



# Governor's Commission on Disabilities Legislation Committee

**Monday, March 2, 2015 3:00 PM - 4:30 PM**

John O. Pastore Center Building 56 Mathias  
Cranston, RI 02920

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**Attendees:** Linda Ward (Chair.); Jack Ringland (Vice Chair.); Regina Connor; Heather Daglieri; Casey Gartland; Barbara Henry; Meredith Sheehan; & Angelina Stabile;

**Absentees:** Rosemary C. Carmody; Linda Deschenes; Timothy Flynn; Kathleen Heren; William R. Inlow; Paula Parker; Arthur M. Plitt; Msgr. Gerard O. Sabourin; Debra Sharpe; & Dawn Wardyga

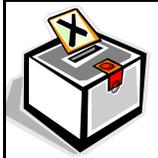
**Guests:** Colleen Polselli (DoH)

**Staff:** Bob Cooper



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

Chair calls the meeting to order at 3:16 PM  
Introductions of Commissioners and guests



**MOTION:** To accept the minutes of the previous meeting as *presented*  
Motion moved by RCo, seconded by AA, passed unanimously

### Action Items:



**3:05 2015 Legislative Package, Bob Cooper, Executive Secretary**

**Purpose/Goal:** To review the status of the Commission's legislative package

#### Commission Supports/Sponsored these bills

**Referred to Committee**  
House Corporations Committee

Next Action on:

15 H 5599

AN ACT RELATING TO INSURANCE -- DRUG COVERAGE

Rep. Corvese

Requested by the Governor's Commission on

House letter

Testified:

Senate letter

Testified:

Senate Health and Human Services Committee

Next Action on:

15 S 0476

AN ACT RELATING TO INSURANCE -- DRUG COVERAGE

Sen. Crowley

Requested by the Governor's Commission on

House letter

Testified:

Senate letter

Testified:

#### Legislation Committee finds these bills Beneficial

**Postponed by sponsor**  
House Corporations Committee

Next Action on:

15 H 5219

AN ACT RELATING TO INSURANCE - ACCESS TO OPIOID ANALGESICS WITH ABUSE-

<p>DETERRENT PROPERTIES Rep. Edwards House letter 2 /10/2015 Testified: Senate letter Testified: <b>Held for Further Study, Continued, or Heard</b> <u>House Corporations Committee</u> Next Action on: 15 H 5176 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES Rep. Casey House letter 2 /10/2015 Testified: Senate letter Testified: <u>House Finance Committee</u> Next Action on: 15 H 5144 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC TRANSIT AUTHORITY Rep. Chippendale House letter 2 /10/2015 Testified: 2 /27/2015 Senate letter Testified: <b>Referred to Committee</b> <u>Senate Health and Human Services Committee</u> Next Action on: 15 S 0167 AN ACT RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS Sen. Miller House letter Testified: Senate letter 2 /10/2015 Testified: <b>Legislation Committee finds these bills Beneficial if amended</b> <b>Held for Further Study, Continued, or Heard</b> <u>House Health, Education, &amp; Welfare Committee</u> Next Action on: 15 H 5014 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING Rep. Lombardi House letter Testified: 2 /4 Senate letter Testified: 15 H 5015 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING Rep. Lombardi House letter Testified: 2 /4 Senate letter Testified: <b>Legislation Committee finds this bill Harmful</b> <b>Referred to Committee</b> <u>House Finance Committee</u> Next Action on: 15 H 5083 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID Rep. Edwards House letter 2 /10/2015 Testified: Senate letter Testified: <b>Monitor this bill</b> <b>Referred to Committee</b> <u>House Judiciary Committee</u> Next Action on: 15 H 5463 AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION Rep. Keable House letter Testified: Senate letter Testified:</p>
<p><b><i>3:10 Recently filed legislation that may impact people with</i></b></p>

	<i>disabilities, Bob Cooper</i>
	<b>Purpose/Goal:</b> To review recently filed legislation, determine the potential impact on people with disabilities, and adopt legislative impact statements
	<b>Civil Rights Bills</b>
	<b>15 S 0270 AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS</b>
	Sen. Metts in the Senate Judiciary Committee (Arthur Plitt) This act would require that legally appointed guardians, whether temporary or permanent, file for their ward, a durable power of attorney for health care and/or a living will within thirty (30) days of their appointment to the probate court or the United States Department of Veteran's Affairs. Further, they would be mandated to determine the wishes of their ward and to follow those wishes as expressed in those documents. This act would take effect upon passage.

1 SECTION 1. Chapter 33-15 of the General Laws entitled "Limited Guardianship and  
2 Guardianship of Adults" is hereby amended by adding thereto the following section:  
3 **33-15-48. The Guardian Health Care Directive Act.** – (a) Any legally appointed  
4 guardian, whether acting in a temporary or permanent capacity, is under duty to file the durable  
5 power of attorney for health care and/or living will of their appointed ward, with either the  
6 probate court or the United States Department of Veteran's Affairs, within thirty (30) days of  
7 his/her appointment.  
8 (b) Any legally appointed guardian is to actively inquire of any agent named within the  
9 durable power of attorney for health care and/or living will, as to the wishes of the ward within  
10 their charge and named within said document and is then required to report his/her findings to the  
11 appointed authority.  
12 (c) Any legally appointed guardian is to be bound by any and all statements contained  
13 within the durable power of attorney for health care and/or living will, of the ward within their  
14 charge, and/or any additional directions given to the agent named therein.  
15 SECTION 2. This act shall take effect upon passage.

	<b>Tabled until the April Meeting</b>
	<b>15 H 5383 &amp; 0299 ACTS RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS</b>
	Rep. Lombardi in the House Health, Education, & Welfare Committee Sen. Pichardo in the Senate Education Committee (Casey Gartland) This act would direct all school superintendents to review discipline data for their school district, to decide whether there is an unequal impact on students based on race, ethnicity, or disability status, and to respond to any disparity. Every school district would submit a report to the council on elementary and secondary education describing any action taken on the disparity. All such reports shall be public records. Also, student suspensions will not be served out of school unless the student's conduct meets certain standards. This act would take effect upon passage.

1 SECTION 1. Section 16-2-17 of the General Laws in Chapter 16-2 entitled "School  
2 Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of  
3 Education Act]" is hereby amended to read as follows:

4 **16-2-17. Right to a safe school.** -- (a) Each student, staff member, teacher, and  
 5 administrator has a right to attend and/or work at a school which is safe and secure, and which is  
 6 conducive to learning, and which is free from the threat, actual or implied, of physical harm by a  
 7 disruptive student. A disruptive student is a person who is subject to compulsory school  
 8 attendance who exhibits persistent conduct which substantially impedes the ability of other  
 9 students to learn or otherwise substantially interferes with the rights stated above, and who has  
 10 failed to respond to corrective and rehabilitative measures presented by staff, teachers, or  
 11 administrators.

12 (b) The school committee, or a school principal as designated by the school committee,  
 13 may suspend all pupils found guilty of this conduct or of violation of those school regulations  
 14 which relate to the rights set forth in subsection (a), or where a student represents a threat to those  
 15 rights of students, teachers or administrators, as described in subsection (a). Nothing in this  
 16 section shall relieve the school committee or school principals from following all procedures  
 17 required by state and federal law regarding discipline of students with disabilities.

18 (c) A student suspended under this section may appeal the action of the school  
 19 committee, or a school principal as designee, to the commissioner of elementary and secondary

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1 education who, after notice to the parties interested of the time and place of hearing, shall  
 2 examine and decide the appeal without cost to the parties involved. Any decision of the  
 3 commissioner in these matters shall be subject to appeal by the student to the board of regents for  
 4 elementary and secondary education and any decision of the board of regents may be appealed by  
 5 the student to the family court for the county in which the school is located as provided in § 42-  
 6 35-15.

7 (d) All school superintendents, or their designees, shall review annually, the discipline  
 8 data for their school district, collected in accordance with the specifications set forth in § 16-60-  
 9 4(21)<sup>i</sup>, to determine whether the discipline imposed has a disproportionate impact on students  
 10 based on race, ethnicity or disability status and to appropriately respond to any such disparity. In  
 11 addition to the data submitted, every school district shall submit an annual report to the council  
 12 on elementary and secondary education describing what action, if any, has been taken to address  
 13 the disparity. The reports shall be deemed to be public records for purposes of title 38.

14 SECTION 2. Chapter 16-2 of the General Laws entitled "School Committees and  
 15 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
 16 amended by adding thereto the following section:

17 16-2-17.1. In school suspensions. – Suspensions issued shall not be served out of school  
 18 unless the student's conduct meets the standards set forth in § 16-2-17(a)<sup>ii</sup>.

19 SECTION 3. This act shall take effect upon passage.

	<p>MOTION: To find <i>beneficial if amended to define "discipline"</i> 15 H 5383 &amp; 0299 ACTS RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS          Motion moved by CG, seconded by RCo, passed unanimously</p>
	<p><b>Disability Prevention Bills</b></p>
<p>---</p>	<p><b>15 S 0209 AN ACT RELATING TO TAXATION - CIGARETTE TAX-MINIMUM PRICE OF CIGARETTES</b></p>
	<p>Sen. Raptakis in the Senate Finance Committee (Arthur Plitt)          This act would reduce the cigarette tax by fifty cents (\$0.50) per pack and require a fifteen percent (15%) minimum markup be added to the total cost of cigarettes sold by retailers.          This act would take effect upon passage.</p>

1 SECTION 1. Section 44-20-12 of the General Laws in Chapter 44-20 entitled "Cigarette  
 2 Tax" is hereby amended to read as follows:

3 **44-20-12. Tax imposed on cigarettes sold.** -- A tax is imposed on all cigarettes sold or  
4 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be  
5 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on  
6 which the proper amount of tax provided for in this chapter has been paid, payment being  
7 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of  
8 ~~one hundred seventy five (175)~~ one hundred fifty (150) mills for each cigarette.

9 SECTION 2. Chapter 44-20 of the General Laws entitled "Cigarette Tax" is hereby  
10 amended by adding thereto the following section:

11 **44-20-12.5. Minimum pricing of cigarettes.** -- Notwithstanding any rule, regulation or  
12 state law to the contrary, a minimum markup of fifteen percent (15%) shall be added to the total  
13 cost of cigarettes sold by a retailer. The total cost shall include the invoice cost of the  
14 merchandise to the retailer plus the cigarette excise tax imposed by § 44-20-12 plus freight  
15 charges and cartage cost to the retail outlet if performed or paid for by the retailer. The minimum  
16 markup of fifteen percent (15%) shall not be deemed to be an unfair sales practice pursuant to  
17 chapter 13 of title 6. The tax administrator shall promulgate rules and regulations consistent with  
18 this section.

19 SECTION 3. Section 6-13-1 of the General Laws in Chapter 6-13 entitled "Unfair Sales  
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1 Practices" is hereby amended to read as follows:

2 **6-13-1. Definitions.** -- (a) "Cost to the retailer" means the invoice cost of the  
3 merchandise to the retailer within thirty (30) days prior to the date of the sale, or the replacement  
4 cost of the merchandise to the retailer within thirty (30) days prior to the date of the sale, in the  
5 quantity last purchased, whichever is lower; less all trade discounts except customary discounts  
6 for cash; to which shall be added:

7 (1) Freight charges not otherwise included in the cost of the merchandise;

8 (2) Cartage to the retail outlet if performed or paid for by the retailer, which cartage cost  
9 shall be deemed to be three-fourths of one percent (0.75%) of the cost of the merchandise to the  
10 retailer, unless the retailer claims and proves a lower cartage cost; and

11 (3) A markup to cover in part the cost of doing business, which markup, in the absence  
12 of proof of a lesser cost, shall be six percent (6%) of the total cost at the retail outlet.

13 (b) "Cost to the wholesaler" means the invoice cost of the merchandise to the wholesaler  
14 within thirty (30) days prior to the date of the sale, or the replacement cost of the merchandise to  
15 the wholesaler within thirty (30) days prior to the date of the sale, in the quantity last purchased,  
16 whichever is lower; less all trade discounts except customary discounts for cash; to which shall be  
17 added:

18 (1) Freight charges not otherwise included in the cost of the merchandise;

19 (2) Cartage to the retail outlet if performed or paid for by the wholesaler, which cartage  
20 cost shall be deemed to be three-fourths of one percent (0.75%) of the cost of the merchandise to  
21 the wholesaler, unless the wholesaler claims and proves a lower cartage cost; and

22 (3) A markup to cover in part the cost of doing business, which markup, in the absence  
23 of proof of a lesser cost, shall be two percent (2%) of the total cost at the wholesale  
24 establishment. Provided, for the sales of cigarettes there shall be a minimum markup of fifteen  
25 percent (15%).

26 (c) Where two (2) or more items are advertised; offered for sale; or sold at a combined  
27 price; the price of each item shall be determined in the manner stated in subsections (a) and (b).

28 (d) "Sell at retail", "sales at retail", and "retail sale" mean and include any transfer of title  
29 to tangible personal property for a valuable consideration made in the ordinary course of trade or  
30 in the usual prosecution of the seller's business to the purchaser for consumption or use other than  
31 resale or further processing or manufacturing. In this and in the preceding subsection the previous  
32 terms shall include any transfer of property where title is retained by the seller as security for the  
33 payment of the purchase price.

34 (e) "Retailer" means and includes every person, co-partnership, corporation, or

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1 association engaged in the business of making sales at retail within this state; provided, that, in

2 the case of a retailer engaged in the business of making sales both at retail and at wholesale, the  
3 term shall be applied only to the retail portion of the business.

4 (f) "Wholesaler" means and includes every person, partnership, corporation, or  
5 association engaged in the business of making sales at wholesale within this state; provided, that,  
6 in the case of a wholesaler engaged in the business of making sales both at wholesale and at  
7 retail, the term shall be applied only to the wholesale portion of the business.

8 (g) Whenever any person, partnership, corporation, or association in the course of doing  
9 business performs the functions of both wholesaler and retailer without actually being engaged in  
10 the business of making sales at wholesale, the term "wholesaler" means and includes that function  
11 of the business of preparation for sale at the retail outlet, and the term "retailer" shall be applied  
12 only to the retail portion of the business.

13 (h) "Household" means and includes those who dwell under the same roof, house, or  
14 apartment.

15 (i) "Rebate" means a refund of a portion of the purchase price made to consumer to  
16 induce purchase of product.

17 SECTION 4. This act shall take effect upon passage.

	Tabled to the April meeting
	<b>15 S 0246 &amp; H 5656 ACTS RELATING TO MOTOR AND OTHER VEHICLES -- PASSING, USE OF LANES, AND RULES OF THE ROAD</b>
	Sen. Sosnowski in the Senate Judiciary Committee held for further study Rep. Carson in the House Judiciary Committee This act would provide a penalty for failing to exercise due care to avoid colliding with a vulnerable road user. A "vulnerable road user" means: (1) A pedestrian; (2) A bicyclist; (3) A police officer or emergency responder on duty while outside of a vehicle; (4) A highway worker performing duties outside a vehicle; (5) A person riding on or driving a wheelchair, motorized or not; (6) A person using a skateboard, inline skates, or roller-skates; (7) A person riding on or driving an animal. This act would take effect upon passage.

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

3 **31-15-20. Unsafe passing of a vulnerable road user. -- (a) For purposes of this section,**  
4 **"vulnerable road user" means:**

5 **(1) A pedestrian;**

6 **(2) A bicyclist;**

7 **(3) A police officer or emergency responder on duty while outside of a vehicle;**

8 **(4) A highway worker performing duties outside a vehicle;**

9 **(5) A person riding on or driving a wheelchair, motorized or not;**

10 **(6) A person using a skateboard, inline skates, or rollerskates;**

11 **(7) A person riding on or driving an animal.**

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

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

18 **(2) To perform no less than ten (10) and not more than two hundred (200) hours of**

1 **community service;**

2 (3) A suspension of his or her motor vehicle operator's license for a period of not more  
3 than one year; and

4 (4) A fine of not less than eight-five dollars (\$85.00) and not more than five hundred  
5 dollars (\$500).

6 Said fines and/or penalties are in addition to any other applicable criminal or civil  
7 penalties, provided by the general laws.

8 (d) Any person required to perform community service or traffic safety training pursuant  
9 to this section shall complete such training session and perform such community service within  
10 one year of the date of sentencing. If the court determines that such person has not successfully  
11 completed the training session and performed the community service, the court shall grant the  
12 person an extension for good cause shown, or impose an additional fine of not more than five  
13 hundred dollars (\$500) and suspend such person's motor vehicle operator's license for a period of  
14 not more than one year.

15 SECTION 2. This act shall take effect upon passage.

	<i>No position taken on 15 S 0246 &amp; H 5656 ACTS RELATING TO MOTOR AND OTHER VEHICLES -- PASSING, USE OF LANES, AND RULES OF THE ROAD</i>
	<b>15 S 0247 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES</b>
	Sen. Raptakis in the Senate Judiciary Committee (Casey Gartland) This act would increase the penalties for those convicted of driving under the influence of liquor or drugs, resulting in death or serious bodily injury. This act would further provide for up to a two (2) year prison term and up to a one year loss of operator's license for those convicted of driving under the influence of liquor or drugs resulting in personal injury. This act would take effect upon passage.

1 SECTION 1. Sections 31-27-2.2 and 31-27-2.6 of the General Laws in Chapter 31-27  
2 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.** -- (a)

4 When the death of any person other than the operator ensues as a proximate result of an injury  
5 received by the operation of any vehicle, the operator of which is under the influence of any  
6 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or  
7 any combination of these, the person so operating the vehicle shall be guilty of "driving under the  
8 influence of liquor or drugs, resulting in death".

9 (b) Any person charged with the commission of the offense set forth in subsection (a) of  
10 this section shall, upon conviction, be punished as follows:

11 ~~(1) (i) Every person convicted of a first violation shall be punished by imprisonment in~~  
12 ~~the state prison for not less than five (5) years and for not more than fifteen (15) years, in any unit~~  
13 ~~of the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less~~  
14 ~~than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) and his or her~~  
15 ~~license to operate a motor vehicle shall be revoked for a period of five (5) years. The license~~  
16 ~~privilege shall not be reinstated until evidence satisfactory to the administrator of the division of~~  
17 ~~motor vehicles establishes that no grounds exist which would authorize the refusal to issue a~~  
18 ~~license, and until the person gives proof of financial responsibility pursuant to chapter 32 of this~~  
19 ~~title, by imprisonment in the state prison for not less than five (5) years, nor more than thirty (30)~~

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1 years, in any unit of the adult correctional institution at the discretion of the sentencing judge, by  
2 a fine of not less than five thousand dollars (\$5,000), nor more than twenty thousand dollars  
3 (\$20,000), and his or her license to operate a motor vehicle shall be revoked for a period of five  
4 (5) years. The license privilege shall not be reinstated until evidence satisfactory to the  
5 administrator of the division of motor vehicles establishes that no grounds exist which would

6 [authorize the refusal to issue a license, and until the person gives proof of financial responsibility](#)  
7 [pursuant to chapter 32 of this title.](#)

8 (ii)(c) In addition, the person convicted may be required to successfully complete alcohol  
9 or drug treatment in a program of their choice, at their own expense, as authorized by a judge of  
10 the superior court, and may successfully complete the program before any license to operate a  
11 motor vehicle is renewed.

12 ~~(2) Every person convicted of a second or subsequent violation within a five (5) year~~  
13 ~~period in this state or any other state, provided the out of state conviction was based on the same~~  
14 ~~blood alcohol concentration as set forth in § 31-27-2 shall be punished by imprisonment in the~~  
15 ~~state prison for not less than ten (10) years and for not more than twenty (20) years, in any unit of~~  
16 ~~the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less~~  
17 ~~than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his or~~  
18 ~~her license to operate a motor vehicle shall be revoked for a period of five (5) years. In addition,~~  
19 ~~the person convicted may be required to successfully complete alcohol or drug treatment, at their~~  
20 ~~own expense, in a program established by the director of the department of corrections. The~~  
21 ~~license privilege shall not be reinstated whether the convictions occurred in this or any other state~~  
22 ~~until evidence satisfactory to the superior court, following a hearing establishes that no grounds~~  
23 ~~exist which would authorize the refusal to issue a license, and until the person gives proof of~~  
24 ~~financial responsibility pursuant to chapter 32 of this title.~~

25 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**  
26 **injury.** -- (a) When serious bodily injury of any person other than the operator is caused by the  
27 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
28 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
29 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
30 liquor or drugs, resulting in serious bodily injury.

31 (b) As used in this section, "serious bodily injury" means physical injury that creates a  
32 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment  
33 of the function of any bodily member or organ.

34 (c) Any person charged with the commission of the offense set forth in subsection (a) of

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1 this section shall, upon conviction, be punished by imprisonment for not less than one year and  
2 for not more than ~~ten (10)~~ twenty (20) years and by a fine of not less than one thousand dollars  
3 (\$1,000) nor more than ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000). The  
4 sentencing judge shall have the discretion to sentence the person to any unit of the adult  
5 correctional institutions. The license of the person may be revoked for a period of up to two (2)  
6 years. The license privilege shall not be reinstated until evidence satisfactory to the administrator  
7 of the division of motor vehicles establishes that no grounds exist which would authorize refusal  
8 to issue a license and until the person gives proof of financial responsibility pursuant to chapter  
9 32 of this title. In addition, the person convicted may be required to successfully complete alcohol  
10 or drug treatment, at their own expense, in a program established by the director of the  
11 department of corrections.

12 ~~(d) For a second or subsequent conviction under this section within a five (5) year~~  
13 ~~period, a person shall be punished by imprisonment for not less than two (2) years nor more than~~  
14 ~~fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten~~  
15 ~~thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person~~  
16 ~~to any unit of the adult correctional institutions. In addition, the person convicted may be required~~  
17 ~~to successfully complete alcohol or drug treatment, at their own expense, in a program established~~  
18 ~~by the director of the department of corrections. The license of the person may be revoked for a~~  
19 ~~period of up to four (4) years. The license privilege shall not thereafter be reinstated until~~  
20 ~~evidence satisfactory to the administrator of the division of motor vehicles establishes that no~~  
21 ~~grounds exist which would authorize refusal to issue a license and until the person gives proof of~~  
22 ~~financial responsibility pursuant to chapter 32 of this title.~~

23 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is  
24 hereby amended by adding thereto the following section:

25 **31-27-2.10. Driving under the influence of liquor or drugs, resulting in personal**  
 26 **injury.** – (a) When the personal injury of any person other than the operator is caused by the  
 27 operation of any motor vehicle, the operator of which is under the influence of any intoxicating  
 28 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination  
 29 of these, the person so operating the vehicle shall be guilty of driving under the influence of  
 30 liquor or drugs, resulting in personal injury.

31 (b) Any person charged with a violation of this section shall, upon conviction, be  
 32 imprisoned for not more than two (2) years and have his or her license to operate a motor vehicle  
 33 suspended for not more than one year.

1 SECTION 3. This act shall take effect upon passage.

	<i>No position taken on</i> 15 S 0247 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES
	<b>15 H 5424 AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES</b>
	Rep. Hern in the House Corporations Committee (Casey Gartland) This act would prohibit any person under twenty-one (21) years of age from entering any nightclub where alcoholic beverages are served. This act would take effect upon passage.

1 SECTION 1. Section 3-7-16.6 of the General Laws in Chapter 3-7 entitled "Retail  
 2 Licenses" is hereby amended to read as follows:

3 **3-7-16.6. Class N nightclub license.** -- (a) Notwithstanding any provision of this title to  
 4 the contrary, any town or city council, by ordinance, may authorize the licensing authorities  
 5 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to  
 6 section 3-5-15 to designate and issue a special class of Class N nightclub licenses within its  
 7 jurisdiction.

8 (b) A Class N license, when so authorized, shall be required by each establishment  
 9 within the jurisdiction which:

10 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover  
 11 charges;

12 (2) Holds a Class B or Class ED license;

13 (3) Has a fire department occupancy permit of no less than two hundred (200) persons  
 14 and no greater than ten thousand (10,000) persons; or any establishment with a fire department  
 15 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

16 (c) ~~Any establishment with a Class N license which admits patrons under twenty-one~~  
 17 ~~(21) years of age on the premises of the establishment when alcoholic beverages are being sold,~~  
 18 ~~served, or permitted on the premises shall, during the time the patrons are permitted on the~~  
 19 ~~premises: No person under twenty-one (21) years of age shall be allowed on any premises~~

1 licensed under this section.

2 ~~(1) Require one form of identification. The identification shall contain the bearer's~~  
 3 ~~photograph, and must be one of the following: state driver's license, US military identification,~~  
 4 ~~state issued identification card, or passport, from every person claiming to be twenty-one (21)~~  
 5 ~~years of age or older;~~

6 ~~(2) Identify patrons over twenty-one (21) years of age with both an identifiable hand~~  
 7 ~~stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before~~  
 8 ~~purchasing an alcoholic beverage;~~

9 ~~(3) Sell not more than one alcoholic beverage to an eligible patron in a single~~  
 10 ~~transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a~~  
 11 ~~bar or drink dispensing location;~~

12 ~~(4) Not permit any patron who leaves the premises to be readmitted prior to closing~~  
 13 ~~without payment of the same admission or cover charge required of patrons entering the premises~~

14 ~~initially.~~  
15 (d) The licensing authority of each town or city shall set the closing time for each  
16 establishment holding a Class N nightclub license within its jurisdiction pursuant to section 3-7-  
17 7(a)(1) and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment  
18 holding a Class N nightclub license which is permitted to remain open until two o'clock (2:00)  
19 a.m., shall not admit patrons after one o'clock (1:00) a.m.

20 (e) The licensing authority of each town or city will establish the cost and duration of all  
21 Class N nightclub licenses issued by that authority.

22 (f) Notwithstanding the provisions of section 3-5-17, no licensing authority may issue a  
23 Class N nightclub license unless the following notice requirements have been met:

24 (1) Any establishment applying for a Class N nightclub license, or the renewal of that  
25 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide  
26 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six  
27 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty  
28 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty  
29 (30) days prior to hearings related to the license on appeal to the director. If any hearing is  
30 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder  
31 must post this notice within three (3) business days after its receipt of notification of that hearing  
32 from the licensing authority or the director.

33 (2) The notice shall contain the name of the applicant and a description by street and  
34 number or other plain designation of the particular location for which the Class N nightclub

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1 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing  
2 on the Class N nightclub license, and shall provide the time and place of that hearing.

3 (g) Any establishment that holds a Class N nightclub license must:

4 (1) Comply with local ordinances governing noise levels;

5 (2) Cooperate with law enforcement officials;

6 (3) Provide private security for the safety of patrons both inside and outside the  
7 establishment, which private security must be certified by TIPS or a similar agency approved by  
8 the licensing authority; and

9 (4) Collect trash generated by the establishment every night that the establishment is  
10 open in an area surrounding the premises that is reasonable and prudent, given the size of the  
11 establishment.

12 (h) The licensing authority of each town or city will develop requirements for police  
13 details for the purposes of public safety and traffic control in and around the premise of each  
14 establishment holding a Class N nightclub license.

15 ~~(i) (1) The licensing authority which has issued a license under this section may ban the~~  
16 ~~admittance of persons under the age of twenty one (21) on the licensee's premise:~~

17 ~~(i) On certain nights; or~~

18 ~~(ii) At certain times; or~~

19 ~~(iii) At all times.~~

20 ~~(2) Provided however, any ban under this subsection herein shall be supported by a~~  
21 ~~finding that:~~

22 ~~(i) The licensee has failed to implement measures designed to prevent underage~~  
23 ~~drinking; and~~

24 ~~(ii) The licensee has multiple violations of the provisions of one or more of the following~~  
25 ~~sections: 3-8-1, 3-8-4 and/or 3-8-10.~~

26 SECTION 2. This act shall take effect upon passage.

	<i>No position taken on 15 H 5424 AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES</i>
	<b>15 H 5493 AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN</b>

	<p>Rep. Melo in the House Health, Education, and Welfare Committee (Arthur Plitt)</p> <p>This act would prohibit the sale of liquid that is intended for human consumption and/or use in an electronic nicotine-delivery system that is not contained in child-resistant packaging and would prohibit the use of electronic nicotine delivery systems in schools.</p> <p>This act would take effect January 1, 2016.</p>
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1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by  
2 adding thereto the following section:

3 **11-9-22. Electronic delivery system liquid – Child-resistant packaging required. --**

4 (a) No liquid, whether or not such liquid contains nicotine, that is intended for human  
5 consumption and/or use in an electronic nicotine-delivery system, as defined in § 11-9-13.4, shall  
6 be sold unless the liquid is contained in child-resistant packaging.

7 (b) All licensees under § 23-1-56 shall ensure that any liquid intended for human  
8 consumption and/or use in an electronic nicotine-delivery system, as defined in § 11-9-13.4, is  
9 sold in child-resistant packaging.

10 (c) For the purposes of this section, “child-resistant packaging” means packaging that is  
11 designed or constructed to be significantly difficult for children under five (5) years of age to  
12 open or obtain a toxic or harmful amount of the substance contained therein within a reasonable  
13 time and not difficult for normal adults to use properly, but does not mean packaging which all  
14 such children cannot open or obtain a toxic or harmful amount within a reasonable time.

15 (d) A licensee that fails to comply with this section shall be subject to the following  
16 penalties:

17 (1) For a first violation, a penalty of five hundred (\$500) shall be imposed.

18 (2) For a second violation, a penalty of one thousand dollars (\$1,000) shall be imposed.

19 (3) A third or subsequent violation will result in suspension of the licensee’s license by

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1 the department of health for not less than fourteen (14) days. The suspension will take effect on  
2 the date of the director’s written notice of the suspension to the licensee. In the written notice of  
3 license suspension, the director shall inform the licensee that a written request for a hearing on  
4 the alleged violation may be filed with the director within ten (10) days after service of notice of  
5 license suspension. The notice will be deemed properly served upon a licensee if a copy of the  
6 Notice is personally served upon the entity or persons, or sent by registered or certified mail to the  
7 last known address of that entity or persons, or if that entity or persons is served with notice by  
8 any other method of service now or later authorized in a civil action under the laws of this state.  
9 If no written request for a hearing is made to the director within ten (10) days of the service of  
10 Notice, the notice shall automatically become a compliance order. All hearings shall be governed  
11 by § 23-1-22.

12 SECTION 2. Sections 23-20.9-4 and 23-20.9-5 of the General Laws in Chapter 23-20.9  
13 entitled "Smoking in Schools" are hereby amended to read as follows:

14 **23-20.9-4. Definitions. --** As used in this chapter:

15 (1) "Person" means any person or persons including but not limited to contract or other  
16 workers on school property, school students, school administrators, school employees, school  
17 faculty, and school visitors.

18 (2) "School or schools" means any non-residential school building, public or private, of  
19 any city or town or community educational system regulated, directly or secondarily, by the board  
20 of regents for elementary and secondary education or the department of elementary and  
21 secondary education or any other state education board or local city or town school board or  
22 school committee or other legal educational subdivision acting under it. As used in this chapter,  
23 the term "school or schools" includes but is not limited to school playgrounds, school  
24 administration buildings, indoor school athletic facilities, school gymnasiums, school locker  
25 rooms, school buses, other school vehicles, other school buildings whose use is not primarily  
26 residential, and outside areas within twenty-five (25) feet of any school building.

27 (3) "Governing body" means the body, board, committee or individual, or its designated  
28 agent(s) or designee(s), responsible for, or which has control over, the administration of any  
29 elementary or secondary school, public or private, in the state.

30 (4) "Tobacco product usage" means the smoking or use of any substance or item which  
31 contains tobacco, including but not limited to cigarettes, cigars, pipes, or other smoking tobacco,  
32 or the use of snuff or smokeless tobacco, or having in one's possession a lighted cigarette, cigar,  
33 pipe, or other substance or item containing tobacco.

34 (5) "Electronic nicotine-delivery system usage" means any vaping, inhaling, or use of any

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1 electronic nicotine-delivery device defined in § 11-9-13.4.

2 **23-20.9-5. Regulation of smoking in schools.** -- (a) The governing body of each school  
3 in Rhode Island shall be responsible for the development of enforcement procedures to prohibit  
4 tobacco product usage and electronic nicotine-delivery system usage by any person utilizing  
5 school facilities. All facilities used by a school, whether owned, leased or rented, shall be subject  
6 to the provisions of this chapter. Enforcement procedures shall be promulgated and conspicuously  
7 posted in each building.

8 (b) This chapter shall not modify, or be used as a basis for modifying school policies or  
9 regulations in effect prior to the passage of this chapter if the existing policies or regulations  
10 prohibit tobacco product usage and electronic nicotine-delivery system usage in the school.

11 (c) All school areas where tobacco product usage is prohibited shall be clearly marked  
12 with "nonsmoking area" signs with bold block lettering at least three inches (3") high stating  
13 "Tobacco-Free School -- Tobacco Use Prohibited". All school areas where electronic nicotine-  
14 delivery system usage is prohibited shall be clearly marked with "nonsmoking area" signs with  
15 bold block lettering at least three inches (3") high stating "E-Cigarettes and Vapor Devices  
16 Prohibited". There shall be at least one "nonsmoking area" sign, in conformance with the above,  
17 at every building entrance and in other areas as designated by the governing body. Signs shall  
18 also be posted in every school bus and every school vehicle. Signs as detailed above shall be  
19 provided, without charge, by the department of health.

20 SECTION 3. This act shall take effect on January 1, 2016.

	Tabled until the April meeting
	<b>Employment Bills</b>
	<b>15 S 0532 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE BOARD RHODE ISLAND</b>
	Sen. Nesselbush in the Senate Labor Committee This act would increase the number of the governor's workforce from twenty-one (21) to twenty-two (22) and would add a member from a community-based organization that would provide substance use disorder recovery support services. This act would take effect upon passage.

1 SECTION 1. Section 42-102-2 of the General Laws in Chapter 42-102 entitled "Rhode  
2 Island Human Resource Investment Council [Effective until February 1, 2015]" is hereby  
3 amended to read as follows:

4 **42-102-2. Composition of workforce board. [Effective February 1, 2015.]** -- (a) The  
5 workforce board shall be composed of ~~twenty-one (21)~~ twenty-two (22) members; one of whom  
6 shall be the secretary of commerce, who shall be vice-chair; one of whom shall be the director of  
7 the department of labor and training; one of whom shall be the commissioner of education; one of  
8 Whom shall be a representative of a public institution of higher education in Rhode Island; and  
9 ~~seventeen (17)~~ eighteen (18) public members, eleven (11) of whom shall be representatives from  
10 the employer community, in a manner that is representative of employers of different sizes and  
11 sectors, including the nonprofit sector, provided that two (2) of the representatives from the  
12 employer community shall be the chairs of Rhode Island's local workforce investment boards, or

13 their designees, appointed from among the employer community members of the local workforce  
 14 investment boards; four (4) of whom shall be representatives of organized labor; ~~and~~ two (2)  
 15 members shall be representatives of community-based organizations that provide or promote  
 16 workforce development service; and one member shall be a representative of a community-based  
 17 organization that provides substance use disorder recovery support services; appointed by the  
 18 governor with the advice and consent of the senate. The ~~seventeen (17)~~ eighteen (18) public

1 members shall be appointed in a manner that reflects the geographic diversity of the state, and at  
 2 least five (5) of whom shall be women; at least four (4) of whom shall be from minority  
 3 communities; and at least one of whom shall be a person with disabilities. The governor shall  
 4 appoint a chairperson from among the eleven (11) representatives of the employer community.

5 (b) The board may establish an executive committee composed of members appointed by  
 6 the chair. The board may delegate to the executive committee any powers of the board except  
 7 those powers that are required by law to be exercised by the board. The chair may also appoint ad  
 8 hoc committees, workgroups, or task forces to assist the board as appropriate.

9 (c) Members serving as of the effective date of this act on the state workforce investment  
 10 Board established pursuant to Executive Order No. 05-18 ordered on September 22, 2005, shall  
 11 continue to serve their terms of office as members of the governor's workforce board established  
 12 Under this chapter.

13 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find <i>harmful if not amended to be inclusive to the range of disabilities (add a 2<sup>nd</sup> member with a disability, not a specific disability)</i> 15 S 0532 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE BOARD RHODE ISLAND          Motion moved by AS, seconded by JR, <i>passed abstained HD</i></p>
	<p><b>15 S 0534 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE BOARD</b></p>
	<p>Senate Conley in the Senate Labor Committee          This act would require the governor's workforce board to expand job and career opportunities for individuals with intellectual and developmental disabilities. In addition, it would add representatives from the department of behavioral healthcare and developmental disabilities and hospitals to the advisory committee of the state career pathways systems.          This act would take effect upon passage.</p>

1 SECTION 1. Section 42-102-6 of the General Laws in Chapter 42-102 entitled "Rhode  
 2 Island Human Resource Investment Council [Effective February 1, 2015]" is hereby amended to  
 3 read as follows:

4 **42-102-6. Powers and duties. [Effective February 1, 2015.]** -- (a) Strategic statewide  
 5 Employment and training plan.

6 (1) The board shall meet with other entities involved with career and technical education,  
 7 workforce development, and career training and shall be responsible for the development of a  
 8 comprehensive, and cohesive statewide employment-and-training plan. The strategic, statewide  
 9 Employment-and-training plan shall include goals and objectives for serving the state's existing  
 10 and emerging workforce utilizing all state and federal workforce development programs. The  
 11 board shall take into consideration the needs of all segments of the state's citizenry in establishing  
 12 goals and training objectives, including the workforce needs of the state's employers.

13 (2) The strategic statewide employment and training plan shall be developed biennially  
 14 and shall cover the subsequent, two (2) fiscal years. Said biennial plans shall be submitted on  
 15 November 15. The biennial plan shall outline goals and objectives of the coordinated programs

16 system, major priorities needed for the next two-year (2) period, and policies and requirements  
17 necessary to meet those priorities. The board shall provide a funding plan necessary to achieve  
18 system priorities and serve the anticipated number of participants and shall identify the general

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1 revenue funds necessary to meet program needs, taking into account anticipated federal, private,  
2 and other sources of funds. The biennial plan shall incorporate the annual unified workforce  
3 Development system report required pursuant to subsection (f) in those years in which both  
4 reports are due.

5 (3) The board shall develop and maintain a comprehensive inventory and analysis of  
6 workforce development activities in the state to support the biennial statewide employment and  
7 training plan. The analysis shall include, but not be limited to, an examination of the populations  
8 being served across the different employment and training and adult education programs across  
9 the state; the number of participants being served by these programs; the type of services  
10 provided; and the eligibility requirements of each of these programs. The analysis shall also  
11 identify the funding sources (all sources) used in these programs; the service providers within the  
12 state; as well as the range of services provided. The analysis shall also examine the employer role  
13 in workforce development activities, including, but not limited to, how employer needs are  
14 assessed, benefits employers receive for partnering with workforce development organizations,  
15 and the role employers play in developing programs and providing training.

16 (4) The board shall establish and convene an advisory group to assist in the development  
17 of this comprehensive inventory and analysis that consists of stakeholders and organizations with  
18 specific knowledge and expertise in the area of workforce development.

19 (5) All departments and agencies of the state shall furnish advice and information,  
20 Documentary or otherwise, to the board and its agents as is deemed necessary or desirable by the  
21 board to facilitate the purposes of the board, including the development of the statewide,  
22 Employment-and-training plan.

23 (6) Elements of the statewide employment and training plan established pursuant to  
24 subsection (a) of this section may inform the development of the state workforce investment plan  
25 required pursuant to § 42-102-6(d)(2)(i).

26 (b) Performance management and coordination of employment-and-training programs.

27 (1) The board shall establish statewide policies, definitions, objectives, goals, and  
28 guidelines for the coordination of all employment-and-training programs and related services and  
29 programs within the state, including:

30 (i) The state department of labor and training programs, sponsored under the Workforce  
31 Investment Act of 1998, Wagner-Peyser Act, 29 U.S.C. 49 et seq., the Trade Act of 2002, and  
32 any other employment-related educational program administered by the state department of labor  
33 and training;

34 (ii) The state department of human services training programs, sponsored under the

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1 Temporary Assistance to Needy Families, Title IV of the Social Security Act; the Supplemental  
2 Nutrition Assistance Program (SNAP) Employment and Training Program; Vocational  
3 Rehabilitation Act of 1973, and any other employment-and-training and related services and  
4 Employment-related educational programs administered by the state's department of human  
5 Services;

6 (iii) Employment and training programs sponsored under the Carl D. Perkins Vocational  
7 Education Act, 20 U.S.C. 2301 et seq., the Federal Adult Education Act, Title II of the Workforce  
8 Investment Act of 1998 and any other employment-related educational programs administered by  
9 the board of education;

10 (iv) The state department of corrections training programs for ex-offenders to help them  
11 reintegrate into the community and re-enter employment;

12 (v) Projects and services funded through the job development fund pursuant to § 42-102-  
13 6(e)(1);

14 (vi) All other employment-and-training and related services and employment-related  
15 educational programs, either presently existing or hereinafter established that are administered by

16 any state agencies, departments, or councils; and  
17 (vii) Programs included within subsections (b)(1)(i) through (b)(1)(vi) of this section  
18 shall be referred herein collectively as "the coordinated programs system".

19 (2) With respect to plans for employment-and-training programs sponsored under the  
20 federal Carl D. Perkins Vocational Education Act, 20 U.S.C. 2301 et seq., and any other  
21 employment-related educational programs administered by the board of education, the workforce  
22 board and board of education shall establish a process for the development and preparation of all  
23 these plans and the board of education shall approve the plan subject to review and comment by  
24 the workforce board; provided, however, that the responsibilities and duties of the board of  
25 education, as set forth in the general laws, shall not be abridged.

26 (3) With respect to plans for the Temporary Assistance to Needy Families Program,  
27 SNAP Employment and Training Program, Vocational Rehabilitation Services, and any other  
28 employment-and-training and related programs administered by the state's department of human  
29 Services, the authority and responsibilities of the department as the single state agency under  
30 Titles IV-A, 42 U.S.C. 601 through 617, and IV-F, 42 U.S.C. 681 through 687 [repealed] of the  
31 Federal Social Security Act shall not be abridged.

32 (4) With respect to plans for training ex-offenders to help them reintegrate into the  
33 community and re-enter employment, and any other employment-and-training programs  
34 administered by the state's department of corrections, the responsibilities and duties of the

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1 department, as set forth in the general laws, shall not be abridged.

2 (5) The board shall review, comment on, or approve as appropriate all plans for  
3 employment and training within the coordinated-programs system. The board shall establish  
4 policies and performance goals for the coordinated-programs system. These policies and goals  
5 shall include, but not be limited to:

6 (i) Establishing and communicating uniform policies and consistent terms and  
7 definitions;

8 (ii) Gathering and distributing information from, and to, all agencies, departments, and  
9 Councils within the coordinated-programs system;

10 (iii) Standardizing and coordinating program planning, evaluation, budgeting, and  
11 funding processes;

12 (iv) Recommending structural and procedural changes;

13 (v) Establishing performance goals and measurements for monitoring the effectiveness  
14 of the programs provided through the coordinated-programs system; and

15 (vi) Reconciling diverse agency, departmental, or council goals and developing priorities  
16 among those goals.

17 (c) Comprehensive system-improvement plan.

18 (1) The 2015 unified workforce development system report required pursuant to § 42-  
19 102-6(f) and due on November 15, 2015 shall include an additional, comprehensive system-  
20 improvement plan to facilitate the seamless and coordinated delivery of workforce services in this  
21 state, consistent with the goals and objectives of the board's statewide employment-and-training  
22 plan. In developing the comprehensive, system-improvement plan, the board shall review the  
23 roles, responsibilities, and functions of all state employment-and-training programs. The study  
24 shall identify any gaps in the services provided by those programs; any barriers to integration and  
25 cooperation of these programs; and any other matters that adversely affect the seamless delivery  
26 of workforce-development systems in the state.

27 (2) The board shall include in the comprehensive, system-improvement plan:

28 (i) A list of specific barriers, whether structural, regulatory, or statutory, that adversely  
29 affect the seamless, and coordinated, delivery of workforce-development programs and services  
30 in this state, as well as recommendations to overcome or eliminate these barriers; and

31 (ii) Recommendations for providing, at a minimum, board comment and review of all  
32 state employment-and-training programs, to ensure such programs are consistent with the board's  
33 statewide employment-and-training plan, and meet the current, and projected, workforce demands  
34 of this state, including programs that, pursuant to state or federal law or regulation, must remain

1 autonomous.

2 (3) The recommendations developed by the board under subsection (c)(1) must identify  
3 the state agency or department that is responsible for implementing each recommendation; and  
4 include a time frame for the implementation of each recommendation. The governor may include  
5 such recommendations in his or her proposed budget the following fiscal year.

6 (d) Workforce investment act responsibilities.

7 (1) The board shall assume the duties and responsibilities of the state workforce  
8 investment board established pursuant to Executive Order 05-18 dated September 22, 2005, as  
9 outlined in subsection(c)(2).

10 (2) The board shall assist the governor and the general assembly in:

11 (i) Developing a state workforce-investment plan for the purposes of the Workforce  
12 Investment Act of 1998 (WIA) and the Wagner-Peyser Act;

13 (ii) Actively promoting and coordinating private-sector involvement in the workforce-  
14 investment system through the development of partnerships among state agencies, the business  
15 community, and the Board;

16 (iii) Ensuring that the current, and projected, workforce needs of Rhode Island  
17 employers inform and advise Rhode Island's education and workforce-development system;

18 (iv) Providing oversight of local workforce-investment boards, whose primary role in the  
19 workforce investment system is to deliver employment, training, and related education services in  
20 their respective local area; and

21 (v) Developing a statewide system of activities that are funded under the WIA or carried  
22 out through the one-stop delivery system, including:

23 (A) Assuring coordination and non duplication among the programs and activities  
24 carried out by one-stop partners;

25 (B) Reviewing local workforce-investment plans;

26 (C) Designating local workforce-investment areas in accordance with federal law;

27 (D) Developing allocation formulas for the distribution of funds for adult employment-  
28 and-training activities, ~~and~~ youth activities to local areas; and creating and expanding job and  
29 career opportunities for individuals with intellectual and developmental disabilities;

30 (E) Developing comprehensive state performance measures as prescribed by federal law,  
31 including state-adjusted levels of performance, to assess the effectiveness of the workforce-  
32 investment activities in the state;

33 (F) Preparing the annual report to the Secretary of Labor described in WIA;

34 (G) Developing the statewide employment statistics system;

1 (H) Developing an application for incentive grants;

2 (I) Carrying out the responsibilities of a local board as outlined in WIA; and

3 (J) Addressing any other issue requiring input from the board under the provisions of  
4 WIA.

5 (e) Job-development fund responsibilities.

6 (1) The board shall allocate monies from the job-development fund for projects to  
7 implement the recommendations of the board consistent with the statewide employment-and-  
8 training plan established pursuant to § 42-102-6(a).

9 (f) Unified workforce development system report.

10 (1) The board shall produce and submit an annual, unified, workforce-development  
11 system report to the governor, the speaker of the house, the president of the senate, and the  
12 secretary of state. The report shall be submitted annually on November 15. The report shall cover  
13 activity having taken place the preceding fiscal year ending June 30 and shall include:

14 (i) A fiscal and programmatic report for the governor's workforce board covering the  
15 previous fiscal year including:

16 (A) A summary of the board's activities and accomplishments during the previous fiscal  
17 year;

18 (B) A summary of clerical, administrative, professional, or technical reports received by

- 19 the board during the previous fiscal year, if applicable;  
 20 (C) A briefing on anticipated activities in the upcoming fiscal year;  
 21 (D) A consolidated financial statement of all funds received, and expended, by the board,  
 22 including the source of funds, during the previous fiscal year;  
 23 (E) A listing of any staff supported by these funds;  
 24 (ii) A unified, expenditure-and-program report for statewide employment-and-training  
 25 programs and related services including:  
 26 (A) Expenditures by agencies for programs included in § 42-102-6(b)(1), including  
 27 information regarding the number of individuals served by each program; demographic  
 28 information by gender, race and ethnicity; outcome and program-specific performance  
 29 information as determined by the board, and such other information as may be determined by the  
 30 board, including, but not limited to, the attainment of credentials;  
 31 (2) Beginning November 15, 2015, program expenditures included in the unified,  
 32 workforce-development-system report shall be categorized as administrative, program delivery,  
 33 or other costs; the report shall further include information on the cost-per-individual served  
 34 within each program, through a manner determined by the board;

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1 (3) All state and local agencies, departments, or council or similar organizations within  
 2 the coordinated-programs system, shall be required to provide the board with the information  
 3 necessary to produce the unified workforce-development-system report.

4 SECTION 2. Section 42-102-10 of the General Laws in Chapter 42-102 entitled "Rhode  
 5 Island Human Resource Investment Council" is hereby amended to read as follows:

6 **42-102-10. State Career Pathways System. [Effective February 1, 2015.]** -- The  
 7 workforce board ("board") shall support and oversee statewide efforts to develop and expand  
 8 career pathways that enable individuals to secure employment within a specific industry or  
 9 occupational sector and to advance over time to successively higher levels of education and  
 10 employment in that sector. Towards this purpose the board shall convene an advisory committee  
 11 comprised of representatives from business, labor, adult education, secondary education, higher  
 12 education, the department of corrections, the executive office of health and human services, [the](#)  
 13 [department of behavioral healthcare, development disabilities and hospitals](#), the office of library  
 14 and information services, community-based organizations, [consumers](#), and the public-workforce  
 15 system.

16 SECTION 3. This act shall take effect upon passage.

	<p>MOTION: To find <i>harmful if not amended to be inclusive of the range of disabilities</i> 15 S 0534 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE BOARD          Motion moved by AS, seconded by RCo, <i>passed abstained HD</i></p>
	<p><b>Healthcare Insurance Bills</b></p>
	<p><b>15 H 5313 HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY INSURANCE MANDATES IN THE STATE OF RHODE ISLAND</b></p>
	<p>Rep. Morgan in the House Corporations Committee held for further study          This resolution would create a seven (7) member special legislative study commission whose purpose it would be to make a comprehensive study of insurance mandates other than the essential benefit standards required by the federal government with the goal of reducing health insurance costs in the State of Rhode Island, and who would report back to the House of Representatives no later than April 2, 2016, and whose life would expire on June 2, 2016.</p>

1 RESOLVED, That a special legislative commission be and the same is hereby created  
 2 consisting of seven (7) members: seven (7) of whom shall be members of the House of

3 Representatives, not more than four (4) from the same political party, to be appointed by the  
4 Speaker of the House.

5 In lieu of any appointment of a member of the legislature to a permanent advisory  
6 commission, a legislative study commission, or any commission created by a General Assembly  
7 resolution, the appointing authority may appoint a member of the general public to serve in lieu  
8 of a legislator, provided that the majority leader or the minority leader of the political party which  
9 is entitled to the appointment consents to the member of the general public.

10 The purpose of said commission shall be to make a comprehensive study of insurance  
11 mandates and to perform a cost-benefit analysis of any insurance mandates other than the  
12 essential benefit standards required by the federal government with the goal of reducing health  
13 insurance costs in Rhode Island.

14 Forthwith upon passage of this resolution, the members of the commission shall meet at  
15 the call of the Speaker of the House and organize and shall select a chairperson from among the  
16 legislators.

17 Vacancies in said commission shall be filled in like manner as the original appointment.

18 The membership of said commission shall receive no compensation for their services.

19 All departments and agencies of the state, shall furnish such advice and information,

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1 documentary and otherwise, to said commission and its agents as is deemed necessary or  
2 desirable by the commission to facilitate the purposes of this resolution.

3 The Speaker of the House is hereby authorized and directed to provide suitable quarters  
4 for said commission; and be it further

5 RESOLVED, That the commission shall report its findings and recommendations to the  
6 House of Representatives no later than April 2, 2016, and said commission shall expire on June 2,  
7 2016.

	<i>No position taken on 15 H 5313 HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY INSURANCE MANDATES IN THE STATE OF RHODE ISLAND</i>
	<b>15 S 0236 AN ACT RELATING TO HUMAN SERVICES - RARE DISEASE COMMUNITY SUPPORT, RESOURCE COORDINATION, AND QUALITY OF LIFE ACT OF 2015</b>
	Sen. Doyle in the Senate Health and Human Services Committee This act would establish the "Rhode Island rare disease community advisory council" within the department of human services in order to aid the state in developing an action plan that addresses the coordination of resources to efficiently provide care for Rhode Islanders living with rare diseases and their family caregiver. The members would serve without compensation; however, they would be reimbursed for their reasonable costs of attendance. This act would take effect upon passage.

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby  
2 amended by adding thereto the following chapter:

3 **CHAPTER 23**

4 **RARE DISEASE COMMUNITY SUPPORT, RESOURCE COORDINATION, AND QUALITY**  
5 **OF LIFE ACT OF 2015**

6 **40-23-1. Rhode Island rare disease community support. Resource coordination, and**  
7 **quality of life act of 2015. – Purpose and declarations. – (a) The Rhode Island general**  
8 **assembly hereby finds, determines, and declares that rare disease survivors face early causes of**  
9 **mortality, death and permanent, long-term disability in Rhode Island; state resources are not**  
10 **coordinated for survivors and their family caregivers to provide for better access to appropriate**  
11 **state social services; and health coverage is often denied or restricted upon diagnosis, treatments**  
12 **are not usually covered, and information on locally-based clinical trials are not well-promoted. If**

13 these resources are better coordinated, mortality will be reduced, quality of life will improve,  
14 necessity of accessing state resources may decline overtime, and the ability for rare disease  
15 survivors to live independently will increase.

16 (b) The Rhode Island general assembly further finds that the establishment of a state rare  
17 disease community advisory council will ensure that state-of-the-art information on rare disease  
18 education, treatment, and access to care is available to health care providers and survivors. This

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1 advisory council will serve as a consensus group designed to coordinate efforts in state resources,  
2 private entities, and social services, including bringing additional monies to the state to fund  
3 improvements in the treatment of rare diseases.

4 **40-23-2. Rare disease community advisory council - Membership.** – (a) The director  
5 of the department of human services shall appoint an advisory council to serve as a statewide  
6 commission designed to coordinate efforts for the rare disease community. The director may  
7 assign staff, upon availability of funds, to assist the advisory council and shall provide it with  
8 suitable accommodations for its meetings. Members appointed to the advisory council shall  
9 include:

10 (1) Up to five (5) physicians actively involved in rare disease care from the following  
11 fields:

12 (i) Neurology;

13 (ii) Cardiology;

14 (iii) Primary care;

15 (iv) Orthopedics; and

16 (v) Emergency care.

17 (2) One registered professional nurse or nurse practitioner actively involved in rare  
18 disease care;

19 (3) One hospital administrator or designee from each hospital that provides care to rare  
20 disease survivors;

21 (4) One representative each from the public health field actively involved in public health  
22 education on rare disease or chronic conditions management from the department of human  
23 services and the department of health.

24 (5) One representative from a rehabilitation facility that provides services to rare disease  
25 survivors;

26 (6) One rare disease survivor over the age of eighteen (18).

27 (7) One caregiver of a pediatric rare disease survivor;

28 (8) One representative from the rare disease united foundation;

29 (9) One representative from Rhode Island quality partners or state-recognized quality  
30 improvement organization (QIO);

31 (10) One representative from a minority health organization involved in rare disease care;

32 (11) One representative from each licensed health care agency category that provides care  
33 for rare disease survivors;

34 (12) One representative from an organization that provides respite care services for rare

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1 disease caregivers; and

2 (13) One licensed educator involved in providing or coordinating educational services to  
3 a rare disease pediatric survivor.

4 (b) The advisory council shall advise the Rhode Island general assembly, the governor,  
5 and the director of the department of human services, and have the following duties;

6 (1) Undertake a statistical and qualitative examination of the incidence and causes of rare  
7 diseases and develop a profile of the social and economic burden of rare diseases in Rhode Island;

8 (2) Receive and consider reports and testimony from individuals, the state department of  
9 health, community-based organizations, voluntary health organizations, healthcare providers, and  
10 other public and private organizations statewide and of national significance to rare diseases to  
11 learn more about their contributions to rare disease treatment and their ideas for the improvement  
12 of rare disease care in Rhode Island;

- 13 (3) Develop methods to publicize the profile of rare disease burden in Rhode Island;  
 14 (4) Identify research-based strategies that are effective in preventing and controlling risks  
 15 of co-morbidities for rare disease based on the science available from rare disease related  
 16 organizations;  
 17 (5) Determine the burden that delayed or inappropriate treatment has on the quality of  
 18 patients' lives and the associated financial burden on them and the state;  
 19 (6) Study the economic impact of early rare disease treatment with regard to quality of  
 20 care, reimbursement issues, and rehabilitation, and related services;  
 21 (7) Research and determine how to ensure that the public and healthcare providers are  
 22 sufficiently informed of the most effective strategies for rare disease awareness and care;  
 23 (8) Evaluate the current system of treatment and develop recommendations to improve all  
 24 aspects of increasing rare disease survival rates;  
 25 (9) Research and determine the most appropriate method to collect data which shall  
 26 include a record of the cases of rare diseases that occur in Rhode Island and such information  
 27 concerning the cases as it shall deem necessary and appropriate in order to conduct thorough and  
 28 complete epidemiological surveys of rare diseases diagnosed in Rhode Island and to apply  
 29 appropriate preventative and control measures where possible;  
 30 (10) Identify best practices on rare disease care in other states and at the federal level that  
 31 will improve rare disease care in Rhode Island, including the feasibility and proposed structure of  
 32 developing a rare disease information and patient support network;  
 33 (11) Research and obtain any public or private funding available to improve rare disease  
 34 care in Rhode Island;

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- 1 (12) Complete and maintain a statewide comprehensive rare disease plan to the general  
 2 public, state and local officials, various public and private organizations and associations,  
 3 business and industries, agencies, potential funders, and other community resources;  
 4 (13) Develop a registry of all rare diseases diagnosed within the state to determine any  
 5 genetic and environmental contributors to rare diseases; and  
 6 (14) Identify and facilitate specific commitments to help implement the plan and all  
 7 advisory council activities.  
 8 (c) The members of the advisory council shall serve without compensation; provided,  
 9 however the members shall be reimbursed for their reasonable costs of attendance, including, but  
 10 not limited to mileage and parking fees.  
 11 (d) The advisory council shall convene within one hundred and eighty (180) days of the  
 12 effective date of this chapter, and shall submit a preliminary report to state agencies, the general  
 13 assembly and the governor annually. The reports shall address the plans, actions, and resources  
 14 needed to achieve its goals and progress in achieving implementation of the plan to reduce the  
 15 burden from rare diseases in Rhode Island. The reports shall include an accounting of funds  
 16 expended, funds received from grants, and anticipated funding needs and related cost savings for  
 17 full implementation of recommended plans and programs.  
 18 Any health care information requested or obtained by the advisory council or otherwise  
 19 in the performance of its duties, shall be provided in a format that does not contain individually-  
 20 identifiable information.  
 21 SECTION 2. This act shall take effect upon passage.

	<i>No position taken on 15 S 0236 AN ACT RELATING TO HUMAN SERVICES - RARE DISEASE COMMUNITY SUPPORT, RESOURCE COORDINATION, AND QUALITY OF LIFE ACT OF 2015</i>
	<b>15 H 5605 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES</b>
	Rep. O'Grady in House Corporations Committee This act would require that a step therapy protocol be included in all health care

insurance policies and health insurance plans. This act would take effect upon passage and would apply to health insurance policies and health benefit plans delivered, issued for delivery, or renewed on or after January 1, 2016.
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1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness  
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 **27-18-82. Step therapy protocol.** – (a) Legislative findings and declaration. The general  
4 assembly makes the following findings:

5 (1) Health insurance plans are increasingly making use of step therapy policies under  
6 Which health plan members are required to try one or more prescription drugs before coverage is  
7 provided for a drug recommended by the patient's health care provider.

8 (2) Such step therapy policies, where they are based on well-developed scientific  
9 standards and administered in a flexible manner that takes into account the individual needs of  
10 patients, can play an important role in controlling health care costs.

11 (3) In some cases, requiring a patient to follow a step therapy policy may have adverse  
12 and even dangerous consequences for the patient who may either not realize a benefit from taking  
13 a prescription drug or may suffer harm from taking the wrong drug.

14 (4) Without uniform policies across the state on step therapy, patients may not receive the  
15 best and most appropriate treatment.

16 (5) It is imperative that step therapy policies throughout the state preserve physicians'  
17 rights to make treatment decisions in the best interest of their patients.

18 (6) Based on these findings, the general assembly declares it a matter of public interest  
19 that it require health plans to base step therapy requirements on appropriate clinical practice

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1 guidelines developed by professional medical societies with expertise in the condition or  
2 conditions under consideration; that patients be exempt from step therapy requirements when  
3 Impracticable or otherwise not in the best interest of the patients; and that patients and prescribers  
4 have access to a transparent and independent process for requesting an exception of step therapy  
5 requirements when appropriate.

6 (b) Definitions. As used in this section:

7 (1) "Clinical practice guidelines" means a systematically developed statement to assist  
8 practitioner and patient decisions about appropriate health care for specific clinical circumstances.

9 (2) "Clinical review criteria" means the written screening procedures, decision abstracts,  
10 clinical protocols and practice guidelines used by an insurer or health plan to determine the  
11 medical necessity and appropriateness of health care services.

12 (3) "Step therapy protocol" means a protocol or program that establishes the specific  
13 sequence in which prescription drugs for a specified medical condition and medically appropriate  
14 for a particular patient are to be prescribed and paid for by a health plan.

15 (4) "Step therapy override determination" means a determination as to whether step  
16 therapy should apply in a particular situation, or whether the step therapy protocol should be  
17 overridden in favor of immediate coverage of the patient's and/or prescriber's preferred drug.  
18 This determination is based on a review of the patient's and/or prescriber's request for an override,  
19 along with supporting rationale and documentation.

20 (5) "Utilization review organization" means an entity that conducts utilization review,  
21 other than a health carrier performing utilization review for its own health benefit plans.

22 (c) Clinical review criteria, requirements and restrictions. Clinical review criteria used to  
23 establish step therapy protocols shall be based on clinical practice guidelines:

24 (1) Independently developed by a professional medical society with expertise in the  
25 medical condition, or conditions, for which coverage decisions said criteria will be applied; and

26 (2) That recommend drugs be taken in the specific sequence required by the step therapy  
27 protocol.

28 (d) Exceptions process transparency.

29 (1) Exceptions process. When coverage of medications for the treatment of any medical  
30 condition are restricted for use by an insurer, health plan, or utilization review organization via a

31 Step therapy protocol, the patient and prescribing practitioner shall have access to a clear and  
32 convenient process to request a step therapy exception determination. An insurer, health plan, or  
33 utilization review organization may use its existing medical exceptions process to satisfy this  
34 requirement. The process shall be disclosed to the patient and health care providers, including

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1 documenting and making it easily accessible on the insurer's or health plan's website.  
2 (2) Exceptions. An exception request shall be expeditiously granted if:  
3 (i) The required drug is contraindicated or will likely cause an adverse reaction or  
4 physical or mental harm to the patient;  
5 (ii) The required drug is expected to be ineffective based on the known relevant physical  
6 or mental characteristics of the insured/patient and the known characteristics of the drug regimen;  
7 (iii) The enrollee has tried the step therapy required drug while under their current or a  
8 previous health plan, or another drug in the same pharmacologic class or with the same  
9 mechanism of action and such drugs were discontinued due to lack of efficacy or effectiveness,  
10 diminished effect, or an adverse event; or  
11 (iv) The patient is stable on a drug recommended by their health care provider for the  
12 medical condition under consideration, based on, but not limited to, a trial with medication  
13 samples or a prescription filled at a pharmacy.  
14 (3) Effect of exception. Upon the granting of an exception request, the insurer, health  
15 Plan, utilization review organization, or other entity shall authorize dispensation of and coverage  
16 for the drug prescribed by the enrollee's treating health care provider, provided such drug is a  
17 covered drug under such policy or contract.  
18 (4) Limitations. This section shall not be construed to prevent:  
19 (i) An insurer, health plan, or utilization review organization from requiring an enrollee  
20 try an AB-rated generic equivalent prior to providing reimbursement for the equivalent branded  
21 drug;  
22 (ii) A health care provider from prescribing a drug he or she determines is medically  
23 appropriate.  
24 (e) Regulations. Notwithstanding any general or special law to the contrary, the division  
25 of insurance shall promulgate any regulations necessary to enforce this section.

26 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
27 Corporations" is hereby amended by adding thereto the following section:

{NOTE REPEATS THE LANGUAGE IN SECTION 1}

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2 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
3 Corporations" is hereby amended by adding thereto the following section:

{NOTE REPEATS THE LANGUAGE IN SECTION 1}

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12 SECTION 4. Chapter 27-20.1 of the General Laws entitled "Nonprofit Dental Service  
13 Corporations" is hereby amended by adding thereto the following section:

{NOTE REPEATS THE LANGUAGE IN SECTION 1}

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22 SECTION 5. Chapter 27-41 of the General Laws entitled "Health Maintenance  
23 Organizations" is hereby amended by adding thereto the following section:

{NOTE REPEATS THE LANGUAGE IN SECTION 1}

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1 SECTION 6. This act shall take effect upon passage and shall apply to health insurance  
2 policies and health benefit plans delivered, issued for delivery, or renewed on or after January 1,  
3 2016.



**MOTION: To find *beneficial if amended to incorporate the Medicare Part D notification and timetable* 15 H 5605 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE**

	<p><b>POLICIES</b>  Motion moved by AS, seconded by JR, <i>passed abstained HD</i></p>
	<p><b>Housing Bills</b></p>
	<p><b>15 S 0306 &amp; 15 H 5514 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998</b></p>
	<p>Sen. Crowley in the Senate Finance Committee  Rep. Slater in the House Finance Committee  This act would create a specific appropriation for twelve million five hundred thousand dollars (\$12,500,000) to be used by the housing resources commission in addition to the revenue generated from the current tax. This act would also appropriate approximately two million one hundred and seventy thousand dollars (\$2,170,000) in fiscal year 2016 to carry out its assigned purposes.  This act would take effect upon passage.</p>

1 SECTION 1. Section 42-128-10 of the General Laws in Chapter 42-128 entitled "Rhode  
2 Island Housing Resources Act of 1998" is hereby amended to read as follows:  
3 **42-128-10. Appropriations.** – (a) The general assembly shall, in addition to all funds  
4 generated through § 44-25-1 and deposited into the housing resources commission restricted  
5 receipt account, annually appropriate any sums it may deem necessary to enable the commission  
6 to carry out its assigned purposes; and the state controller is authorized and directed to draw his  
7 or her orders upon the general treasurer for the payment of any sums appropriated or so much as  
8 may be from time to time required, upon receipt by him or her of proper vouchers approved by  
9 the chairperson or the executive director.  
10 (b) For fiscal year 2016 and beyond, the general assembly shall appropriate, pursuant to §  
11 42-128-10(a), an amount equal to at least twelve million five hundred thousand dollars  
12 (\$12,500,000) annually in capital financing for affordable housing development or whatever  
13 amount is deemed necessary to enable the commission to carry out its assigned purposes under  
14 this chapter.  
15 (c) For fiscal year 2016 and beyond, the general assembly shall appropriate, from funds  
16 not otherwise used in the general fund, an amount equal to at least two million one hundred and  
17 seventy thousand dollars (\$2,170,000) to support the efforts of the housing resources commission.

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1 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find <i>beneficial</i> 15 S 0306 &amp; 15 H 5514 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998</b>  Motion moved by AS, seconded by CG <i>passed unanimously</i></p>
	<p><b>15 S 0307 &amp; 15 H 5512 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING A PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE FOR EMERGENCY HOUSING ASSISTANCE</b></p>
	<p>Sen. Lombardi in the Senate Finance Committee  Rep. Slater in the House Finance Committee  This act would establish an emergency housing assistance fund to be administered by the department of human services in conjunction with community action program agencies.  This act would take effect upon passage.</p>

1 SECTION 1. Chapter 42-12 of the General Laws entitled "Department of Human

2 Services" is hereby amended by adding thereto the following section:

3 42-12-31. Emergency housing assistance fund. – (a) There is established an emergency  
4 Housing assistance fund which shall be administered by the department of human services in  
5 conjunction with community action program agencies.

6 (b) The general assembly shall annually appropriate sufficient amounts to fund the  
7 emergency housing assistance fund.

8 (c) The purpose of the emergency housing assistance fund is to assist in providing safe  
9 and affordable housing to residents.

10 (d) The department of human services will promulgate rules and regulations regarding the  
11 use and disbursement of all sums appropriated by the general assembly for the emergency  
12 Housing assistance fund. These rules and regulations will be promulgated pursuant to the Rhode  
13 Island administrative procedures act, chapter 35 of title 42.

14 SECTION 2. This act shall take effect upon passage.

	<i>take no position</i> 15 S 0307 & 15 H 5512 ACTS RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING A PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE FOR EMERGENCY HOUSING ASSISTANCE
	<b>Human Services Bills</b>
	<b>15 S 0336 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES</b>
	Sen. Kettle in the Senate Judiciary Committee This act would require that before a person could be remanded to out-of-state placement by the Rhode Island family court or sent out-of-state for residential placement or residential treatment, they will first be assessed by the department of children, youth, and families or the department of corrections and found to present a security risk and a need to move the person to a facility outside of Rhode Island. This act would take effect upon passage.

1 SECTION 1. Section 42-72-15 of the General Laws in Chapter 42-72 entitled  
2 "Department of Children, Youth, and Families" is hereby amended to read as follows:

3 **42-72-15. Children's bill of rights. --** (a) No child placed or treated under the  
4 supervision of the department in any public or private facility shall be deprived of any personal  
5 property or civil rights, except in accordance with due process.

6 (b) Each child placed or treated under the supervision of the department in any public or  
7 private facility shall receive humane and dignified treatment at all times, with full respect for the  
8 child's personal dignity and right to privacy, consistent with the child's treatment plan.

9 (c) Each child placed in a secure facility under the supervision of the department shall be  
10 permitted to communicate with any individual, group, or agency consistent with the child's  
11 treatment objectives; shall be provided writing materials and postage; and shall be permitted to  
12 make or receive telephone calls to or from his or her attorneys, guardians ad litem, special  
13 advocates, or child advocate at any reasonable time.

14 (d) The department shall adopt rules and regulations pursuant to the Administrative  
15 Procedures Act, title 42, chapter 35, regarding children placed in secure facilities to specify the  
16 following:

17 (1) When a child may be placed in restraint or seclusion or when force may be used upon  
18 a child;

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1 (2) When the head of a facility may limit the use or receipt of mail by any child and a  
2 procedure for return of unopened mail; and

3 (3) When the head of a facility may restrict the use of a telephone by any child.

- 4 (e) A copy of any order placing a child at a secure facility under the supervision of the  
5 department in restraint or seclusion shall be made a part of the child's permanent clinical record.  
6 In addition, any special restriction on the use or receipt of mail or telephone calls shall be noted in  
7 writing, signed by the head of the facility or the facility head's designee, and made a part of the  
8 child's permanent clinical record.
- 9 (f) Each child placed or treated in a secure facility under the supervision of the  
10 department shall be permitted to receive visitors subject to reasonable restriction consistent with  
11 the child's treatment plan. The head of each facility shall establish visiting hours and inform all  
12 children and their families and other visitors of these hours. Any special restrictions shall be  
13 noted in writing, signed by the head of the facility or his or her designee, and made a part of the  
14 child's permanent clinical record.
- 15 (g) Each child may receive his or her clergyman, attorney, guardian ad litem, special  
16 advocate, or child advocate at any reasonable time.
- 17 (h) No person shall be denied employment, housing, civil service rank, any license or  
18 permit, including a professional license, or any other civil or legal right, solely because of a  
19 present or past placement with the department except as otherwise provided by statute.
- 20 (i) Each child under the supervision of the department shall have the right to counsel,  
21 and the right to receive visits from physicians and mental health professionals.
- 22 (j) Each child shall have a right to a hearing pursuant to rules and regulations  
23 promulgated by the department if the child is involuntarily transferred by the department to any  
24 facility outside of the state in accordance with the procedure set forth in § 42-72-14.
- 25 (k) The children's bill of rights shall be posted in a conspicuous place within any secure  
26 facility for the residential housing of children.
- 27 (l) Every deliverer of services with whom the department enters into a purchased  
28 services agreement shall agree, in writing, to observe and post in a conspicuous place, the  
29 children's bill of rights.
- 30 (m) Any child aggrieved by a violation of the children's bill of rights may petition the  
31 family court for appropriate equitable relief. The family court shall have exclusive original  
32 jurisdiction, notwithstanding any remedy contained in chapter 35 of this title.
- 33 (n) A child victim or witness shall be afforded the protections of § 12-28-9 under the  
34 direction of the department of children, youth, and families, and the department shall advise the

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1 court and the police and the prosecutor on the capacity of the child victim to understand and  
2 participate in the investigation and in the court proceedings and of the potential effect of the  
3 proceedings on the child.

4 (o) Every child placed in the care of the department of children, youth, and families shall  
5 be entitled to a free appropriate education, in accordance with state and federal law. Immediately  
6 upon the assumption of that care, the department shall provide for the enrollment of each child in  
7 a school program. During the time that the child shall remain in that care, the department and  
8 appropriate state and local education agencies shall coordinate their efforts in order to provide for  
9 the timely initiation and continuation of educational services.

10 (p) No person shall be denied access to available treatment for an alcohol or drug related  
11 condition, solely because of a present or past placement with the department.

12 (q) No person shall be remanded to an out-of-state placement by the Rhode Island family  
13 court.

14 (r) No person in the custody of the department of children, youth, and families in the state  
15 of Rhode Island will be sent out-of-state for residential placement or residential treatment.

16 (s) An exception shall be made as to subsections (q) and (r) of this section if the person is  
17 first assessed by the department of children, youth, and families in the state of Rhode Island or  
18 the department of corrections and is found to present a security risk and there exists a need to  
19 move the person to a facility outside of the state of Rhode Island.

20 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find <i>harmful unless amended to include time line for assessment, temporary placement, &amp; transition</i> ( including family reunification, if possible) 15 S 0336 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES  Motion moved by AS, seconded by RCo, <i>passed unanimously</i></p>
	<p><b>Medicaid Bills</b></p>
	<p><b>15 H 5201 AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE</b></p>
	<p>Rep. Ajello in the House Finance Committee (Linda Ward)  This act would require the secretary of the executive office of health and human services increase income disregards to determine eligibility for the Qualified Medicare Beneficiary, the Specified Low-Income Medicare Beneficiary and the Qualifying Individual Programs Medicaid's cost-sharing programs by an amount that equalizes the income levels to one hundred eighty-five percent (185%) of the federal poverty level.  This act would take effect upon passage.</p>

1 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby  
2 amended by adding thereto the following section:  
3 **40-8-3.2. Eligibility for Medicare savings programs. -- (a) Beginning July 1, 2015, and**  
4 **annually thereafter, the secretary of the executive office of health and human services shall**  
5 **increase income disregards used to determine eligibility by the department of human services for**  
6 **the federal Qualified Medicare Beneficiary, the Specified Low-Income Medicare Beneficiary and**  
7 **the Qualifying Individual Programs, administered in accordance with the provisions of 42 U.S.C.**  
8 **1396d(p), by an amount that equalizes the income levels used to determine eligibility for said**  
9 **programs to income levels at or below one hundred eighty-five percent (185%) of the federal**  
10 **poverty level.**  
11 **(b) The secretary shall not apply an asset test for eligibility under the Medicare savings**  
12 **program.**  
13 **(c) The secretary shall submit any Medicaid state plan amendment necessary to**  
14 **implement the provisions of this section.**  
15 SECTION 2. This act shall take effect upon passage.

	<p>Table for inquiry sponsor - cost of care adjustments AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE</p>
	<p><b>15 H 5310 AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE FRAUD</b></p>
	<p>Rep. Morgan in the House Judiciary Committee (Casey Gartland)  This act would increase the penalties from \$500 and up to six (6) months incarceration to \$1,000 and a year incarceration for making a false statement of a material fact with respect to the conditions or operation of any institution or facility in order that such institution may qualify as a hospital, nursing facility, intermediate care facility or home health agency.  This act would take effect upon passage.</p>

1 SECTION 1. Section 40-8.2-7 of the General Laws in Chapter 40-8.2 entitled "Medical  
2 Assistance Fraud" is hereby amended to read as follows:  
3 **40-8.2-7. False statements made to gain certification. --** Whoever knowingly and  
4 willfully makes or causes to be made, or induces, or seeks to induce the making of any false

5 statement or representation of a material fact with respect to the conditions or operation of any  
 6 institution or facility in order that the institution or facility may qualify (either upon initial  
 7 certification or upon recertification) as a hospital, skilled nursing facility, intermediate care  
 8 facility, or home health agency, shall be guilty of a misdemeanor and, upon conviction thereof,  
 9 shall be fined not more than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) or  
 10 imprisoned for not more than ~~six (6) months~~ one year, or both.

11 SECTION 2. This act shall take effect upon passage.

	<i>No position taken</i> 15 H 5310 AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE
	<b>15 H 5347 AN ACT RELATING TO HUMAN SERVICES - RHODE ISLAND WORKS PROGRAM-- COMPULSORY ATTENDANCE</b>
	Rep. Rep. Casey in the House Finance Committee (Casey Gartland) This act would require an eighty percent (80%) school attendance rate for children in families receiving cash and medical assistance from the state as a condition of eligibility. This act would take effect upon passage.

1 SECTION 1. Section 40-5.2-10 of the General Laws in Chapter 40-5.2 entitled "The  
 2 Rhode Island Works Program" is hereby amended to read as follows:

3 **40-5.2-10. Necessary requirements and conditions.** -- The following requirements and  
 4 conditions shall be necessary to establish eligibility for the program.

5 (a) Citizenship, alienage and residency requirements.

6 (1) A person shall be a resident of the State of Rhode Island.

7 (2) Effective October 1, 2008 a person shall be a United States citizen, or shall meet the  
 8 alienage requirements established in § 402(b) of the Personal Responsibility and Work  
 9 Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section  
 10 may hereafter be amended; a person who is not a United States citizen and does not meet the  
 11 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in  
 12 accordance with this chapter.

13 (b) The family/assistance unit must meet any other requirements established by the  
 14 department of human services by rules and regulations adopted pursuant to the Administrative  
 15 Procedures Act, as necessary to promote the purpose and goals of this chapter.

16 (c) Receipt of cash assistance is conditional upon compliance with all program  
 17 requirements.

18 (d) All individuals domiciled in this state shall be exempt from the application of

1 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work  
 2 Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for  
 3 certain state and federal assistance if that individual has been convicted under federal or state law  
 4 of any offense which is classified as a felony by the law of the jurisdiction and which has as an  
 5 element the possession, use, or distribution of a controlled substance as defined in § 102(6) of the  
 6 Controlled Substances Act (21 U.S.C. 802(6)).

7 (e) Individual employment plan as a condition of eligibility.

8 (1) Following receipt of an application, the department of human services shall assess  
 9 the financial conditions of the family, including the non-parent caretaker relative who is applying  
 10 for cash assistance for himself or herself as well as for the minor child(ren), in the context of an  
 11 eligibility determination. If a parent or non parent caretaker relative is unemployed or under-  
 12 employed, the department shall conduct an initial assessment, taking into account: (A) the  
 13 physical capacity, skills, education, work experience, health, safety, family responsibilities and  
 14 place of residence of the individual; and (B) the child care and supportive services required by the  
 15 applicant to avail himself or herself of employment opportunities and/or work readiness

16 programs.

17 (2) On the basis of such assessment, the department of human services and the  
18 department of labor and training, as appropriate, in consultation with the applicant, shall develop  
19 an individual employment plan for the family which requires the individual to participate in the  
20 intensive employment services. Intensive employment services shall be defined as the work  
21 requirement activities in subsections 40-5.2-12(g) and (i).

22 (3) The director, or his/her designee, may assign a case manager to an  
23 applicant/participant, as appropriate.

24 (4) The department of labor and training and the department of human services in  
25 conjunction with the participant shall develop a revised individual employment plan which shall  
26 identify employment objectives, taking into consideration factors above, and shall include a  
27 strategy for immediate employment and for preparing for, finding, and retaining employment  
28 consistent, to the extent practicable, with the individual's career objectives.

29 (5) The individual employment plan must include the provision for the participant to  
30 engage in work requirements as outlined in § 40-5.2-12 of this chapter.

31 (6) (A) The participant shall attend and participate immediately in intensive assessment  
32 and employment services as the first step in the individual employment plan, unless temporarily  
33 exempt from this requirement in accordance with this chapter. Intensive assessment and  
34 employment services shall be defined as the work requirement activities in subsections 40-5.2-

1 12(g) and (i).

2 (B) Parents under age twenty (20) without a high school diploma or General Equivalency  
3 Diploma (GED) shall be referred to special teen parent programs which will provide intensive  
4 services designed to assist teen parent to complete high school education or GED, and to continue  
5 approved work plan activities in accord with Works program requirements.

6 (7) The applicant shall become a participant in accordance with this chapter at the time  
7 the individual employment plan is signed and entered into.

8 (8) Applicants and participants of the Rhode Island Work Program shall agree to comply  
9 with the terms of the individual employment plan, and shall cooperate fully with the steps  
10 established in the individual employment plan, including the work requirements.

11 (9) The department of human services has the authority under the chapter to require  
12 attendance by the applicant/participant, either at the department of human services or at the  
13 department of labor and training, at appointments deemed necessary for the purpose of having the  
14 applicant enter into and become eligible for assistance through the Rhode Island Work Program.  
15 Said appointments include, but are not limited to, the initial interview, orientation and  
16 assessment; job readiness and job search. Attendance is required as a condition of eligibility for  
17 cash assistance in accordance with rules and regulations established by the department.

18 (10) As a condition of eligibility for assistance pursuant to this chapter, the  
19 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the  
20 department of human services and/or the Rhode Island department of labor and training,  
21 participate in any initial assessments or appraisals and comply with all the terms of the individual  
22 employment plan in accordance with department of human service rules and regulations.

23 (11) A participant, including a parent or non-parent caretaker relative included in the  
24 cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause  
25 as defined in this chapter or the department's rules and regulations.

26 (12) A participant who voluntarily quits or refuses a job without good cause, as defined  
27 in subsection 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall  
28 be sanctioned in accordance with rules and regulations promulgated by the department.

29 (f) Resources.

30 (1) The Family or assistance unit's countable resources shall be less than the allowable  
31 resource limit established by the department in accordance with this chapter.

32 (2) No family or assistance unit shall be eligible for assistance payments if the combined  
33 value of its available resources (reduced by any obligations or debts with respect to such  
34 resources) exceeds one thousand dollars (\$1,000).

- 1 (3) For purposes of this subsection, the following shall not be counted as resources of the  
2 family/assistance unit in the determination of eligibility for the works program:  
3 (A) The home owned and occupied by a child, parent, relative or other individual;  
4 (B) Real property owned by a husband and wife as tenants by the entirety, if the property  
5 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in  
6 the property;  
7 (C) Real property which the family is making a good faith effort to dispose of, however,  
8 any cash assistance payable to the family for any such period shall be conditioned upon such  
9 disposal of the real property within six (6) months of the date of application and any payments of  
10 assistance for that period shall (at the time of disposal) be considered overpayments to the extent  
11 that they would not have occurred at the beginning of the period for which the payments were  
12 made. All overpayments are debts subject to recovery in accordance with the provisions of the  
13 chapter;  
14 (D) Income producing property other than real estate including, but not limited to,  
15 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or  
16 Services which the department determines are necessary for the family to earn a living;  
17 (E) One vehicle for each adult household member, but not to exceed two (2) vehicles per  
18 household, and in addition, a vehicle used primarily for income producing purposes such as, but  
19 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which  
20 annually produces income consistent with its fair market value, even if only used on a seasonal  
21 basis; a vehicle necessary to transport a family member with a disability where the vehicle is  
22 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a  
23 special type of vehicle that makes it possible to transport the person with a disability;  
24 (F) Household furnishings and appliances, clothing, personal effects and keepsakes of  
25 limited value;  
26 (G) Burial plots (one for each child, relative, and other individual in the assistance unit),  
27 and funeral arrangements;  
28 (H) For the month of receipt and the following month, any refund of federal income  
29 taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32  
30 (relating to earned income tax credit), and any payment made to the family by an employer under  
31 § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of  
32 such earned income credit);  
33 (I) The resources of any family member receiving supplementary security income  
34 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

- 1 (g) Income.  
2 (1) Except as otherwise provided for herein, in determining eligibility for and the amount  
3 of cash assistance to which a family is entitled under this chapter, the income of a family includes  
4 all of the money, goods, and services received or actually available to any member of the family.  
5 (2) In determining the eligibility for and the amount of cash assistance to which a  
6 family/assistance unit is entitled under this chapter, income in any month shall not include the  
7 first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross  
8 earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.  
9 (3) The income of a family shall not include:  
10 (A) The first fifty dollars (\$50.00) in child support received in any month from each non-  
11 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty  
12 dollars (\$50.00) per month multiplied by the number of months in which the support has been in  
13 arrears) which are paid in any month by a non-custodial parent of a child;  
14 (B) Earned income of any child;  
15 (C) Income received by a family member who is receiving supplemental security income  
16 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

17 (D) The value of assistance provided by state or federal government or private agencies  
18 to meet nutritional needs, including: value of USDA donated foods; value of supplemental food  
19 assistance received under the Child Nutrition Act of 1966, as amended and the special food  
20 service program for children under Title VII, nutrition program for the elderly, of the Older  
21 Americans Act of 1965 as amended, and the value of food stamps;

22 (E) Value of certain assistance provided to undergraduate students, including any grant  
23 or loan for an undergraduate student for educational purposes made or insured under any loan  
24 program administered by the U.S. Commissioner of Education (or the Rhode Island board of  
25 governors for higher education or the Rhode Island higher educational assistance authority);

26 (F) Foster Care Payments;

27 (G) Home energy assistance funded by state or federal government or by a nonprofit  
28 organization;

29 (H) Payments for supportive services or reimbursement of out-of-pocket expenses made  
30 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE  
31 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service  
32 Act of 1973, 42 U.S.C. § 5000 et seq.;

33 (I) Payments to volunteers under AmeriCorps VISTA as defined in the department's  
34 rules and regulations;

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1 (J) Certain payments to native Americans; payments distributed per capita to, or held in  
2 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,  
3 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes  
4 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,  
5 1975;

6 (K) Refund from the federal and state earned income tax credit;

7 (L) The value of any state, local, or federal government rent or housing subsidy,  
8 provided that this exclusion shall not limit the reduction in benefits provided for in the payment  
9 standard section of this chapter.

10 (4) The receipt of a lump sum of income shall affect participants for cash assistance in  
11 accordance with rules and regulations promulgated by the department.

12 (h) Time limit on the receipt of cash assistance.

13 (1) No cash assistance shall be provided, pursuant to this chapter, to a family or  
14 assistance unit which includes an adult member who has received cash assistance, either for  
15 him/herself or on behalf of his/her children, for a total of twenty-four (24) months, (whether or  
16 not consecutive) within any sixty (60) continuous months after July 1, 2008 to include any time  
17 receiving any type of cash assistance in any other state or territory of the United States of  
18 America as defined herein. Provided further, in no circumstances other than provided for in  
19 section (3) below with respect to certain minor children, shall cash assistance be provided  
20 pursuant to this chapter to a family or assistance unit which includes an adult member who has  
21 received cash assistance for a total of a lifetime limit of forty-eight (48) months.

22 (2) Cash benefits received by a minor dependent child shall not be counted toward their  
23 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash  
24 benefits as an adult.

25 (3) Certain minor children not subject to time limit. This section regarding the lifetime  
26 time limit for the receipt of cash assistance, shall not apply only in the instances of a minor  
27 child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a  
28 responsible adult non-parent caretaker relative who is not in the case assistance payment.

29 (4) Receipt of family cash assistance in any other state or territory of the United States of  
30 America shall be determined by the department of human services and shall include family cash  
31 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds  
32 [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.]and/or family cash  
33 assistance provided under a program similar to the Rhode Island Families Work and Opportunity  
34 Program or the federal TANF program.

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1 (5) (A) The department of human service shall mail a notice to each assistance unit when  
2 the assistance unit has six (6) months of cash assistance remaining and each month thereafter  
3 until the time limit has expired. The notice must be developed by the department of human  
4 services and must contain information about the lifetime time limit. the number of months the  
5 participant has remaining, the hardship extension policy, the availability of a post-employment-  
6 and-closure bonus, and any other information pertinent to a family or an assistance unit nearing  
7 either the twenty-four (24) month or forty-eight (48) month lifetime time limit.

8 (B) For applicants who have less than six (6) months remaining in either the twenty-four  
9 (24) month or forty-eight (48) month lifetime time limit because the family or assistance unit  
10 previously received cash assistance in Rhode Island or in another state, the department shall  
11 notify the applicant of the number of months remaining when the application is approved and  
12 begin the process required in paragraph (A) above.

13 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary  
14 Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal  
15 Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family  
16 Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction  
17 because of failure to comply with the cash assistance program requirements; and that recipients  
18 family received forty-eight (48) months of cash benefits in accordance with the Family  
19 Independence Program, than that recipient family is not able to receive further cash assistance for  
20 his/her family, under this chapter, except under hardship exceptions.

21 (7) The months of state or federally funded cash assistance received by a recipient family  
22 since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program,  
23 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et  
24 seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable toward  
25 the time limited cash assistance described in this chapter.

26 (i) Time limit on the receipt of cash assistance.

27 (1) (A) No cash assistance shall be provided, pursuant to this chapter, to a family  
28 assistance unit in which an adult member has received cash assistance for a total of sixty (60)  
29 months (whether or not consecutive) to include any time receiving any type of cash assistance in  
30 any other state or territory of the United States as defined herein effective August 1, 2008.  
31 Provided further, that no cash assistance shall be provided to a family in which an adult member  
32 has received assistance for twenty-four (24) consecutive months unless the adult member has a  
33 rehabilitation employment plan as provided in subsection 40-5.2-12(g)(5).

34 (B) Effective August 1, 2008 no cash assistance shall be provided pursuant to this

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1 chapter to a family in which a child has received cash assistance for a total of sixty (60) months  
2 (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant  
3 to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other  
4 state or territory of the United States as defined herein.

5 (j) Hardship Exceptions.

6 (1) The department may extend an assistance unit's or family's cash assistance beyond  
7 the time limit, by reason of hardship; provided, however, that the number of such families to be  
8 exempted by the department with respect to their time limit under this subsection shall not exceed  
9 twenty percent (20%) of the average monthly number of families to which assistance is provided  
10 for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter  
11 permitted by federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not  
12 be counted in determining the twenty percent (20%) maximum under this section.

13 (2) Parents who receive extensions to the time limit due to hardship must have and  
14 comply with employment plans designed to remove or ameliorate the conditions that warranted  
15 the extension.

16 (k) Parents under eighteen (18) years of age.

17 (1) A family consisting of a parent who is under the age of eighteen (18), and who has  
18 never been married, and who has a child; or a family which consists of a woman under the age of  
19 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if

20 such family resides in the home of an adult parent, legal guardian or other adult relative. Such  
21 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of  
22 the individual and child unless otherwise authorized by the department.

23 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,  
24 legal guardian or other adult relative who is living and/or whose whereabouts are unknown; or the  
25 department determines that the physical or emotional health or safety of the minor parent, or his  
26 or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the  
27 same residence as his or her parent, legal guardian or other adult relative (refusal of a parent,  
28 legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant  
29 minor, to live in his or her home shall constitute a presumption that the health or safety would be  
30 so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent  
31 or legal guardian for a period of at least one year before either the birth of any child to a minor  
32 parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental  
33 regulations, for waiving the subsection; and the individual resides in supervised supportive living  
34 arrangement to the extent available.

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1 (3) For purposes of this section "supervised supportive living arrangement" means an  
2 arrangement which requires minor parents to enroll and make satisfactory progress in a program  
3 leading to a high school diploma or a general education development certificate, and requires  
4 minor parents to participate in the adolescent parenting program designated by the department, to  
5 the extent the program is available; and provides rules and regulations which ensure regular adult  
6 supervision.

7 (l) Assignment and Cooperation. - As a condition of eligibility for cash and medical  
8 assistance under this chapter, each adult member, parent or caretaker relative of the  
9 family/assistance unit must:

10 (1) Assign to the state any rights to support for children within the family from any  
11 person which the family member has at the time the assignment is executed or may have while  
12 receiving assistance under this chapter;

13 (2) Consent to and cooperate with the state in establishing the paternity and in  
14 establishing and/or enforcing child support and medical support orders for all children in the  
15 family or assistance unit in accordance with Title 15 of the general laws, as amended, unless the  
16 parent or caretaker relative is found to have good cause for refusing to comply with the  
17 requirements of this subsection.

18 (3) Absent good cause, as defined by the department of human services through the rule  
19 making process, for refusing to comply with the requirements of (1) and (2) above, cash  
20 assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of  
21 the family who has refused to comply with the requirements of this subsection consents to and  
22 cooperates with the state in accordance with the requirements of this subsection.

23 (4) As a condition of eligibility for cash and medical assistance under this chapter, each  
24 adult member, parent or caretaker relative of the family/assistance unit must consent to and  
25 cooperate with the state in identifying and providing information to assist the state in pursuing  
26 any third-party who may be liable to pay for care and services under Title XIX of the Social  
27 Security Act, 42 U.S.C. § 1396 et seq.

28 (m) School attendance as a condition of eligibility. - (1) As a condition of eligibility for  
29 cash and medical assistance under this chapter, each adult member, who is the parent or legal  
30 guardian of a child who is a member of the family/assistance unit and who is required by law to  
31 attend school must sign an affidavit stating that the child is enrolled in and attending school and  
32 has an attendance rate of not less than eighty percent (80%) for the current school year, not  
33 including illness, or injury-related absences. The affidavit shall include the child's name, the  
34 name of the school the child attends, and the name of the city or town in which the school is

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1 located.

2 (2) The department of human services may require consent to release the child's school  
3 attendance records to the department as a condition of eligibility for assistance under this chapter.

4 [\(3\) The department of human services shall verify the attendance rate of each child who](#)  
5 [is the subject of any affidavit under this section.](#)

6 [\(4\) A family/assistance unit is in compliance with this section when every child within](#)  
7 [the unit has a verified attendance rate of not less than eighty percent \(80%\) for the current school](#)  
8 [year, not including illness or injury-related absences.](#)

9 SECTION 2. This act shall take effect upon passage.

	<b>MOTION: To find <i>harmful</i> 15 H 5347 AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM -- COMPULSORY ATTENDANCE</b> Motion moved by CG, seconded by BH, <i>passed unanimous</i>
	<b>Professional Standards Bills</b>
	<b>15 H 5498 AN ACT RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT PROGRAM</b>
	Rep. Naughton Requested by the Attorney General in the House Health, Education, & Welfare Committee (Casey Gartland) This act would require registration of those individuals who provide personal care attendant services to a consumer; a national criminal records check; and annual training. This act would take effect on January 1, 2016.

1 SECTION 1. Section 40-8.1-3 of the General Laws in Chapter 40-8.1 entitled "Personal  
2 Care Attendant Program" is hereby amended to read as follows:

3 **40-8.1-3. Eligibility for services.** -- Services available under this chapter may be  
4 provided to any person who meets the following criteria:

5 (1) Has made application therefor to the director of the department of human services in  
6 a manner prescribed by the director;

7 (2) Has a severe physical disability that caused the person to be unduly dependent, the  
8 disability to be certified by the ~~division of vocational~~ [office of rehabilitation services](#); and

9 (3) Has not sufficient income or resources to meet the cost of home care services, a  
10 determination of insufficiency to be made by the division of vocational rehabilitation.

11 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
12 amended by adding thereto the following chapter:

13 **CHAPTER 94**

14 **PERSONAL CARE ATTENDANT SERVICES**

15 **23-94-1. Definitions.** -- As used in this chapter:

16 (1) ["Applicant" means a person applying with the department for a certificate of](#)  
17 [registration as a personal care attendant.](#)

18 (2) ["Activities of daily living" means hands on assistance with activities of daily living](#)  
19 [including, but not limited to, ambulation, transfer, toileting, and grooming.](#)

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1 (3) ["Bureau of criminal identification" means the bureau of criminal identification of the](#)  
2 [department of attorney general.](#)

3 (4) ["Companionship" means and includes, but is not limited to, spending time with or](#)  
4 [caring for a consumer, accompanying a consumer on trips and outings, and providing necessary](#)  
5 [transportation to a consumer.](#)

6 (5) ["Consumer" means an individual who receives self-directed personal care attendant](#)  
7 [services, including, a participant in personal care attendant services provided pursuant to § 40-](#)  
8 [8.1-2 or a person who receives personal care attendant services through Medicaid, a third-party](#)  
9 [payor, or paid for by the individual and/or his/her family. Consumer shall not include an](#)  
10 [individual who receives services similar to personal care attendant services for no compensation.](#)

11 (6) ["Department" means the department of health.](#)

12 (7) "Disqualifying information" means information produced by a national criminal  
13 records check pertaining to a conviction for the following crimes: murder, manslaughter, first  
14 degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons  
15 sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery,  
16 rape, burglary, or the abominable and detestable crime against nature), felony assault, patient  
17 abuse, neglect or mistreatment of patients, first degree arson, robbery, felony drug offenses,  
18 larceny, abuse, neglect and/or exploitation of adults with severe impairments, fraud and false  
19 dealing, theft, embezzlement, false pretenses, misappropriation, impersonation and identity fraud,  
20 exploitation of elders, or felony banking law violations. For purposes of this subsection  
21 "conviction" means, in addition to judgments of conviction entered by a court subsequent to a  
22 finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of  
23 nolo contendere and has received a sentence of probation and those instances where a defendant  
24 has entered into a deferred sentence agreement with the attorney general.

25 (8) "Employer" means the consumer unless the personal care attendant is employed by a  
26 third party, in such cases the third party is the employer.

27 (9) "Homemaking" means performing household chores that includes, but is not limited  
28 to, housekeeping meal planning and preparation, shopping assistance, and routine household  
29 activities for a consumer.

30 (10) "Participant" means an individual approved by the department to receive self-  
31 directed personal care attendant services.

32 (11) "Personal care attendant" means an individual with appropriate training who  
33 provides personal care attendant services to a consumer.

34 (12) "Personal care assistant services" means assistance with activities of daily living,

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1 homemaking, and companionship provided to a consumer that are intended to enable the  
2 consumer to remain safely and comfortable in their residence. Personal care attendant services  
3 does not include services provided by entities required to be licensed under the general laws  
4 including, but not limited to: education facilities, title 16; health care facilities, chapter 17 of title  
5 23; assisted living residences, chapter 17.4 of title 23; nursing service agencies, chapter 17.7.1 of  
6 title 23; and/or behavioral healthcare, developmental disabilities and hospital facilities, chapter  
7 25.1 of title 40.1.

8 (13) "Personal representative" means a person who, under applicable state law, has the  
9 authority to act on behalf of the consumer with regard to an action to be taken.

10 (14) "Registrant" means the lawful holder of a certificate of registration as a personal care  
11 attendant with the department;

12 (15) "Service plan" means a written list of the types and schedule of personal care  
13 attendant services prepared by the personal care attendant, or his or her designee, updated to  
14 reflect changes in needs or services as appropriate, but at least annually, that states the services to  
15 be provided to the consumer subject to the consumer's right to temporarily suspend, permanently  
16 terminate, temporarily add, or permanently add the provision of any such service.

17 **23-94-2. Rights of consumers. --** The department shall develop rights to be distributed to  
18 the consumer within five (5) calendar days of the initiation of services to the consumer and  
19 thereafter, on an annual basis. These rights include:

20 (1) The consumer's right to be free from verbal, physical and psychological abuse and to  
21 be treated with dignity;

22 (2) The consumer's right to temporarily or permanently suspend, terminate, or add the  
23 provision of any services stated in the service plan;

24 (3) The consumer's right to have property treated with respect;

25 (4) The consumer's right to voice grievances regarding services furnished or regarding  
26 the lack of respect for property by anyone who is furnishing services and that the consumer must  
27 not be subject to discrimination or reprisal for doing so;

28 (5) A statement that it is not within the scope of the services to manage the medical and  
29 health conditions of the consumers;

30 (6) The charges for services provided by the personal care assistant; and

31 (7) The procedure and contact information to file a complaint with the department.  
32 **23-94-3. Complaint process.** -- The department shall investigate complaints made by a  
33 consumer, the consumer's family, or the personal representative regarding services that are or  
34 have failed to be furnished or lack of respect for the consumer's property by the personal care

1 attendant. The department shall document the existence of the complaint and the resolution of the  
2 complaint in accordance with the department's rules and regulations.

3 **23-94-4. Registration.** – (a) Every person being employed as a personal care attendant or  
4 offering services as a personal care attendant must obtain a certificate of registration issued by the  
5 department within their initial thirty (30) days of employment or of offering services.

6 (b) The department shall verify, prior to issuing a certificate of registration, that the  
7 applicant underwent a national criminal records check in accordance with § 23-94-8 and  
8 successfully completed the training program in accordance with § 23-94-7.

9 (c) The department shall register all those individuals issued a certificate of registration  
10 and the register shall be open to public inspection.

11 (d) The department may charge a fee for registration or renewal of the certificate that  
12 shall be established by rules and regulations promulgated pursuant to § 23-94-13.

13 **23-94-5. Renewal of certificate of registration.** – Every registrant shall renew their  
14 certificate of registration biennially by making application to the department. Such forms shall be  
15 provided by the department. The renewals shall be granted as a matter of course provided that the  
16 registrant has proof of successful completion of the continuing education requirements as  
17 required by § 23-94-7. The department shall not automatically renew the certificate of registration  
18 if the department finds that the registrant has acted or failed to act in a manner under the  
19 circumstances that would constitute grounds for suspension or revocation of a certificate of  
20 registration.

21 **23-94-6. Grandfather clause.** – After January 1, 2016 and at any time prior to March 31,  
22 2016, the department shall issue a certificate of registration to any applicant who shall present  
23 satisfactory evidence that he or she has been employed as a personal care attendant in Rhode  
24 Island for a period of at least three hundred (300) hours and has undergone a national criminal  
25 records check in accordance with § 23-94-8.

26 **23-94-7. Personal care assistant training.** – (a) The department shall be responsible for  
27 ensuring that all registrants have completed four (4) hours of initial training on personal care  
28 assistant responsibilities and practices and two (2) hours of continuing education biennially  
29 thereafter, as prescribed by the department. In addition to the four (4) hours of initial training,  
30 each registrant shall receive individualized training on how to assist their consumer's needs.

31 (b) All applicants not otherwise exempted, under § 23-94-6, are required to complete the  
32 process of training within thirty (30) days from the date of initiation of training. If the applicant  
33 fails to successfully complete the training within ninety (90) days, they must successfully repeat  
34 the training program.

1 **23-94-8. National criminal records check.** – (a) Any person applying for a certificate of  
2 registration as a personal care attendant shall undergo a national criminal records check to be  
3 initiated prior to applying for a certificate of registration.

4 (b) The applicant shall apply to the bureau of criminal identification for a national  
5 criminal records check that shall be supported by fingerprints submitted to the Federal Bureau of  
6 Investigation ("FBI").

7 (1) Upon discovery of any disqualifying information, the bureau of criminal identification  
8 shall inform the applicant, in writing, of the nature of the disqualifying information; and without  
9 disclosing the nature of the disqualifying information, will notify the department, in writing, that  
10 disqualifying information has been discovered. An employee against whom disqualifying  
11 information has been found may provide a copy of the national criminal records check to the  
12 department. The department shall make a judgment regarding the issuance of the certificate of  
13 registration.

14 (2) In those situations in which no disqualifying information has been found, the bureau

15 of criminal identification shall inform the applicant and the department in writing.

16 (c) It shall be the responsibility of the applicant to pay for the national criminal records  
17 check.

18 **23-94-9. Denial, suspension, or revocation of a certificate of registration.** – The  
19 department, after notice and opportunity for a hearing to the applicant or registrant, is authorized  
20 to deny, suspend, or revoke a certificate of registration in any case in which it finds that there has  
21 been failure to comply with the requirements under this chapter and the rules and regulations  
22 promulgated thereto or the registrant has been convicted of an offense that is considered  
23 disqualifying information. The notice shall be effected by registered or certified mail or by  
24 personal service, setting forth the particular reasons for the proposed action and fixing a date not  
25 less than thirty (30) days from the date of the mailing or service, at which time the applicant or  
26 registrant shall be given an opportunity for a prompt and fair hearing. On the basis of the hearing,  
27 or upon the failure of the applicant or registrant to appear, the department shall make a  
28 determination specifying its findings of fact and conclusions of law. A copy of the determination  
29 shall be sent by registered or certified mail or served personally upon the applicant or registrant.  
30 The decision denying, suspending, or revoking the certificate of registration shall become final  
31 thirty (30) days after it is so mailed or served, unless the applicant or registrant, within the thirty  
32 (30) day period, appeals the decision pursuant to § 42-35-15. The procedure governing hearings  
33 authorized by this section shall be in accordance with §§ 42-35-9 and 42-35-13 as stipulated in §  
34 42-35-14. A full and complete record shall be kept of all proceedings, and all testimony shall be

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1 reported but need not be transcribed unless the decision is appealed pursuant to § 42-35-15. A  
2 copy or copies of the transcript may be obtained by an interested party on payment of the cost of  
3 preparing the copy or copies. Witnesses may be subpoenaed by either party.

4 **23-94-10. Judicial review of certificate of registration action.** – Any person who has  
5 exhausted all administrative remedies available to him or her within the department, and who is  
6 aggrieved by a final decision of the department, is entitled to judicial review in accordance with  
7 the provisions of §§ 42-35-15 and 42-35-16.

8 **23-94-11. Immunity from liability.** – No person who disqualifies an individual from  
9 employment or continued employment within thirty (30) days of receipt of a letter containing  
10 disqualifying information or of a national criminal records check relating to that information shall  
11 be liable for civil damages or subject to any claim, cause of action, or proceeding of any nature as  
12 a result of the disqualification.

13 **23-94-12. Inspections and investigations.** – The department may conduct any such  
14 investigation or inspection as it deems necessary to assess compliance with this chapter and the  
15 rules and regulations promulgated thereto. Wherever possible and practical, on-site reviews shall  
16 be scheduled, in any effort so as to reduce the number of visits and the disruption to the personal  
17 care attendant services. Investigations and inspections may occur when the consumer gives  
18 consent including the direct observation of the provision of personal care attendant services.  
19 Registrants shall make available to the department all books, records, policies and procedures, or  
20 any other materials requested during the course of an investigation or inspection. Refusal to make  
21 such materials available to the department shall be grounds for certificate of registration  
22 revocation, or the imposition of any other penalty provided in the chapter.

23 **23-94-13. Rules and regulations.** – The department shall promulgate rules and  
24 regulations to carry out the intent of this chapter.

25 **23-94-14. Penalties for violations.** – It shall be a misdemeanor punishable by a fine of  
26 not more than one thousand dollars (\$1,000), by imprisonment for not more than one year, or  
27 both, for any person to:

28 (1) Be employed as a personal care attendant or offer services as a personal care attendant  
29 without a certificate of registration as required by this chapter;

30 (2) Practice as a personal care attendant during the time his or her certification of  
31 registration issued under the provisions of this chapter is suspended or revoked; or

32 (3) Obtain his or her certification of registration by means of fraud, misrepresentation, or  
33 concealment of material facts.

1 [provision of this chapter to any person or circumstance shall be held invalid, the invalidity shall](#)  
 2 [not affect the provisions or application of this chapter which can be given effect without the](#)  
 3 [invalid provisions or applications, and to this end the provisions of this chapter are declared](#)  
 4 [severable.](#)

5 SECTION 3. Sections 12-1.6-1 and 12-1.6-2 of the General Laws in Chapter 12-1.6  
 6 entitled "National Criminal Records Check System" are hereby amended to read as follows:

7 **12-1.6-1. Automated fingerprint identification system database.** -- The department of  
 8 attorney general may establish and maintain an automated fingerprint identification system  
 9 database that would allow the department to store and maintain all fingerprints submitted in  
 10 accordance with the national criminal records check system. The automated fingerprint  
 11 identification system database would provide for an automatic notification if, and when, a  
 12 subsequent criminal arrest fingerprint card is submitted to the system that matches a set of  
 13 fingerprints previously submitted in accordance with a national criminal records check. If the  
 14 aforementioned arrest results in a conviction, the department shall immediately notify those  
 15 individuals and entities with which that individual is associated and who are required to be  
 16 notified of disqualifying information concerning national criminal records checks as provided in  
 17 chapters 17, 17.4, 17.7.1 [and 94](#) of title 23 or § 23-1-52. The information in the database  
 18 established under this section is confidential and not subject to disclosure under chapter 38-2.

19 **12-1.6-2. Long-term healthcare workers.** -- The department of attorney general shall  
 20 maintain an electronic, web-based system to assist facilities, licensed under chapters 17, 17.4,  
 21 17.7.1 [and 94](#) of title 23 or § 23-1-52, required to check relevant registries and conduct national  
 22 criminal records checks of routine contact patient employees. The department of attorney general  
 23 shall provide for an automated notice, as authorized in § 12-1.6-1, to those facilities if a routine-  
 24 contact patient employee is subsequently convicted of a disqualifying offense, as described in the  
 25 relevant licensing statute. The department of attorney general may charge a facility a one-time,  
 26 set-up fee of up to one hundred dollars (\$100) for access to the electronic web-based system  
 27 under this section.

28 SECTION 4. This act shall take effect on January 1, 2016.

	<p>MOTION: To find <i>beneficial if amended to eliminate the registration fee</i> 15 H 5498 AN ACT RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT PROGRAM                  Motion moved by CG, seconded by JR, <i>passed unanimously</i></p>
	<p><b>15 H 5507 AN ACT RELATING TO HEALTH AND SAFETY- LILA MANSFIELD SAPINSLEY COMPASSIONATE CARE ACT</b></p>
	<p>Rep. Ajello in House Finance Committee (Casey Gartland)                  This act would create the Lila Mansfield Sapinsley Compassionate Care Act, to provide a legal mechanism whereby a terminally ill patient may choose to end his or her life using drugs prescribed by a physician.                  This act would take effect upon passage.</p>

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
 2 amended by adding thereto the following chapter:

3 **CHAPTER 4.13**

4 **LILA MANFIELD SAPINSLEY COMPASSIONATE CARE ACT**

5 **23-4.13-1. Short title.** -- [This chapter shall be known and may be cited as the "Lila](#)  
 6 [Manfield Sapinsley Compassionate Care Act".](#)

7 **23-4.13-2. Definitions.** -- [As used in this chapter:](#)

8 [\(1\) "Bona fide physician-patient relationship" means a treating or consulting relationship](#)  
 9 [in the course of which a physician has completed a full assessment of the patient's medical](#)

10 history and current medical condition, including a personal physical examination.

11 (2) "Capable" means that a patient has the ability to make and communicate health care  
12 decisions to a physician, including communication through persons familiar with the patient's  
13 manner of communicating if those persons are available.

14 (3) "Health care facility" shall have the same meaning as in § 23-17-2.

15 (4) "Health care provider" means a person, partnership, corporation, facility, or  
16 institution, licensed or certified or authorized by law to administer health care or dispense  
17 medication in the ordinary course of business or practice of a profession.

18 (5) "Impaired judgment" means that a person does not sufficiently understand or

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1 appreciate the relevant facts necessary to make an informed decision.

2 (6) "Interested person" means:

3 (i) The patient's physician;

4 (ii) A person who knows that he or she is a relative of the patient by blood, civil  
5 marriage, civil union, or adoption;

6 (iii) A person who knows that he or she would be entitled upon the patient's death to any  
7 portion of the estate or assets of the patient under any will or trust, by operation of law, or by  
8 contract; or

9 (iv) An owner, operator, or employee of a health care facility, nursing home, or  
10 residential care facility where the patient is receiving medical treatment or is a resident.

11 (7) "Palliative care" shall have the same definition as in § 23-89-3.

12 (8) "Patient" means a person who is eighteen (18) years of age or older, a resident of  
13 Rhode Island, and under the care of a physician.

14 (9) "Physician" means an individual licensed to engage in the practice of medicine as  
15 defined in § 5-37-1.

16 (10) "Terminal condition" means an incurable and irreversible disease which would,  
17 within reasonable medical judgment, result in death within six (6) months or less.

18 **23-4.13-3. Requirements for prescription and documentation - Immunity.** -- (a) A  
19 physician shall not be subject to any civil or criminal liability or professional disciplinary action  
20 if the physician prescribes to a patient with a terminal condition medication to be self-  
21 administered for the purpose of hastening the patient's death and the physician affirms by  
22 documenting in the patient's medical record that all of the following occurred:

23 (1) The patient made an oral request to the physician in the physician's physical presence  
24 to be prescribed medication to be self-administered for the purpose of hastening the patient's  
25 death.

26 (2) No fewer than fifteen (15) days after the first oral request, the patient made a second  
27 oral request to the physician in the physician's physical presence to be prescribed medication to  
28 be self-administered for the purpose of hastening the patient's death.

29 (3) At the time of the second oral request, the physician offered the patient an opportunity  
30 to rescind the request.

31 (4) The patient made a written request to be prescribed medication to be self-  
32 administered for the purpose of hastening the patient's death that was signed by the patient in the  
33 presence of two (2) or more subscribing witnesses at least one of whom is not an interested  
34 person as defined in § 23-4.13-2(6), who were at least eighteen (18) years of age, and who

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1 subscribed and attested that the patient appeared to understand the nature of the document and to  
2 be free from duress or undue influence at the time the request was signed.

3 (5) The physician determined that the patient:

4 (i) Was suffering a terminal condition, based on the physician's physical examination of  
5 the patient and the physician's review of the patient's relevant medical records;

6 (ii) Was capable;

7 (iii) Was making an informed decision;

8 (iv) Had made a voluntary request for medication to hasten his or her death; and

9 (v) Was a Rhode Island resident.

- 10       (6) The physician informed the patient in person, both verbally and in writing, of all the  
11 following:
- 12       (i) The patient's medical diagnosis;
  - 13       (ii) The patient's prognosis, including an acknowledgement that the physician's prediction  
14 of the patient's life expectancy was an estimate based on the physician's best medical judgment  
15 and was not a guarantee of the actual time remaining in the patient's life, and that the patient  
16 could live longer than the time predicted;
  - 17       (iii) The range of treatment options appropriate for the patient and the patient's diagnosis;
  - 18       (iv) If the patient was not enrolled or participating in hospice care, all feasible end-of-life  
19 services, including palliative care, comfort care, hospice care, and pain control;
  - 20       (v) The range of possible results, including potential risks associated with taking the  
21 medication to be prescribed; and
  - 22       (vi) The probable result of taking the medication to be prescribed.
- 23       (7) The physician referred the patient to a second physician for medical confirmation of  
24 the diagnosis, prognosis, and a determination that the patient was capable, was acting voluntarily,  
25 and had made an informed decision.
- 26       (8) The physician either verified that the patient did not have impaired judgment or  
27 referred the patient for an evaluation by a psychiatrist, psychologist, or clinical social worker,  
28 licensed in Rhode Island, for confirmation that the patient was capable and did not have impaired  
29 judgment.
- 30       (9) If applicable, the physician consulted with the patient's primary care physician with  
31 the patient's consent.
- 32       (10) The physician informed the patient that the patient may rescind the request at any  
33 time and in any manner and offered the patient an opportunity to rescind after the patient's second  
34 oral request.

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- 1       (11) The physician ensured that all required steps were carried out in accordance with this  
2 section and confirmed, immediately prior to writing the prescription for medication, that the  
3 patient was making an informed decision.
- 4       (12) The physician wrote the prescription no fewer than forty-eight (48) hours after the  
5 last to occur of the following events:
- 6       (i) The patient's written request for medication to hasten his or her death;
  - 7       (ii) The patient's second oral request; or
  - 8       (iii) The physician's offering the patient an opportunity to rescind the request.
- 9       (13) The physician either:
- 10       (i) Dispensed the medication directly, provided that at the time the physician dispensed  
11 the medication, he or she was licensed to dispense medication in Rhode Island, had a current  
12 Drug Enforcement Administration certificate, and complied with any applicable administrative  
13 rules; or
  - 14       (ii) With the patient's written consent:
    - 15       (A) Contacted a pharmacist and informed the pharmacist of the prescription; and
    - 16       (B) Delivered the written prescription personally or by mail or electronically to the  
17 pharmacist, who dispensed the medication to the patient, the physician, or an expressly identified  
18 agent of the patient.
- 19       (14) The physician recorded and filed the following in the patient's medical record:
- 20       (i) The date, time and detailed description of all oral requests of the patient for  
21 medication to hasten his or her death;
  - 22       (ii) All written requests by the patient for medication to hasten his or her death;
  - 23       (iii) The physician's diagnosis, prognosis, and basis for the determination that the patient  
24 was capable, was acting voluntarily, and had made an informed decision;
  - 25       (iv) The second physician's diagnosis, prognosis, and verification that the patient was  
26 capable, was acting voluntarily, and had made an informed decision;
  - 27       (v) The physician's attestation that the patient was enrolled in hospice care at the time of  
28 the patient's oral and written requests for medication to hasten his or her death or that the

29 physician informed the patient of all feasible end-of-life services;  
30 (vi) The physician's verification that the patient either did not have impaired judgment or  
31 that the physician referred the patient for an evaluation and the person conducting the evaluation  
32 has determined that the patient did not have impaired judgment;  
33 (vii) A report of the outcome and determinations made during any evaluation which the  
34 patient may have received;

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1 (viii) The date, time, and detailed description of the physician's offer to the patient to  
2 rescind the request for medication at the time of the patient's second oral request; and  
3 (ix) A note by the physician indicating that all requirements under this section were  
4 satisfied and describing all of the steps taken to carry out the request, including a notation of the  
5 medication prescribed.

6 (15) After writing the prescription, the physician promptly filed a report with the  
7 department of health documenting completion of all of the requirements under this section.

8 (b) This section shall not be construed to limit civil or criminal liability for gross  
9 negligence, recklessness, or intentional misconduct.

10 **23-4.13-4. No duty to aid.** -- A patient with a terminal condition who self-administers a  
11 lethal dose of medication shall not be considered to be a person exposed to grave physical harm  
12 under § 11-56-1, and no person shall be subject to civil or criminal liability solely for being  
13 present when a patient with a terminal condition self-administers a lethal dose of medication  
14 pursuant to this chapter, or for not acting to prevent the patient from self-administering a lethal  
15 dose of medication pursuant to this chapter, or for not rendering aid to a patient who has self-  
16 administered medication pursuant to this chapter.

17 **23-4.13-5. Limitations on actions.** -- (a) A physician, nurse, pharmacist, or other person  
18 shall not be under any duty, by law or contract, to participate in the provision of a lethal dose of  
19 medication to a patient.

20 (b) A health care facility or health care provider shall not subject a physician, nurse,  
21 pharmacist, or other person to discipline, suspension, loss of license, loss of privileges, or other  
22 penalty for actions taken in good faith reliance on the provisions of this chapter or refusals to act  
23 under this chapter.

24 (c) Except as otherwise provided in this chapter herein, nothing in this chapter shall be  
25 construed to limit liability for civil damages resulting from negligent conduct or intentional  
26 misconduct by any person.

27 **23-4.13-6. Healthcare facility exception.** -- A healthcare facility may prohibit a  
28 physician from writing a prescription for a dose of medication intended to be lethal for a patient  
29 who is a resident in its facility and intends to use the medication on the facility's premises,  
30 provided the facility has notified the physician in writing of its policy with regard to the said  
31 prescriptions. Notwithstanding the provisions of § 23-4.13-5(b), any physician who violates a  
32 policy established by a healthcare facility under this section may be subject to sanctions otherwise  
33 allowable under law or contract.

34 **23-4.13-7. Insurance policies; prohibitions.** -- (a) A person and his or her beneficiaries

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1 shall not be denied benefits under any life insurance policy, as defined in § 27-4-0.1, for actions  
2 taken in accordance with this chapter.

3 (b) The sale, procurement, or issue of any medical malpractice insurance policy or the  
4 rate charged for the policy shall not be conditioned upon or affected by whether the physician is  
5 willing or unwilling to participate in the provisions of this chapter.

6 **23-4.13-8. No effect on palliative sedation.** -- This chapter shall not limit or otherwise  
7 affect the provision, administration, or receipt of palliative sedation consistent with accepted  
8 medical standards.

9 **23-4.13-9. Protection of patient choice at end of life.** -- A physician with a bona fide  
10 physician-patient relationship with a patient with a terminal condition shall not be considered to  
11 have engaged in unprofessional conduct under § 5-37-5.1 if:

12 (1) The physician determines that the patient is capable and does not have impaired

13 [judgment; and](#)  
14 [\(2\) The physician informs the patient of all feasible end-of-life services, including](#)  
15 [palliative care, comfort care, hospice care, and pain control; and](#)  
16 [\(3\) The physician prescribes a dose of medication that may be lethal to the patient; and](#)  
17 [\(4\) The physician advises the patient of all foreseeable risks related to the prescription;](#)

18 [And](#)  
19 [\(5\) The patient makes an independent decision to self-administer a lethal dose of the](#)  
20 [medication.](#)

21 [23-4.13-10. Immunity for physicians. -- A physician shall be immune from any civil or](#)  
22 [criminal liability or professional disciplinary action for actions performed in good faith](#)  
23 [compliance with the provisions of this chapter.](#)

24 [23-4.13-11. Safe disposal of unused medications. -- The department of health shall](#)  
25 [adopt rules providing for the safe disposal of unused medications prescribed under this chapter.](#)

26 [23-4.13-12. Statutory construction. -- Nothing in this chapter shall be construed to](#)  
27 [authorize a physician or any other person to end a patient's life by lethal injection, mercy killing,](#)  
28 [or active euthanasia. Action taken in accordance with this chapter shall not be construed for any](#)  
29 [purpose to constitute suicide, assisted suicide, mercy killing, or homicide under the law. This](#)  
30 [section shall not be construed to conflict with section 1553 of the Patient Protection and](#)  
31 [Affordable Care Act, Pub.L. No. 111-148, as amended by the Health Care and Education](#)  
32 [Reconciliation Act of 2010, Pub.L. No. 111-152.](#)

<b>COMPASSIONATE CARE ACT.....REALLY?</b>
<p>Now that the legislative calendar is in full swing, I always check the General Assembly website in order to keep up with proposed bills—especially the ones which could negatively affect the long term care seniors and the disabled. Yesterday, not to my surprise, I came across Bill H-5507 called the Compassionate Care Act of “Lila Mansfield Sapinsley Compassionate Care Act. Translated, a bill to provide a legal way for terminally ill patients to end their life using physician-ordered medication prescriptions. To be clear, the law does not state medical professionals will be obligated to participate in assisting a person who chooses to end his/her life or suffer sanctions against their licenses. The bill also does not compel nursing homes or any long term care facility to allow a person to end their life if the facility, by its policies, prohibit such an action. To me it’s just the concept that Rhode Island is going to even consider such a law. I know what everyone is thinking: “It’s a patient’s right to die with dignity,” but my question is “is taking your own life dignified?”</p> <p>Oregon was the first state to pass a Right to Die Law in the United States. However, it should be noted that the United States Federal Attorneys are determined not to allow such laws to pass. If you have ever heard anyone who is pro-assisted suicide, (s)he will probably use the following reasons. Tremendous suffering of patients can be avoided; the right to die is a fundamental freedom of every person; people can die with dignity rather than become skeletal living remains; health care costs could be reduced and estates saved; vital organs can be harvested and given to waiting donors. Lastly, my favorite, without the help of a physician people may kill themselves in a horrid messy way.</p> <p>The opponents of assisted suicide feel it demeans the value of human life to end a life for someone’s convenience or monetary savings, and shows that human life is just a cluster of cells. My belief is that it opens the flood gates to non-critical patient suicide</p>

	<p>and other abuses. Once any shattering of the value of life is allowed, it won't be long thereafter that taking the life of a disabled person or an elder who in some people's minds no longer serve a purpose will be right around the bend. Let's also be aware that insurance companies may start to place undue influence on physicians to avoid what they perceive to be heroic measures. Does this sound farfetched? Ask any senior who has been denied insurance coverage for a medication they need, or allows a less effective medication because it is cheaper.</p> <p>In closing I would say why do we have to have assisted suicide when Hospice services are available not only to control pain, but to afford an individual a dignified death? If you think of life as a journey, keep in mind that none of us were allowed to make the decision to be born. Yet, if this Compassionate Bill is passed, we can legally end our lives because it's the fashionable thing to do. If you wish to read the bill in its entirety go to: <a href="http://webserver.rilin.state.ri.us/BillText/BillText15/HouseText15/H5507.pdf">http://webserver.rilin.state.ri.us/BillText/BillText15/HouseText15/H5507.pdf</a>.</p> <p>Kathleen Heren, Long Term Care State Ombudsman</p>
	<p><b>No position taken 15 H 5507 AN ACT RELATING TO HEALTH AND SAFETY- LILA MANSFIELD SAPINSLEY COMPASSIONATE CARE ACT</b></p>
	<p><b>Tax Bills</b></p>
	<p><b>15 H 5564 &amp; S 0413 ACTS RELATING TO HUMAN SERVICES -- ABLE ACCOUNTS</b></p>
	<p>Rep. Nardillo in House Finance Committee Sen. Kettle in Senate Finance Committee This act would establish a private savings (ABLE) account for qualifying disabled persons allowing contributions to grow tax free if used for qualifying expenses pursuant to § 529A of the Internal Revenue Service Code of 1986, as amended. This act would take effect upon passage.</p>

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby  
2 amended by adding thereto the following chapter:

3 **CHAPTER 23**  
4 **ABLE ACCOUNTS**

5 **40-23-1. Legislative findings.** – The general assembly finds and declares the following:

6 (1) The blind, disabled, and persons of this state suffering from a physical or mental  
7 impairment resulting in severe functional limitations need not only state financial assistance but  
8 also private financial assistance in achieving a better life experience.

9 (2) A federal program exists which allows those individuals to receive contributions from  
10 contributors that may be deposited in an account for their care which amount can grow free of  
11 any income tax consequences if the contributions are used for qualifying expenses pursuant to §  
12 529A of the Internal Revenue Code of 1986, as amended (26 U.S.C. §529A).

13 (3) These accounts may be utilized by those individuals for disbursements relating to  
14 education, housing, transportation, employment training and support, assistive technology and  
15 personal support services, health prevention and wellness, financial management and  
16 administrative services, legal fees, expenses for oversight and monitoring, funeral and burial  
17 expenses and any other expenses approved under regulations promulgated by the Secretary of the  
18 Treasury.

19 (4) This federal program is found to be a financial option worthy of consideration by

1 persons of this state suffering from physical or mental disabilities and/or impairments.

2 **40-23-2. Definitions.** – As used in this chapter, the following words shall, unless the  
3 context clearly requires otherwise, have the following meanings:

4 (1) "Achieving a better life experience account" or "ABLE account" means an account  
5 established under the program pursuant to this section and any implementing regulations for the  
6 purposes of funding future qualified disability expenses of a designated beneficiary.

7 (2) "Achieving a better life experience program" or "program" means the qualified ABLE  
8 program established and administered by department of human services and, to the extent so  
9 delegated or contracted by the department of human services, one or more designated  
10 administrators.

11 (3) "Contracting state" means a "contracting state" as defined under 26 U.S.C. § 529A.

12 (4) "Designated administrator" means any corporation or other entity whose powers and  
13 privileges are provided for in any general or special law, whether for profit or not, designated or  
14 retained by the department of human services for the purpose of administering, subject to the  
15 department's ongoing supervision, all or any portion of the investment, marketing, recordkeeping,  
16 administrative or other functions of the program.

17 (5) "Designated beneficiary" means the individual with a disability named as the  
18 beneficiary of an ABLE account.

19 (6) "Individual with a disability" means an individual who is an "eligible individual" as  
20 defined under § 529A.

21 (7) "Qualified ABLE program" means a "qualified ABLE program" as defined under 26  
22 U.S.C. § 529A.

23 (8) "Qualified disability expenses" means "qualified disability expenses" as defined under  
24 26 U.S.C. § 529A.

25 (9) "Section 529A" means § 529A of the Internal Revenue Code of 1986, as amended,  
26 (26 U.S.C. § 529A) or any successor provision thereto, and any regulations promulgated  
27 thereunder or tax announcements or other binding regulatory guidance provided with respect  
28 thereto.

29 (10) "State" means the state of Rhode Island.

30 **40-23-3. Creation of program.** – (a) There shall be established within the department of  
31 human services the achieving a better life experience program for the purposes of administering  
32 achieving a better life experience accounts established to encourage and assist individuals and  
33 families in saving private funds for the purpose of supporting individuals with disabilities. Under  
34 the program, one or more persons may make contributions to an ABLE account to meet the

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1 qualified disability expenses of the designated beneficiary of the account.

2 (b) Unless otherwise permitted under 26 U.S.C. § 529A, the owner of an ABLE account  
3 shall be the designated beneficiary of the account; provided that if the designated beneficiary of  
4 the account is a minor or has a custodian or other fiduciary appointed for the purposes of  
5 managing such beneficiary's financial affairs, a custodian or fiduciary for such designated  
6 beneficiary may serve as the account owner if such form of ownership is permitted or not  
7 prohibited under 26 U.S.C. § 529A.

8 (c) Unless otherwise permitted under 26 U.S.C. § 529A, the designated beneficiary of an  
9 ABLE account shall be a resident of the state or of a contracting state. The department shall  
10 determine residency for such purpose in such manner as may be required or permissible under 26  
11 U.S.C. § 529A or, in the absence of any guidance under 26 U.S.C. § 529A, by such other means  
12 as the department shall consider advisable for purposes of satisfying the requirements of 26  
13 U.S.C. § 529A.

14 (d) Any person may make contributions to an ABLE account to meet the qualified  
15 disability expenses of the designated beneficiary of the account; provided that the account and  
16 contributions meet the other requirements of this section and regulations promulgated by the  
17 department.

18 (e) The department and, to the extent required by the terms of such designation, any  
19 designated administrator shall operate the program so that it shall constitute a qualified ABLE

20 [program in compliance with the requirements of 26 U.S.C. § 529A.](#)  
 21 [\(f\) The department and any designated administrator shall provide investment options for](#)  
 22 [the investment of amounts contributed to an ABLE account.](#)  
 23 [40-23-4. Contributions to be held in trust. -- Funds contributed to the program shall be](#)  
 24 [held in trust in a special account to be created by the department and shall not be co-mingled with](#)  
 25 [any state funds appropriated by the general assembly for the support of or the programs](#)  
 26 [administered by the department](#)  
 27 [40-23-5. Rules and regulations. – The department shall have the power and authority to](#)  
 28 [promulgate rules and regulations, enter into contracts and agreements, charge fees and expenses](#)  
 29 [to the funds held under the program or to persons establishing or owning ABLE accounts, make](#)  
 30 [reports, retain designated administrators, employees, experts and consultants and do all other](#)  
 31 [Things necessary or convenient to implement this section.](#)  
 32 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find <i>beneficial</i> 15 H 5564, S 465, &amp; S 413 ACTS RELATING TO HUMAN SERVICES -- ABLE ACCOUNTS          Motion moved by CG, seconded by BH, <i>passed unanimous</i></p>
	<p><b>Transportation Bills</b></p>
	<p><b>15 S 0195, H 5392 &amp; H 5349 ACTS RELATING TO HIGHWAYS - SIDEWALKS</b></p>
	<p>Sen. Goodwin in the Senate Housing and Municipal Government          Rep. Blazejewski in the House Finance Committee (Casey Gartland)          This act would require the director of the department of transportation to organize and complete snow removal on all sidewalks located on state highway overpasses and on all pedestrian overhead walkways under the control of the state within twenty-four (24) hours after the end of a snowstorm.          This act would take effect upon passage.</p>

1 SECTION 1. Chapter 24-7 of the General Laws entitled "Highways" is hereby amended  
 2 by adding thereto the following section:  
 3 [24-7-12. Snow removal on state controlled pedestrian walkways. -- The director of the](#)  
 4 [department of transportation is authorized and directed to organize and complete snow removal](#)  
 5 [on all sidewalks located on state highway overpasses, and on all pedestrian overhead walkways](#)  
 6 [under the control of the state. The removal of snow shall be completed within twenty-four \(24\)](#)  
 7 [hours after the end of snowfall.](#)  
 8 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find <i>beneficial</i> 15 S 0195 &amp; H 5349 ACTS RELATING TO HIGHWAYS - SIDEWALKS          Motion moved by CG, seconded by JR, <i>passed unanimous</i></p>
	<p><b>15 H 5529 AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS</b></p>
	<p>This act would require cities or towns to implement a snow removal priority plan to place degree of importance when removing snow from certain roads and facilities and would require private parties maintaining state-owned areas to keep areas clear within twenty-four (24) hours of the area becoming obstructed or face fines.          This act would take effect upon passage.</p>

1 SECTION 1. Chapter 24-8 of the General Laws entitled "Construction and Maintenance  
 2 of State Roads" is hereby amended by adding thereto the following sections:

3 **24-8-15.1. Snow and ice removal -- City or town priority plan.** – (a) Cities and towns  
 4 required to maintain state roads pursuant to this chapter shall develop and implement a "snow  
 5 removal priority plan" which emphasizes safety and efficiency. The plan shall include, but not be  
 6 limited to, the following levels of priority to be assigned to various roads and/or facilities:

7 (1) Level one snow removal priority status shall apply to all roads and bridges including  
 8 dead end streets, public transportation stops, residential health care facilities and/or any facility  
 9 for the elderly and/or disabled. Level one priority status pursuant to this section means that any  
 10 division of state or municipal government shall keep clear from obstruction from snow all areas  
 11 included under this section prior to or in conjunction with any other area deemed a priority by a  
 12 state or municipal agency.

13 (2) Level two (2) priority status shall apply to all roads, bridges and/or facilities not  
 14 included in subsection (a)(1) of this section.

15 (b) Cities and towns shall be provided twenty-four (24) hours within which to commence  
 16 snow removal pursuant to this section. The time table begins once the areas are obstructed and  
 17 obstructions shall be completely removed within three (3) days.

18 **24-8-15.2. Snow and ice removal – Private maintenance required.** – (a) Wherever

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1 snow and ice removal on or around state property shall be the responsibility of any private party  
 2 the following shall apply:

3 (1) Snow and ice shall be removed from any area or structure other than a road, bridge or  
 4 sidewalk and maintained by a private party for snow and ice removal. Snow removal pursuant to  
 5 this section shall commence within twenty-four (24) hours after the areas required to be  
 6 maintained become obstructed. Said private party shall then have three (3) days within which to  
 7 remove the obstruction completely. Removal of the obstruction for purposes of this section shall  
 8 including clearing an access path and keeping all surrounding areas to any structure clear of snow  
 9 and ice. A "structure" for purposes of this section shall include, but not be limited to, any public  
 10 transportation stop, school bus stop, cross walk and other areas where state property is maintained  
 11 by a private party and used for public uses.

12 (2) If snow is allowed to remain in any area mentioned herein so as to obstruct reasonable  
 13 passage to the area or structure for twenty-four (24) hours after the area becomes obstructed, said  
 14 private party shall be in violation of this section and shall be fined not less than one hundred  
 15 dollars (\$100) nor more than five hundred dollars (\$500) per violation.

16 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find <i>beneficial if amended to limit it to city and/or town roads</i> 15 H 5529 AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS          Motion moved by JR, seconded by BH, <i>passed unanimously</i></p>
	<p><b>15 S 0248 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES - SCHOOL BUS DRIVER ANNUAL TRAINING</b></p>
	<p>Sen. Metts in the Senate Judiciary Committee (Senator Metts)          This act would require that school bus drivers' annual training include the national highway traffic safety administration's school bus driver in-service training series.</p>
	<p>This act would take effect upon passage.</p>

1 SECTION 1. Section 31-10-5.1 of the General Laws in Chapter 31-10 entitled  
 2 "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-5.1. School bus driver annual training.** -- (a) The department of revenue shall  
 4 promulgate any rules and regulations that it deems necessary to ensure that a ten (10) hour  
 5 training course is provided for all new school bus drivers and a three (3) hour retraining course is  
 6 provided to all renewal applicants on at least a yearly basis.

7 (b) The training shall include, but not be limited to, defensive driving, <sup>{add}</sup>[the national](#)  
8 [highway traffic safety administration's school bus driver in-service training series](#), <sup>{add}</sup> and instruction  
9 in all state laws, rules, and regulations relating to school buses and school bus safety.

10 (c) Prior to any renewal of any certificate of a school bus driver, the division of motor  
11 vehicles shall require proof of the renewal applicant's having successfully completed the annual  
12 retraining as provided in this section. That proof shall include the passing of a written  
13 examination prepared by the department of revenue or the department of revenue's designee and  
14 conducted by employees of the department.

15 SECTION 2. This act shall take effect upon passage.

	<p><b>MOTION: To find <i>beneficial</i> 15 S 0248 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES - SCHOOL BUS DRIVER ANNUAL TRAINING</b></p> <p>Motion moved by MS, seconded by BH, <i>passed unanimously</i></p>
	<p><b>15 S 0298 &amp; 15 H 5487 ACTS RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION NETWORK COMPANY SERVICES</b></p>
	<p>Sen. Miller in the Senate Commerce Committee Rep. Palangio in the House Corporations Committee</p> <p>This act would create a comprehensive regulatory scheme for motor vehicle passenger services provided by transportation network companies which use digital network as software application services to connect passengers to transportation providers. Including provisions for: TNC and insurer disclosure requirements; Zero tolerance for drug and alcohol use; Driver requirements; Safety and sanitary condition of vehicles; No discrimination - accessibility; and Accessible transportation.</p> <p>This act would take effect upon passage.</p>

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND  
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 **CHAPTER 14.2**  
4 **TRANSPORTATION NETWORK COMPANY SERVICES**

5 **39-14.2-1. Definitions.** -- Terms used in this chapter shall be construed as follows, unless  
6 another meaning is expressed or is clearly apparent from the language or context:

- 7 (1) "Division" means the division of public utilities and carriers;  
8 (2) "Person" means and includes any individual, partnership, corporations, or other  
9 association of individuals;  
10 (3) "Transportation network company" or "TNC" means an entity licensed pursuant to  
11 this chapter and operating in the state that uses a digital network or software application service to  
12 connect passengers to transportation network company services provided by the TNC drivers. A  
13 TNC is not deemed to own, control, operate or manage the vehicles used by the TNC drivers. A  
14 TNC is not a jitney, as defined in § 39-13-1, a taxicab or limited public motor vehicle, as defined  
15 in § 39-14-1, or a public motor vehicle, as defined in § 39-14.1-1. A TNC is not a common  
16 carrier as defined in title 39;  
17 (4) "Transportation network company services or "TNC services" means transportation of  
18 a passenger between points chosen by the passenger and prearranged with the TNC driver

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1 through the use of a digital network or software application. TNC services shall begin when the  
2 TNC driver accepts a request for transportation received through the digital network or software  
3 application service, continue while the TNC driver transports the passenger in the vehicle, and  
4 end when the passenger exits the vehicle. TNC service is not a jitney, taxicab, for-hire vehicle or  
5 street hail service.

6 (5) "Transportation network driver" or "TNC driver" means an individual who operates a

7 motor vehicle that is:  
8 (i) Owned, leased or otherwise authorized for use by the individual;  
9 (ii) Not a jitney, a taxicab or limited public motor vehicle, or a public motor vehicle; and  
10 (iii) Used to provide TNC services.

11 **39-14.2-2. Not other carriers.** – **TNCs or TNC drivers are not common carriers, as**  
12 **defined in title 39; jitneys, as defined in § 39-13-1; taxicabs or limited public motor vehicles, as**  
13 **defined in § 39-14-1; or public motor vehicles, as defined in § 39-14.1-1. In addition, a TNC**  
14 **driver shall not be required to register the vehicle such driver uses for TNC services as a**  
15 **commercial or for-hire vehicle.**

16 **39-14.2-3. Permit required for transportation network company vehicle operation.** –  
17 **(a) A person shall not operate a TNC in the state until that person obtains a permit from the**  
18 **division.**

19 **(b) The division shall issue a permit to each applicant that meets the requirements for a**  
20 **TNC set forth in this chapter and pays an annual permit fee of five thousand dollars (\$5,000) to**  
21 **the division. All revenues received under this section shall be deposited as general revenues.**

22 **39-14.2-4. Agent.** – **The TNC must maintain an agent for service of process in the state.**

23 **39-14.2-5. Fare charged for services provided.** – **A TNC may charge a fare for the**  
24 **services provided to the passengers; provided that, if a fare is charged, the TNC shall disclose to**  
25 **the passengers the fare calculation method on its website or within the software application**  
26 **service. The TNC shall also provide passengers with the applicable rates being charged and the**  
27 **option to receive an estimated fare before the passenger enters the TNC driver's vehicle.**

28 **39-14.2-6. Identification of TNC vehicles and TNC drivers.** – **The TNC's software**  
29 **application or website shall display a picture of the TNC driver, and the license plate number of**  
30 **the vehicle utilized for providing the TNC service before the passenger enters the TNC driver's**  
31 **vehicle.**

32 **39-14.2-7. Electronic receipt.** – **Within a reasonable period of time following the**  
33 **completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists: (1) The**  
34 **origin and destination of the trip; (2) The total time and distance of the trip; and (3) An**

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1 **itemization of the total fare paid, if any.**

2 **39-14.2-8. Proof of financial responsibility.** – **(a) On or before ninety (90) days after the**  
3 **effective date of this chapter and thereafter, TNCs and TNC drivers shall comply with the**  
4 **automobile liability insurance requirements of this chapter**

5 **(b) The following automobile liability insurance requirements shall apply during the time**  
6 **that a TNC driver is logged into the TNC's digital network and available to receive requests for**  
7 **transportation, but is not providing TNC services:**

8 **(1) Automobile liability insurance that meets at least the minimum liability coverage**  
9 **requirements set by the Rhode Island department of business regulations pursuant to § 31-47-**  
10 **2(13)(i).**

11 **(2) Automobile liability insurance that provides the minimum coverage requirements for**  
12 **uninsured and underinsured motorist coverage where required by the Rhode Island department of**  
13 **business regulation pursuant to §§ 27-7-2.1 and 31-31-7.**

14 **(3) Automobile liability insurance in the amounts required in subsection (b)(1) of this**  
15 **section shall be maintained by a TNC and provide coverage in the event a participating TNC**  
16 **driver's own automobile liability policy excludes coverage according to its policy terms or does**  
17 **not provide coverage of at least the limits required in subsection (b)(1) of this section.**

18 **(c) The following automobile liability insurance requirements shall apply while a TNC**  
19 **driver is providing TNC services:**

20 **(1) Provides a primary automobile liability insurance that recognizes the TNC driver's**  
21 **provision of TNC services;**

22 **(2) Provides automobile liability insurance of at least one million dollars (\$1,000,000) for**  
23 **death, personal injury and property damage;**

24 **(3) Provides uninsured motorist coverage where required by the Rhode Island department**  
25 **of business regulation pursuant to §§ 27-7-2.1 and 31-31-7.**

26 (4) The coverage requirements of this subsection (c) may be satisfied by any of the  
27 following:

28 (i) Automobile liability insurance maintained by the TNC driver; or

29 (ii) Automobile liability insurance maintained by the TNC; or

30 (iii) Any combination of paragraphs (i) and (ii) of this subdivision.

31 (d) In every instance where insurance maintained by a TNC driver to fulfill the insurance  
32 requirements of this section has lapsed, failed to provide the required coverage, denied a claim for  
33 the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide  
34 the coverage required by this section beginning with the first dollar of a claim.

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1 (e) Insurance required by this section may be placed with an insurer authorized to do  
2 business in the state or with a surplus lines insurer eligible under § 27-3-40. Insurance required  
3 by this section shall be deemed to satisfy the financial responsibility requirement for a motor  
4 vehicle under § 31-47-2(13)(i)(A).

5 **39-14.2-9. TNC and insurer disclosure requirements.** – (a) The TNC shall disclose in  
6 writing to TNC drivers the following before they are allowed to accept a request for TNC services  
7 on the TNC's digital network:

8 (1) The insurance coverage and limits of liability that the TNC provides while the TNC  
9 driver uses a personal vehicle in connection with a TNC's digital network; and

10 (2) That the TNC driver's own insurance policy may not provide coverage while the TNC  
11 driver uses a vehicle in connection with a TNC's digital network depending on its terms.

12 (b) Insurers that write automobile liability insurance in Rhode Island may:

13 (1) Exclude any and all coverage and the duty to defend afforded under the owner's  
14 insurance policy for any loss or injury that occurs while an insured vehicle provides or is  
15 available to provide TNC services, provided such exclusion is expressly set forth in the policy  
16 and approved for sale in Rhode Island. This right to exclude coverage and the duty to indemnify  
17 and defend may apply to any coverage included in an automobile liability insurance policy  
18 including, but not limited to:

19 (i) Liability coverage for bodily injury and property damage;

20 (ii) Uninsured and underinsured motorist coverage;

21 (iii) Medical payments coverage;

22 (iv) Comprehensive physical damage coverage;

23 (v) Collision physical damage coverage; and

24 (vi) Medical payments coverage.

25 (c) The insurer must notify an insured after receiving notice of loss, and within the time  
26 required by the Rhode Island department of business regulation pursuant to § 27-9.1-1 et sq., that  
27 the insurer has no duty to defend or indemnify any person or organization for liability for a loss  
28 that is properly excluded pursuant to the terms of the applicable primary or excess insurance  
29 policy.

30 (d) Insurers that write automobile liability insurance in Rhode Island shall disclose on its  
31 application for insurance, in a prominent place, whether or not the insurance policy provides  
32 coverage while an insured vehicle provides or is available to provide TNC services. If an  
33 automobile liability insurance policy contains an exclusion for TNC services, the insurer or its  
34 agent must disclose in writing the exact language of such exclusion to the applicant during the

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1 application process.

2 (e) In a claims coverage investigation, TNCs and any insurer providing coverage under §  
3 39-14.2-7 shall cooperate to facilitate the exchange of information, including the precise times  
4 that a TNC driver logged on and off of the TNC's digital network in the twenty-four (24) hour  
5 period immediately preceding t  
6 he accident and disclose to one another a clear description of the  
7 coverage, exclusions and limits provided under any insurance policy each party issued or  
8 maintained.

**39-14.2-10. Zero tolerance for drug and alcohol use.** – (a) The TNC shall implement a

9 zero tolerance policy on the use of drugs or alcohol while a TNC driver is providing TNC  
10 services or is logged into the digital network, but is not providing TNC services, and shall provide  
11 notice of this policy on its website, as well as procedures to report a complaint about a TNC  
12 driver with whom a passenger was matched and whom the passenger reasonably suspects was  
13 under the influence of drugs or alcohol during the course of the trip.

14 (b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance  
15 policy, the TNC shall immediately suspend such TNC driver's access to the digital network and  
16 shall conduct an investigation into the reported incident. The suspension shall last the duration of  
17 the investigation.

18 (c) The TNC shall maintain records relevant to the enforcement of this requirement for a  
19 period of at least two (2) years from the date that a passenger complaint is received by the TNC.

20 **39-14.2-11. TNC Driver requirements.** – (a) Prior to permitting an individual to act as a  
21 TNC driver on its digital website and software application, the TNC shall:

22 (1) Require the individual to submit an application to the TNC which includes  
23 information regarding his or her address, age, driver's license, driving history, motor vehicle  
24 registration, automobile liability insurance, and other information as may be required by the  
25 TNC;

26 (2) Conduct, or have a third party conduct, a local and national criminal background  
27 check for each applicant that shall include:

28 (i) Multi-state/multi-jurisdiction criminal records locator or other similar commercial  
29 nationwide database with validation (primary source search); and

30 (ii) National sex offender registry database.

31 (3) Obtain and review a driving history research report for such individual.

32 (b) The TNC shall not permit an individual to act as a TNC driver for its digital website  
33 who:

34 (1) Has had more than three (3) moving violations in the prior three (3) year period, or

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1 one major violation in the prior three (3) year period (including, but not limited to, attempting to  
2 evade the police, reckless driving, or driving on a suspended or revoked license);

3 (2) Has been convicted, within the past seven (7) years, of driving under the influence of  
4 drugs or alcohol, fraud, sexual offenses, use of motor vehicle to commit a felony, a crime  
5 involving property damage, and/or theft, acts of violence or acts of terror;

6 (3) Is found in the national sex offender registry database;

7 (4) Does not possess a valid driver's license;

8 (5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC  
9 services;

10 (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used  
11 to provide TNC services; or

12 (7) Is not at least nineteen (19) years of age.

13 **39-14.2-12. Safety and sanitary condition of vehicles.** – A TNC shall require that any  
14 motor vehicle(s) that a TNC driver will use to provide TNC services meets the vehicle safety  
15 and/or emissions requirements for a private motor vehicle in Rhode Island or the state in which  
16 the vehicle is registered.

17 **39-14.2-13. Operations of vehicles.** – A TNC driver shall exclusively accept rides  
18 booked through a TNC's digital network or software application service and shall not solicit or  
19 accept street hails.

20 **39-14.2-14. No cash trips.** – The TNC shall adopt a policy prohibiting solicitation or  
21 acceptance of cash payments from passengers and notify TNC drivers of such policy. TNC  
22 drivers shall not solicit or accept cash payments from passengers. Any payment for TNC services  
23 shall be made only electronically using the digital network or software applications.

24 **39-14.2-15. No discrimination - accessibility.** – (a) The TNC shall adopt a policy of  
25 non-discrimination on the basis of pick up location, destination, race, color, national origin,  
26 religious belief or affiliation, sex, disability, age, sexual orientation/identity, or gender identity  
27 with respect to passengers and potential passengers and notify TNC drivers of such policy.

28 (b) TNC drivers shall comply with all applicable laws regarding non-discrimination  
29 against passengers or potential passengers on the basis of pick up location, destination, race,  
30 color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or  
31 gender identity.

32 (c) TNC drivers shall comply with all applicable laws relating to accommodation of  
33 service animals.

34 (d) A TNC shall not impose additional charges for providing services to persons with

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1 physical disabilities because of those disabilities.

2 (e) A TNC shall provide passengers an opportunity to indicate whether they require a  
3 wheelchair accessible vehicle. If a TNC cannot arrange wheelchair accessible TNC service in any  
4 instance, it shall direct the passenger to an alternate provider of wheelchair accessible service, if  
5 available.

6 **39-14.2-16. Accessible transportation fund.** – There shall be established and set up on  
7 the books of the state a separate fund to be known as the Rhode Island accessible transportation  
8 fund. The fund shall consist of an annual surcharge fee of no more than ten thousand dollars  
9 (\$10,000) per year by any TNC that does not provide wheelchair-accessible service and all other  
10 monies credited or transferred to the fund from any other source under law. The division shall be  
11 the trustee of the fund and may only expend monies in the fund, without further appropriation, to  
12 enhance wheelchair-accessible service within the TNC industry.

13 **39-14.2-17. Records.** – A TNC shall maintain: (1) Individual trip records for at least one  
14 year from the date each trip was provided; and (2) TNC driver records at least until the one year  
15 anniversary of the date on which a TNC driver's activation on the digital network has ended.

16 **39-14.2-18. Personally identifiable information.** – A TNC shall not disclose a  
17 passenger's personally identifiable information to a third party unless: the passenger consents,  
18 disclosure is required by a legal obligation, or disclosure is required to protect or defend the terms  
19 of use of the service or to investigate violations of those terms. In addition to the foregoing, a  
20 TNC shall be permitted to share a passenger's name and/or telephone number with the TNC  
21 driver providing TNC services to such passenger in order to facilitate correct identification of the  
22 passenger by the TNC driver or to facilitate communication between the passenger and the TNC  
23 driver.

24 **39-14.2-19. Controlling authority.** – Notwithstanding any other provisions of law,  
25 TNCs and TNC drivers are governed exclusively by this chapter and any rules promulgated by  
26 the division consistent with this chapter. No municipality or other local entity may impose a tax  
27 on, or require a license for, a TNC, TNC driver, or a vehicle used by a TNC driver where such tax  
28 or license is related to providing TNC services, or subject a TNC to the municipality or other  
29 local entity's rate, entry, operation or other requirements.

30 SECTION 2. This act shall take effect upon passage.

	<b><i>No position taken</i></b> 15 S 0298 & 15 H 5487 ACTS RELATING TO PUBLIC UTILITIES AND CARRIERS - TRANSPORTATION NETWORK COMPANY SERVICES
	General Assembly Deadlines <ul style="list-style-type: none"><li>• All bills and resolutions shall be filed no later than February 12, 2015</li><li>• No public bill that originated in the House/Senate shall be considered by a House/Senate committee unless the committee has held a hearing on that bill by April 9<sup>th</sup>1.</li></ul>
	<b><i>4:25 Agenda for the Next Meeting, Linda Ward</i></b>

<sup>1</sup> Dates tentative

	<p><b>Purpose/Goal: To set the agenda for the next meeting.</b></p> <p>Discussion: The Legislation Committee meetings in 2015 will be on the 1<sup>st</sup> Monday 3 - 4:30 PM: 04/06<sup>th</sup>; 05/4<sup>th</sup>; 06/01<sup>st</sup>; 07/06<sup>th</sup>; 08/10<sup>th</sup>; 09/21<sup>st</sup>; 11/02<sup>nd</sup>; and 12/07<sup>th</sup>.</p>
	<p><b><i>4:30 Adjournment, Linda Ward</i></b></p> <p>Potential MOTION: To adjourn at 4:50 PM</p> <p>Motion moved by BH, seconded by JR, <i>passed unanimously</i></p>

i (21)(i) To prepare with the assistance of the commissioner of elementary and secondary education and to present annually to the general assembly by January 1 a report on school discipline in Rhode Island schools. This report shall include:

- (A) Expulsions by district, including duration and the reason for each action.
- (B) Suspensions by district, including duration and the reason for each action.
- (C) Placements to alternative programs for disciplinary reasons.
- (D) Assaults of teachers, students, and school staff by students.
- (E) Incidents involving possession of weapons on school property. For the purpose of this section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-42.
- (F) Incidents of the sale of controlled substances by students.
- (G) Incidents of the possession with the intent to sell controlled substances by students.
- (H) Additional demographic information including, but not limited to, the ethnic and racial classifications, age, and gender, as prescribed by the commissioner, of each of the students involved in the incidents, events or actions described in subparagraphs (A) through (G) of this subdivision.
- (I) A description of the education program provided to each student suspended for over ten (10) consecutive school days in a school year.

(ii) All school superintendents shall supply the necessary information on forms established by the commissioner of elementary and secondary education to the council on elementary and secondary education to assist in the preparation of the council's report on school discipline.

ii **§ 16-2-17 Right to a safe school.** – (a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance who exhibits persistent conduct which substantially impedes the ability of other students to learn or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.