
37 or her rate of annual compensation currently for the classification that the disability annuitant held prior to  
38 retirement. Should any disability beneficiary under the minimum age of service retirement refuse to submit  
39 to one medical examination in any year by a physician or physicians designated by the retirement board,  
40 his or her benefit shall be discontinued until his or her withdrawal of the refusal and should his or her  
41 refusal continue for one year, all his or her rights in and to disability benefit shall be revoked by the  
42 retirement board. A disability beneficiary, reinstated to active service, shall be reinstated as a member and  
43 participate in the rights of the retirement system to the same extent as any other member.

44 [\(b\)The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative](#)  
45 [employment and section 28-33-47 reinstatement of injured worker.](#)

46  
47 SECTION 8. Chapter 36-10 entitled "Retirement System-Contributions and Benefits" is hereby amended  
48 by adding the following section:

49 **§ 36-10-41. Reinstatement of disabled member.** - (a) [A member who absent as a result of the ordinary or](#)  
50 [accidental disability shall be reinstated by the member's employer to the member's former position of](#)  
51 [employment upon written demand for reinstatement, if the position exists and is available and the member](#)  
52 [is not disabled from performing the duties of the position with reasonable accommodation made by the](#)  
53 [employer in the manner in which the work is to be performed. A member's former position is "available"](#)  
54 [even if that position has been filled by a replacement while the member was absent as a result of the](#)  
55 [ordinary or accidental disability. If the former position is not available, the member shall be reinstated in](#)

1 [any other existing position that is vacant and suitable. A certificate by the treating physician that the](#)  
2 [physician approves the member's return to the member's regular employment or other suitable](#)  
3 [employment shall be prima facie evidence that the member is able to perform the duties.](#)

4 [\(b\) The right of reinstatement shall be subject to the provisions for seniority rights and other employment](#)  
5 [restrictions contained in a valid collective bargaining agreement between the employer and a](#)  
6 [representative of the employer's employees, and nothing shall exempt any employer from or excuse full](#)  
7 [compliance with any applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 12101 et](#)  
8 [seq., and chapter 87 of title 42.](#)

9  
10 SECTION 9. Sections 45-21-19, 45-21-21 and 45-21-23 of the General Laws in Chapter 45-21 entitled  
11 "Retirement of Municipal Employees" are hereby amended to read as follows:

12 **§ 45-21-19. Retirement for ordinary disability.** - (a) Any member who has had five (5) or more years of  
13 total service, may, upon the member's own application or upon application of the employer, or some  
14 person acting in the member's behalf, while in active service or on leave of absence for illness, apply for  
15 ordinary disability retirement; provided, that the member is not entitled to a regular service retirement  
16 allowance and; provided, that the member has at least three (3) consecutive years of service as an  
17 employee of a participating municipality within the five (5) years needed to be eligible under this section.

18 (b) A statement from a physician shall accompany the application stating that the member is physically or  
19 mentally incapacitated for the performance of ~~duty~~ [duties of the position with or without reasonable](#)  
20 [accommodation](#) and that the member ought to be retired.

21 (c) A medical examination of the member shall be made by three (3) physicians engaged by the  
22 retirement board for this purpose, and should the medical examination show that the member is physically  
23 or mentally incapacitated for the performance of duty and ought to be retired, the physicians shall so report  
24 and certify to the retirement board and the retirement board may retire the member for ordinary disability.

25 (d) The retirement board shall establish uniform eligibility requirement standards and criteria for ordinary  
26 disability which apply to all members who make application for retirement for ordinary disability.

27 [\(e\)The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative](#)  
28 [employment and section 28-33-47 reinstatement of injured worker.](#)

29 **§ 45-21-21. Retirement for accidental disability.** - (a) Any member in active service, regardless of length  
30 of service, is entitled to an accidental disability retirement allowance. Application for the allowance shall be  
31 made by the member or on the member's behalf, stating that the member is physically or mentally  
32 incapacitated for further service [with or without reasonable accommodation](#) as the result of an injury  
33 sustained while in the performance of duty and certifying the time, place, and conditions of the duty  
34 performed by the member which resulted in the alleged disability, and that the alleged disability was not  
35 the result of the willful negligence or misconduct on the part of the member, and was not the result of age  
36 or length of service, and that the member has not attained the age of sixty-five (65). The application shall  
37 be made within five (5) years of the alleged accident from which the injury has resulted in the member's  
38 present disability and shall be accompanied by an accident report and a physician's report certifying the  
39 disability. If a medical examination made by three (3) physicians engaged by the retirement board, and  
40 other investigations as the board may make, confirm the statements made by the member, the board may  
41 grant the member an accidental disability retirement allowance.

42 (b) The retirement board shall establish uniform eligibility requirements, standards and criteria for  
43 accidental disability which apply to all members who make application for accidental disability benefits.

44 [\(c\)The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative](#)  
45 [employment and section 28-33-47 reinstatement of injured worker.](#)

46 **§ 45-21-23. Periodical examination of disability annuitants - Placement on employment lists.** - (a) At least  
47 once each year the retirement board may, and upon application shall, require any disability annuitant  
48 under the minimum age for service retirement, whether in receipt of an ordinary disability retirement  
49 allowance or an accidental disability retirement allowance, to undergo a medical examination, the  
50 examination to be made at the place of residence of the annuitant, or other place mutually agreed upon, by  
51 a physician or physicians engaged by the retirement board.

52 (b) If the examination indicates that the annuitant is able to engage in a gainful occupation [with or without](#)  
53 [reasonable accommodation](#), the annuitant's name shall be placed on appropriate lists of candidates that  
54 are prepared for appointment to positions in the annuitant's department for which the annuitant is stated to  
55 be qualified, of a salary grade not less than that from which the annuitant was last retired.

1 (c)The provisions of this section are subject to the provisions of section 28-33-18.2 suitable alternative  
2 employment and section 28-33-47 reinstatement of injured worker.  
3

4 SECTION 10. Chapter 45-21 entitled "Retirement of Municipal Employees" is hereby amended by  
5 adding the following section:

6 § 45-21-67. Reinstatement of disabled member. - (a) A member who is absent as a result of the ordinary  
7 or accidental disability shall be reinstated by the member's employer to the member's former position of  
8 employment upon written demand for reinstatement, if the position exists and is available and the member  
9 is not disabled from performing the duties of the position with reasonable accommodation made by the  
10 employer in the manner in which the work is to be performed. A member's former position is "available"  
11 even if that position has been filled by a replacement while the member was absent as a result of the  
12 ordinary or accidental disability. If the former position is not available, the member shall be reinstated in  
13 any other existing position that is vacant and suitable. A certificate by the treating physician that the  
14 physician approves the member's return to the member's regular employment or other suitable  
15 employment shall be prima facie evidence that the member is able to perform the duties.

16 (b) The right of reinstatement shall be subject to the provisions for seniority rights and other employment  
17 restrictions contained in a valid collective bargaining agreement between the employer and a  
18 representative of the employer's employees, and nothing shall exempt any employer from or excuse full  
19 compliance with any applicable provisions of the Americans with Disabilities Act, 42 U.S.C. § 12101 et  
20 seq., and chapter 87 of title 42.  
21

22 SECTION 11. This act shall take effect on January 1, 2014.

 voting check off graphic	MOTION: To approve the draft Disability Pension Reform bill to present to other interested parties and return with changes to the Committee AS/AP passed, Abstain RC, PP, HD, LW
 voting check off graphic	MOTION: To send a letter to the chair RIPTA, mayors and town managers & RIDOT requesting they designate contact persons to arrange for the removal of snow at bus stops, and sidewalks pedestrian crosswalks. LW/BI passed, Abstained PP.
	Chris Hunter, Advocacy Solutions spoke about the specialty drug tiers (high cost, small population) and the first fail (must use generic and not worked before prescribing the brand named drugs). This year bill would set a maximum out of pocket cost for specialty drugs. This year fail first bill, not required again with change of insurers.
<p style="text-align: center;"><b>H 5020 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS</b></p> <p><b>Introduced By:</b> Representatives Bennett, Diaz, Naughton, Hull, and McNamara <b>Date Introduced:</b> January 08, 2013 <b>Referred To:</b> House Health, Education &amp; Welfare</p> <p>This act would expand the parent deinstitutionalization subsidy to include appropriate relatives and would allow a relative to care for a child or adult if the parent was unable to and receive a subsidy for doing so. This act would take effect upon passage.</p>	
<p style="text-align: center;"><b>AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE</b></p> <p><b>Introduced By:</b> Representatives Messier, Ferri, Malik, E Coderre, and Fellela <b>Date Introduced:</b> January 09, 2013 <b>Referred To:</b> House Finance</p> <p>This act would require picture identification on all (EBT) electronic benefit transfer cards issued to administer this program. This act would take effect upon passage.</p>	



Prisoner graphic

**4:00 Attorney General's Criminal Background Check Legislation, Linda Ward, Chair**

**Purpose/Goal:** To review and comment on the 2013 draft Criminal Records Check legislation

**Discussion:** Joe Lindbeck of the Attorney General's Office briefs the Committee on the Attorney General's bill. Changes from last year are: routine contact with the "patient"; the decision to hire or not even those with a criminal record is left to the employer; and the job applicant (or employer) would pay cost of the background check. Fee would be around \$50.



voting check off graphic

**MOTION:** To find beneficial the AG's 2013 draft criminal records check bill. AP/RC passed unanimously

Insert graphic

**4:20 Public Forums, Linda Ward, Chair**

**TABLED Purpose/Goal:** To begin identifying locations and host organizations for the July 22<sup>nd</sup> - 26<sup>th</sup> Public Forums

**Discussion:** Need volunteers to secure locations for the public forums, by the January meeting.



calendar graphic

**4:25 Agenda and Scheduling the Next Meeting, Linda Ward, Chair**

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

- ✓ Status of the Legislative Package
- ✓ Review of new bills that could impact people with disabilities

**MOTION** To change the next meeting will be on: Monday Feb. 4, 2013 3 - 4:30 PM, BI/CG passed unanimously



alarm clock graphic

**4:30 Adjournment, Linda Ward, Chair**



voting check off graphic

**MOTION:** To adjourn at 4:52.