



**Governor's Commission on Disabilities
Legislation Committee**

Monday, April 6, 2015 3:00 PM - 4:30 PM

John O. Pastore Center, 43 Cherry Dale Court,
Cranston, RI 02920-3049

(voice) 401-462-0107 (fax) 462-0106 (tty) via RI Relay 711
(e-mail) GCD.Disabilities@gcd.ri.gov (website) www.disabilities.ri.gov



Attendees: Jack Ringland* (Vice Chair.); Rosemary C. Carmody; Timothy Flynn; Casey Gartland; Arthur M. Plitt; Meredith Sheehan;

Absentees: Linda Ward (Chair.); *Regina Connor; Linda Deschenes; Heather Daglieri; Elaina Goldstein; Barbara Henry; Kathleen Heren; William R. Inlow; Paula Parker; Msgr. Gerard O. Sabourin; Debora Sharpe; Angelina Stabile; & Dawn Wardyga*

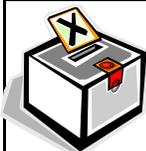
Staff: Bob Cooper & Clinton Crete Fellow



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

Executive Secretary calls the meeting to order at 3:12 PM, in the absence of the chair & vice chair..

Introductions of Commissioners and guests



MOTION: To accept the minutes of the previous meeting as *presented*

Motion moved by AP, seconded by TF, passed unanimously

Action Items:

3:05 Recently filed legislation that may impact people with disabilities, Bob Cooper



Purpose/Goal: To review recently filed legislation, determine the potential impact on people with disabilities, and adopt legislative impact statements

Tabled from March Meeting

15 H 5201 AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE

Rep. Ajello in House Finance [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><i>Information Requested:</i></p> <p>1. A Qualified Medicare Beneficiary (QMB) is an individual or member of a couple who:</p> <p>a. Is enrolled in or entitled to Medicare Part A;</p> <p>b. Has countable resources of \$7,160 for an individual or \$10,750 for a couple;</p> <p>c. Has countable income less than or equal to one hundred (100%) percent of the Federal Poverty (FPL) Guidelines; and</p> <p>d. Meets the citizenship/alienage, residency, enumeration, and third party resource requirements of the Medicaid Program.</p> <p>2. A Specified Low-Income Medicare Beneficiary (SLMB) is an individual or member of a couple who:</p> <p>a. Is enrolled in or entitled to Medicare Part A;</p> <p>b. Has countable resources of \$7,160 for an individual or \$10,750 for a couple;</p> <p>c. Has countable income in an amount greater than one hundred (100%) percent of the Federal Poverty (FPL) Guidelines and less than or equal to one hundred twenty (120%) percent of FPL; and</p> <p>d. Meets the citizenship/alienage, residency, enumeration, and third party resource requirements of the Medicaid Program.</p> <p>3. A Qualifying Individual-1(QI-1) is an individual who:</p> <p>a. Is enrolled in or entitled to Medicare Part A;</p> <p>b. Has countable income greater than one hundred twenty (120%) percent of the Federal Poverty (FPL) Guidelines and less than one hundred thirty five (135%) of FPL;</p> <p>c. Has countable resources of \$7,160 for an individual or \$10,750 for a couple;</p> <p>d. Meets the citizenship/alienage, residency, enumeration, and third party resource requirements of the Medicaid Program; and</p> <p>e. Is not eligible for Medicaid under any other coverage provision.</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 ^{add} **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.** ^{add}
15 SECTION 2. This act shall take effect upon passage.

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|---|---|
|  | <p>MOTION: To find beneficial 15 H 5201 An Act Relating To Human Services -- Medical Assistance</p> <p>Motion moved by RC, seconded by TF, passed unanimously</p> |
| | <p>15 S 0209 & H 5327 ACTS RELATING TO TAXATION - CIGARETTE TAX-MINIMUM PRICE OF CIGARETTES</p> <p>Sen. Raptakis in Senate Finance Committee [Arthur Plitt] Rep. Regunberg in House Finance Committee</p> <p>These acts 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.</p> <p>This act would take effect upon passage.</p> |

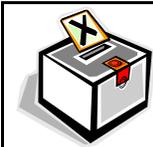
1 SECTION 1. Section 44-20-12 of the General Laws in Chapter 44-20 entitled "Cigarette
2 Tax" is hereby amended to read as follows:

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)~~ ^(delete) ^(add) one hundred fifty (150) ^(add) 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 ^(add) **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. ^(add)

19 SECTION 3. Section 6-13-1 of the General Laws in Chapter 6-13 entitled "Unfair Sales



**MOTION: To find harmful 15 S 0209 & H 5387 Acts Relating To
Taxation - Cigarette Tax-Minimum Price Of Cigarettes
Motion moved by RC, seconded by AP, passed, TF abstained**

15 H 5493 & S 0714 ACTS RELATING TO CRIMINAL OFFENSES - CHILDREN
Rep. Melo in House Health, Education and Welfare [Arthur Plit]
Sen. Ruggerio in Senate Judiciary
These acts 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.
This act would take effect January 1, 2016.

1 SECTION 1. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by
2 adding thereto the following section:

3 ^(add) **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.](#)^{add}

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 ^{add} (5) ["Electronic nicotine-delivery system usage" means any vaping, inhaling, or use of any](#)

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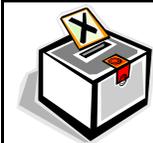
1 [electronic nicotine-delivery device defined in § 11-9-13.4.](#)^{add}

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^{add} [and electronic nicotine-delivery system usage](#)^{add} 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^{add} [and electronic nicotine-delivery system usage](#)^{add} 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".^{add} [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"](#)^{add} 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.



MOTION: To find beneficial 15 H 5493 & S 0714 Act Relating To Criminal Offenses - Children
 Motion moved by TF, seconded by RC, passed unanimously

Civil Rights Bills

15 S 0722 AN ACT RELATING TO LABOR AND LABOR RELATIONS - FAIR EMPLOYMENT PRACTICES

Sen. Goldin in Senate Labor Committee

This act would provide protection against unfair employment practices to individuals based on their "familial status" which is defined as being a person providing care and support to a family member.

1 SECTION 1. Sections 28-5-2, 28-5-3, 28-5-5, 28-5-6, 28-5-7, 28-5-7.2, 28-5-7.3, 28-5-
 2 13, 28-5-14, 28-5-22 and 28-5-38 of the General Laws in Chapter 28-5 entitled "Fair
 3 Employment Practices" are hereby amended to read as follows:

4 **28-5-2. Legislative findings.** -- The practice or policy of discrimination against
 5 individuals because of their race or color, religion, sex, sexual orientation, gender identity or
 6 expression, ^{add} familial status ^{add}, disability, age, or country of ancestral origin is a matter of state
 7 concern. Such discrimination foments domestic strife and unrest, threatens the rights and
 8 privileges of the inhabitants of the state, and undermines the foundations of a free democratic
 9 state. The denial of equal employment opportunities because of such discrimination and the
 10 consequent failure to utilize the productive capacities of individuals to their fullest extent deprive
 11 large segments of the population of the state of earnings necessary to maintain decent standards
 12 of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting
 13 in grave injury to the public safety, health, and welfare.

14 **28-5-3. Declaration of policy.** -- It is declared to be the public policy of this state to
 15 foster the employment of all individuals in this state in accordance with their fullest capacities,
 16 regardless of their race or color, religion, sex, sexual orientation, gender identity or expression,
 17 ^{add} familial status, ^{add} disability, age, or country of ancestral origin, and to safeguard their right to
 18 obtain
 19 and hold employment without such discrimination.

19 **28-5-5. Right to equal employment opportunities.** -- The right of all individuals in this

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1 state to equal employment opportunities, regardless of race or color, religion, sex, sexual
 2 orientation, gender identity or expression, familial status, disability, age, or country of ancestral
 3 origin, is recognized as and declared to be a civil right.

4 **28-5-6. Definitions.** -- When used in this chapter:

5 (1) "Age" means anyone who is at least forty (40) years of age.

6 (2) "Because of sex" or "on the basis of sex" include, but are not limited to, because of or
 7 on the basis of pregnancy, childbirth, or related medical conditions, and women affected by
 8 pregnancy, childbirth, or related medical conditions shall be treated the same for all employment
 9 related purposes, including receipt of benefits under fringe benefit programs, as other persons not
 10 so affected but similar in their ability or inability to work, and nothing in this chapter shall be
 11 interpreted to permit otherwise.

12 (3) "Commission" means the Rhode Island commission against discrimination created by
 13 this chapter.

14 (4) "Conviction" means, for the purposes of this chapter only, any verdict or finding of
 15 guilt after a criminal trial or any plea of guilty or nolo contendere to a criminal charge.

16 (5) "Disability" means a disability as defined in § 42-87-1.

17 (6) "Discriminate" includes segregate or separate.

18 (7) "Employee" does not include any individual employed by his or her parents, spouse,
 19 or child, or in the domestic service of any person.

20 (8) (i) "Employer" includes the state and all political subdivisions of the state and any

21 person in this state employing four (4) or more individuals, and any person acting in the interest
22 of an employer directly or indirectly.

23 (ii) Nothing in this subdivision shall be construed to apply to a religious corporation,
24 association, educational institution, or society with respect to the employment of individuals of its
25 religion to perform work connected with the carrying on of its activities.

26 (9) "Employment agency" includes any person undertaking with or without
27 compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.

28 ^{add} (10) "Familial status" means the state of being or becoming a provider of care or support
29 to a family member. "Family member" shall include the individual's spouse, party to a civil union
30 as defined by § 15-3.1-1, parents, grandparents, siblings, or in-laws; and children, grandchildren,
31 nieces, or nephews (including through adoption or other dependent or custodial relationship). The
32 protections afforded against discrimination on the basis of familial status shall apply to any
33 person who is pregnant or is in the process of securing legal custody of any individual who has
34 not attained the age of eighteen (18) years. ^{add}

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1 (ii) "Hardship" means an "undue hardship" as defined in § 42-87-1.1.

2 **28-5-7. Unlawful employment practices.** -- It shall be an unlawful employment
3 practice:

4 (1) For any employer:

5 (i) To refuse to hire any applicant for employment because of his or her race or color,
6 religion, sex, sexual orientation, gender identity or expression, ^{add} familial status, ^{add} disability, age, or
7 country of ancestral origin;

8 (ii) Because of those reasons, to discharge an employee or discriminate against him or
9 her with respect to hire, tenure, compensation, terms, conditions or privileges of employment, or
10 any other matter directly or indirectly related to employment. However, if an insurer or employer
11 extends insurance related benefits to persons other than or in addition to the named employee,
12 nothing in this subdivision shall require those benefits to be offered to unmarried partners of
13 named employees;

14 (iii) In the recruiting of individuals for employment or in hiring them, to utilize any
15 employment agency, placement service, training school or center, labor organization, or any other
16 employee referring source which the employer knows, or has reasonable cause to know,
17 discriminates against individuals because of their race or color, religion, sex, sexual orientation,
18 gender identity or expression, ^{add} familial status, ^{add} disability, age, or country of ancestral origin;

19 (iv) To refuse to reasonably accommodate an employee's or prospective employee's
20 disability unless the employer can demonstrate that the accommodation would pose a hardship on
21 the employer's program, enterprise, or business; or

22 (v) When an employee has presented to the employer an internal complaint alleging
23 harassment in the workplace on the basis of race or color, religion, sex, disability, age, sexual
24 orientation, gender identity or expression, ^{add} familial status, ^{add} or country of ancestral origin, to
25 refuse

26 to disclose in a timely manner in writing to that employee the disposition of the complaint,
27 including a description of any action taken in resolution of the complaint; provided, however, no
28 other personnel information shall be disclosed to the complainant.

29 (2) (i) For any employment agency to fail or refuse to properly classify or refer for
30 employment or otherwise discriminate against any individual because of his or her race or color,
31 religion, sex, sexual orientation, gender identity or expression, familial status, disability, age, or
32 country of ancestral origin; or

33 (ii) For any employment agency, placement service, training school or center, labor
34 organization, or any other employee referring source to comply with an employer's request for the
referral of job applicants if the request indicates either directly or indirectly that the employer will

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1 not afford full and equal employment opportunities to individuals regardless of their race or color,
2 religion, sex, sexual orientation, gender identity or expression, ^{add} familial status, ^{add} disability, age, or

3 country of ancestral origin;
4 (3) For any labor organization:
5 (i) To deny full and equal membership rights to any applicant for membership because of
6 his or her race or color, religion, sex, sexual orientation, gender identity or expression, ^{add}familial
7 status, ^{add} disability, age, or country of ancestral origin;
8 (ii) Because of those reasons, to deny a member full and equal membership rights, expel
9 him or her from membership, or otherwise discriminate in any manner against him or her with
10 respect to his or her hire, tenure, compensation, terms, conditions or privileges of employment, or
11 any other matter directly or indirectly related to membership or employment, whether or not
12 authorized or required by the constitution or bylaws of the labor organization or by a collective
13 labor agreement or other contract;
14 (iii) To fail or refuse to classify properly or refer for employment, or otherwise to
15 discriminate against any member because of his or her race or color, religion, sex, sexual
16 orientation, gender identity or expression, ^{add}familial status, ^{add} disability, age, or country of ancestral
17 origin; or
18 (iv) To refuse to reasonably accommodate a member's or prospective member's disability
19 unless the labor organization can demonstrate that the accommodation would pose a hardship on
20 the labor organization's program, enterprise, or business;
21 (4) Except where based on a bona fide occupational qualification certified by the
22 commission or where necessary to comply with any federal mandated affirmative action
23 programs, for any employer or employment agency, labor organization, placement service,
24 training school or center, or any other employee referring source, prior to employment or
25 admission to membership of any individual, to:
26 (i) Elicit or attempt to elicit any information directly or indirectly pertaining to his or her
27 race or color, religion, sex, sexual orientation, gender identity or expression, ^{add}familial status, ^{add}
28 disability, age, or country of ancestral origin;
29 (ii) Make or keep a record of his or her race or color, religion, sex, sexual orientation,
30 gender identity or expression, ^{add}familial status, ^{add} disability, age, or country of ancestral origin;
31 (iii) Use any form of application for employment, or personnel or membership blank
32 containing questions or entries directly or indirectly pertaining to race or color, religion, sex,
33 sexual orientation, gender identity or expression, ^{add}familial status, ^{add} disability, age, or country of
34 ancestral origin;

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1 (iv) Print or publish or cause to be printed or published any notice or advertisement
2 relating to employment or membership indicating any preference, limitation, specification, or
3 discrimination based upon race or color, religion, sex, sexual orientation, gender identity or
4 expression, ^{add}familial status, ^{add} disability, age, or country of ancestral origin; or
5 (v) Establish, announce, or follow a policy of denying or limiting, through a quota
6 system or otherwise, employment or membership opportunities of any group because of the race
7 or color, religion, sex, sexual orientation, gender identity or expression, ^{add}familial status, ^{add}
8 disability,
age, or country of ancestral origin of that group;

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14 **28-5-7.2. Proof of unlawful employment practices in disparate impact cases.** -- (a) An
15 unlawful employment practice prohibited by § 28-5-7 may be established by proof of disparate
16 impact. An unlawful employment practice by proof of disparate impact is established when:
17 (1) A complainant demonstrates that an employment practice results in a disparate
18 impact on the basis of race, color, religion, sex, sexual orientation, gender identity or expression,
19 ^{add}familial status, ^{add} disability, age, or country of ancestral origin, and the respondent fails to
20 demonstrate that the practice is required by business necessity; or
21 (2) A complainant demonstrates that a group of employment practices results in
22 disparate impact on the basis of race, color, religion, sex, sexual orientation, gender identity or
23 expression, ^{add}familial status, ^{add} disability, age, or country of ancestral origin, and the respondent
fails

24 to demonstrate that the practices are required by business necessity; provided that:
25 (i) If a complainant demonstrates that a group of employment practices results in a
26 disparate impact, the complainant shall not be required to demonstrate which specific practice or
27 practices within the group results in the disparate impact; and
28 (ii) If the respondent demonstrates that a specific employment practice within that group
29 of employment practices does not contribute to the disparate impact, the respondent shall not be
30 required to demonstrate that the practice is required by business necessity.
31 (b) A demonstration that an employment practice is required by business necessity may
32 be used as a defense only against a claim under this section.
33 (c) As used in this section:
34 (1) "Complainant" and "respondent" mean those individuals or entities defined as such in

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1 § 28-5-17;
2 (2) "Demonstrates" means meets the burdens of production and persuasion;
3 (3) "Group of employment practices" means a combination of employment practices or
4 an overall employment process; and
5 (4) "Required by business necessity" means essential to effective job performance.
6 (d) Nothing contained in this section shall be construed as limiting the methods of proof
7 of unlawful employment practices under § 28-5-7 to the methods set in this section.
8 **28-5-7.3. Discriminatory practice need not be sole motivating factor.** -- An unlawful
9 employment practice may be established in an action or proceeding under this chapter when the
10 complainant demonstrates that race, color, religion, sex, sexual orientation, gender identity or
11 expression, ^{add} familial status, ^{add} disability, age, or country of ancestral origin was a motivating
12 factor
13 for any employment practice, even though the practice was also motivated by other factors.
14 Nothing contained in this section shall be construed as requiring direct evidence of unlawful
15 intent or as limiting the methods of proof of unlawful employment practices under § 28-5-7.
16 **28-5-13. Powers and duties of commission.** -- The commission shall have the following
powers and duties:

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6 (9) (i) Create any advisory agencies and conciliation councils, local or statewide, that
7 will aid in effectuating the purposes of this chapter. The commission may itself, or it may
8 empower these agencies and councils to:
9 (A) Study the problems of discrimination in all or specific fields of human relationships
10 when based on race or color, religion, sex, sexual orientation, gender identity or expression,
11 familial status, disability, age, or country of ancestral origin, and
12 (B) Foster through community effort or otherwise good will among the groups and
13 elements of the population of the state.
14 (ii) The agencies and councils may make recommendations to the commission for the
15 development of policies and procedure in general.
16 (iii) Advisory agencies and conciliation councils created by the commission shall be
17 composed of representative citizens serving without pay, but with reimbursement for actual and
18 necessary traveling expenses.
19 (10) Issue any publications and any results of investigations and research that in its
20 judgment will tend to promote good will and minimize or eliminate discrimination based on race
21 or color, religion, sex, sexual orientation, gender identity or expression, ^{add} familial status,
^{add} disability,
22 age, or country of ancestral origin.
23 (11) From time to time, but not less than once a year, report to the legislature and the
24 governor, describing the investigations, proceedings, and hearings the commission has conducted
25 and their outcome, the decisions it has rendered, and the other work performed by it, and make
26 recommendations for any further legislation, concerning abuses and discrimination based on race
27 or color, religion, sex, sexual orientation, gender identity or expression, ^{add} familial status, ^{add}
disability,

28 age or country of ancestral origin, that may be desirable.
29 **28-5-14. Educational program.** -- In order to eliminate prejudice among the various
30 ethnic groups in this state and to further good will among those groups, the commission and the
31 state department of elementary and secondary education are jointly directed to prepare a
32 comprehensive educational program, designed for the students of the public schools of this state
33 and for all other residents of the state, calculated to emphasize the origin of prejudice based on
34 race or color, religion, sex, sexual orientation, gender identity or expression, ^{add} familial status, ^{add}

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1 disability, age or country of ancestral origin, its harmful effects, and its incompatibility with
2 American principles of equality and fair play.

3 **28-5-22. Evidence of predetermined pattern.** -- The commission shall, in ascertaining
4 the practices followed by the respondent, take into account all evidence, statistical or otherwise,
5 which may tend to prove the existence of a predetermined pattern of employment or membership.
6 Nothing in this section shall be construed to authorize or require any employer or labor
7 organization to employ or admit applicants for employment or membership in the proportion to
8 which their race or color, religion, sex, sexual orientation, gender identity or expression, ^{add} familial
9 status, ^{add} disability, age, or country of ancestral origin bears to the total population or in accordance
10 with any criterion other than the individual qualifications of the applicant.

11 **28-5-38. Liberal construction.** -- (a) The provisions of this chapter shall be construed
12 liberally for the accomplishment of the purposes of it, and any law inconsistent with any
13 provision of this chapter shall not apply.

14 (b) Nothing contained in this chapter shall be deemed to repeal any of the provisions of
15 any law of this state relating to discrimination because of race or color, religion, sex, sexual
16 orientation, gender identity or expression, ^{add} familial status, ^{add} disability, age or country of ancestral
17 origin.

18 (c) Nothing contained in this chapter shall be deemed to repeal any of the provisions of
19 any law of this state relating to parental leave.

20 SECTION 2. Section 42-112-1 of the General Laws in Chapter 42-112 entitled "The
21 Civil Rights Act of 1990" is hereby amended to read as follows:

22 **42-112-1. Discrimination prohibited.** -- (a) All persons within the state, regardless of
23 race, color, religion, sex, ^{add} familial status, ^{add} disability, age, or country of ancestral origin, have,
24 except as is otherwise provided or permitted by law, the same rights to make and enforce
25 contracts, to inherit, purchase, to lease, sell, hold, and convey real and personal property, to sue,
26 be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the
27 security of persons and property, and are subject to like punishment, pains, penalties, taxes,
28 licenses, and exactions of every kind, and to no other.

29 (b) For the purposes of this section, the right to "make and enforce contracts, to inherit,
30 purchase, to lease, sell, hold, and convey real and personal property" includes the making,
31 performance, modification and termination of contracts and rights concerning real or personal
32 property, and the enjoyment of all benefits, terms, and conditions of the contractual and other
33 relationships.

34 (c) Nothing contained in this chapter shall be construed to affect chapter 14.1 of title 37,

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1 chapter 5.1 of title 28 or any other remedial programs designed to address past societal
2 discrimination.

3 (d) For the purposes of this section, the terms "sex" and "age" have the same meaning as
4 those terms are defined in § 28-5-6, the state fair employment practices act. The term "disability"
5 has the same meaning as that term is defined in § 42-87-1, and the terms, as used regarding
6 persons with disabilities, "auxiliary aids and services," "readily achievable," "reasonable
7 accommodation," "reasonable modification," and "undue hardship" shall have the same meaning
8 as those terms are defined in § 42-87-1.1.

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



MOTION: To find beneficial 15 S 0722 An Act Relating To Labor And Labor Relations - Fair Employment Practices
Motion moved by TF, failed for lack of a second.

15 S 0270 AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS
Sen. Metts in 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 ^{add} **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 **© 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.** ^{add}
15 SECTION 2. This act shall take effect upon passage.

Table for information from the Alliance for Better Long Term Care
Disability Prevention Bills

15 S 0628 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES
Sen. Sosnowski Requested by the Attorney General in House Judiciary Committee [Casey Gartland]
This act would create a new criminal offense for driving a motor vehicle while under the influence of liquor and/or drugs which results in the physical injury of anyone other than the operator.
This act would take effect upon passage.

1 SECTION 1. Chapter 31-27 of the General Laws entitled “Motor Vehicle Offenses” is
2 hereby amended by adding thereto the following section:
3 ^{add} **31-27-2.10. Driving under the influence of liquor or drugs, resulting in serious**
4 **bodily injury. – (a) When the physical injury of any person other than the operator is caused by**
5 **the operation of any motor 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 any**
7 **combination of these, the person so operating the vehicle shall be guilty of driving under the**
8 **influence of liquor or drugs, resulting in physical injury.**
9 **(b) Any person charged with a violation of this section shall, upon conviction, be**
10 **imprisoned for not more than three (3) years and have his or her license to operate a motor**
11 **vehicle suspended for not more than one year.** ^{add}



MOTION: To find beneficial 15 S 0628 An Act Relating To Motor And Other Vehicles - Motor Vehicle Offenses
 Motion moved by CG, seconded by RC, passed unanimously

15 S 0629 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Sen. Sosnowski Requested by the Attorney General in Senate Judiciary Committee [Casey Gartland]

This act would extend the “look back” period for third and subsequent offenses under the driving under the influence of liquor drugs law § (31-27-2) and the refusal to submit to a chemical test law § (31-27-2.1) from five (5) years to ten (10) years.

This act would take effect upon passage.

1 SECTION 1. Sections 31-27-2 and 31-27-2.1 of the General Laws in Chapter 31-27
 2 entitled “Motor Vehicle Offenses” are hereby amended to read as follows:

3 **31-27-2. Driving under influence of liquor or drugs. [Effective January 1, 2015.] --**

4 (a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any
 5 intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21,
 6 or any combination of these, shall be guilty of a misdemeanor except as provided in subdivision
 7 (d)(3) and shall be punished as provided in subsection (d) of this section.

Skipped most of Pages 1 - 4

27 (iii) In addition to the foregoing penalties, every person convicted of a third or
 28 subsequent violation within a ^{delete}five-year⁽⁵⁾ ^{delete} ^{add}ten (10) year^{add} period, regardless of
 whether any prior
 29 violation and subsequent conviction was a violation and subsequent conviction under this statute
 30 or under the driving under the influence of liquor or drugs statute of any other state, shall be
 31 subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the
 32 violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be
 33 transferred to the general fund.

Skipped Pages 5 to 8 of 12

8 **31-27-2.1. Refusal to submit to chemical test. [Effective January 1, 2015.] --**

Skipped Pages 8 and 9 of 12

12 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$ 200) to
 13 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of
 14 public community restitution. The person's driving license in this state shall be suspended for a
 15 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require
 16 attendance at a special course on driving while intoxicated or under the influence of a controlled
 17 substance and/or alcohol or drug treatment for the individual. The traffic tribunal judge or
 18 magistrate may prohibit that person from operating a motor vehicle that is not equipped with an
 19 ignition interlock system as provided in § 31-27-2.8.

20 (2) Every person convicted for a second violation within a five-year (5) period shall be
 21 guilty of a misdemeanor; shall be imprisoned for not more than six (6) months; and shall pay a
 22 fine in the amount of six hundred dollars (\$ 600) to one thousand dollars (\$1,000), order the
 23 person to perform sixty (60) to one hundred (100) hours of public community restitution; and the
 24 person's driving license in this state shall be suspended for a period of one year to two (2) years.
 25 The judge or magistrate shall require alcohol and/or drug treatment for the individual. The
 26 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is
 27 not equipped with an ignition interlock system as provided in § 31-27-2.8.

28 (3) Every person convicted for a third or subsequent violation within a ^{delete}five-year⁽⁵⁾ ^{delete}
 29 ^{add}ten
 (10) year^{add} period shall be guilty of a misdemeanor; and shall be imprisoned for not more than one

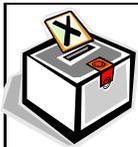
30 year; fined eight hundred dollars (\$ 800) to one thousand dollars (\$ 1,000); shall perform not less
31 than one hundred (100) hours of public community restitution; and the person's operator's license
32 in this state shall be suspended for a period of two (2) years to five (5) years. The sentencing
33 judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped
34 with an ignition interlock system as provided in § 31-27-2.8. The judge or magistrate shall require

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1 alcohol or drug treatment for the individual. Provided, that prior to the reinstatement of a license
2 to a person charged with a third or subsequent violation within a three-year (3) period, a hearing
3 shall be held before a judge or magistrate. At the hearing, the judge or magistrate shall review the
4 person's driving record, his or her employment history, family background, and any other
5 pertinent factors that would indicate that the person has demonstrated behavior that warrants the
6 reinstatement of his or her license.

Skipped most of Page 11 of 12

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



MOTION: To find beneficial 15 S 0629 An Act Relating To Motor
And Other Vehicles - Motor Vehicle Offenses
Motion moved by AP, seconded by RC, passed, TF abstained

Health Insurance Bills

15 H 5837 AN ACT RELATING TO INSURANCE - INSURANCE COVERAGE
FOR MENTAL ILLNESS AND SUBSTANCE ABUSE
Rep. Serpa in House Corporations Committee
This act would provide coverage for seven (7) days of residential or inpatient
services for opioid treatment to be included within the appropriate classification.
This act would take effect upon passage.

1 SECTION 1. Section 27-38.2-1 of the General Laws in Chapter 27-38.2 entitled
2 "Insurance Coverage for Mental Illness and Substance Abuse" is hereby amended to read as
3 follows:

27-38.2-1. Coverage for the treatment of mental health and substance use disorders.

5 -- (a) A group health plan, and an individual or group health insurance plan shall provide
6 coverage for the treatment of mental health and substance use disorders under the same terms and
7 conditions as that coverage is provided for other illnesses and diseases.

8 (b) Coverage for the treatment of mental health and substance use disorders shall not
9 impose any annual or lifetime dollar limitation.

10 (c) Financial requirements and quantitative treatment limitations on coverage for the
11 treatment of mental health and substance use disorders shall be no more restrictive than the
12 predominant financial requirements applied to substantially all coverage for medical conditions in
13 each treatment classification.

14 (d) Coverage shall not impose non-quantitative treatment limitations for the treatment of
15 mental health and substance use disorders unless the processes, strategies, evidentiary standards,
16 or other factors used in applying the non-quantitative treatment limitation, as written and in
17 operation, are comparable to, and are applied no more stringently than, the processes, strategies,
18 evidentiary standards, or other factors used in applying the limitation with respect to

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1 medical/surgical benefits in the classification.

2 (e) The following classifications shall be used to apply the coverage requirements of this
3 chapter: (1) Inpatient, in-network; (2) Inpatient, out-of-network; (3) Outpatient, in-network; (4)
4 Outpatient, out-of-network; (5) Emergency care; and (6) Prescription drugs.

5 (f) Medication-assisted therapy, including methadone maintenance services, for the
6 treatment of substance use disorders, opioid overdoses, and chronic addiction is included within
7 the appropriate classification based on the site of the service. ^{add} At least seven (7) days of residential

8 [or inpatient services for treatment of opioid use disorders is included within the appropriate](#)
9 [classification.](#) ^{add}

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

| | |
|---|--|
|  | MOTION: To find beneficial 15 H 5837 An Act Relating To Insurance - Insurance Coverage For Mental Illness And Substance Abuse Motion moved by TF, seconded by RC, passed, AP abstain |
| | Professional Standards |
| | 15 S 0727 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- FREEDOM FROM PRONE RESTRAINT ACT Sen. Goldin Requested by the RI Developmental Disabilities Council in Senate Judiciary Committee This act would prohibit the use of prone restraints in certain facilities and would create a study commission to study prone restraint in covered facilities. This act would take effect upon passage. |

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 ^{add} **CHAPTER 72.11**

4 **FREEDOM FROM PRONE RESTRAINT ACT**

5 **42-72.11-1. Short title.** -- This chapter shall be known and may be cited as the "Freedom
6 from Prone Restraint Act."

7 **42-72.11-2. Fundamental purpose.** -- This chapter is enacted to protect and promote the
8 right of each person who is served by a covered facility to be free from the use of prone restraint.
9 Research has shown that prone restraint is a hazardous and potentially lethal position.

10 **42-72.11-3. Definitions.** -- For the purpose of this chapter:

11 (1) "Service provider" means any person employed or contracted by a covered facility to
12 provide support or care, residential support, education, health care, treatment, or direct
13 supervision.

14 (2) "Covered facility" means any agency, organization, or public or private entity,
15 regardless of the state agency under whose authority its license or certification is established, that
16 provides support or care, residential support, education, health care, treatment, or direct
17 supervision. "Covered facility" does not include any law enforcement department, the department
18 of corrections, the training school for youth, or the forensic unit at the Eleanor Slater Hospital.

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1 (3) "Prone restraint" means a restraint or hold that limits or controls the movement or
2 normal functioning of any portion, or all, of an individual's body while the individual is in a face-
3 down position.

4 **42-72.11-4. Use of restraints.** -- No service provider of any covered facility may use a
5 prone restraint at anytime.

6 **42-72.11-5. Training and policies.** -- Each covered facility shall:

7 (1) Develop policies and procedures that establish monitoring, documentation, reporting,
8 and internal review of the use of restraint in accordance with this chapter.

9 (2) Require nationally recognized training of all service providers in the
10 reduction/elimination of restraint and seclusion. The training shall be approved by the director of
11 the state agency that has supervisory control over the covered facility. The training shall include,
12 but not be limited to:

13 (i) Leadership towards organization change;

14 (ii) Use of data to inform practice;

15 (iii) Work force development;

16 (iv) Use of prevention tools, including positive behavior interventions and de-escalation;

17 (v) Inclusion of individuals, families, and advocates; and

18 (vi) Debriefing techniques and outcomes.

19 (3) Make the policies and procedures required under subsection (1) of this section
20 available to the director of the state agency that has jurisdiction or supervisory control over the
21 covered facility.

22 **42-72.11-6. Study commission.** – (a) A joint legislative study commission is hereby
23 created to study the restraint reporting requirements of each of the covered facilities and make
24 recommendations to ensure that reporting is as uniform as possible and appropriate data is
25 collected to inform practice and policy decisions.

26 (b) The study commission will be compromised of fourteen (14) members: one member
27 of the house of representatives, to be appointed by the speaker of the house; one member of the
28 senate, to be appointed by the president of the senate; two (2) of whom shall be individuals
29 restrained by a covered facility or knowledgeable about restraint, one of whom to be appointed by
30 the speaker of the house and one of whom to be appointed by the president of the senate; two (2)
31 of whom shall be family members of individuals restrained by a covered facility or
32 knowledgeable about restraint, one of whom to be appointed by the speaker of the house and one
33 of whom to be appointed by the president of the senate; one of whom shall be the director of the
34 department of children, youth, and families, or designee; one of whom shall be the commissioner

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1 of the department of elementary and secondary education, or designee; one of whom shall be the
2 director of the department of behavioral health care developmental disabilities and hospitals, or
3 designee; one of whom shall be the director of the Paul V. Sherlock Center on Disabilities, or
4 designee; one of whom shall be the director of the Rhode Island developmental disabilities
5 council, or designee; one of whom shall be the director of the disability law center, or designee;
6 one of whom shall be the director of Bradley Hospital, or designee; and one of whom shall be the
7 director of the hospital association of Rhode Island, or designee.

8 In lieu of any appointment of a member of the legislature to a permanent advisory
9 commission, a legislative study commission, or any commission created by an act of the general
10 assembly, the appointing authority may appoint a member of the general public to serve in lieu of
11 a legislator, provided that the majority leader or the minority leader of the political party which
12 is entitled to the appointment consents to the appointment of the member of the general public.
13 Vacancies in said commission shall be filled in like manner as the original appointment.

14 (c) Upon passage of this act, the members of the commission shall meet at the call of the
15 speaker of the house and president of the senate and organize and shall select, from among the
16 legislators, a chairperson.

17 (d) The membership of said commission shall receive no compensation for their services.

18 (e) All departments and agencies of the state shall furnish such advice and information,
19 documentary, and otherwise, to said commission and its agents as is deemed necessary or
20 desirable by the commission to facilitate the purposes of this act.

21 (f) The joint commission on legislative services is hereby authorized and directed to
22 provide suitable quarters for said commission.

23 (g) The commission shall report its findings and recommendations to the general
24 assembly no later than February 1, 2016, and said commission shall expire on June 30, 2016.^(add)

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

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| | <i>Took no position</i> on 15 S 0727 An Act Relating To State Affairs And Government -- Freedom From Prone Restraint Act |
| | Housing Bills |
| | <p>15 S 0615 AN ACT RELATING TO TAXATION -- RHODE ISLAND LIVABLE HOME TAX CREDIT ACT</p> <p>Sen. Nesselbush in Senate Finance Committee</p> <p>This act would establish the "Rhode Island Livable Home Tax Credit Act", and provide for its administration. taxpayer who purchases a new residence or retrofits or hires someone to retrofit an existing residence, provided that such new residence or the retrofitting of such existing residence is designed to improve accessibility, provide universal visit-ability, and meets the eligibility requirements established by guidelines developed by the corporation.</p> <p>This act would take effect upon passage.</p> |

1 SECTION 1. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
2 adding thereto the following chapter:

3 {add} **CHAPTER 70**

4 **RHODE ISLAND LIVABLE HOME TAX CREDIT ACT**

5 **44-70-1. Short title.** -- This chapter shall be known and may be cited as the "Rhode
6 Island Livable Home Tax Credit Act."

7 **44-70-2. Definitions.** -- For the purpose of this chapter:

8 (1) "Corporation" means Rhode Island housing and mortgage finance corporation.

9 (2) "Director" means the executive director of that corporation.

10 **44-70-3. Tax credits.** -- For taxable years beginning on and after January 1, 2016, any
11 taxpayer who purchases a new residence or retrofits or hires someone to retrofit an existing
12 residence, provided that such new residence or the retrofitting of such existing residence is
13 designed to improve accessibility, provide universal visitability, and meets the eligibility
14 requirements established by guidelines developed by the corporation, shall be allowed a credit
15 against the tax imposed pursuant to § 44-30-1 of an amount equal to five thousand dollars
16 (\$5,000) for such new residence, or fifty percent (50%) of the total amount spent for the
17 retrofitting of such existing residence, not to exceed five thousand dollars (\$5,000). The credit
18 shall be allowed for the taxable year in which the residence has been purchased or construction,
19 retrofitting, or renovation of the residence or residential structure or unit has been completed.

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1 Such a credit shall require application by the taxpayer as provided in § 44-70-4.

2 **44-70-4. Applications.** -- Eligible taxpayers shall apply for the credit by making
3 application to the corporation, which shall issue a certification for an approved application to the
4 taxpayer. The taxpayer shall attach the certification to the applicable income tax return. The total
5 amount of tax credits granted under this section for any fiscal year shall not exceed five hundred
6 thousand dollars (\$500,000). In each year, the corporation shall allocate two hundred fifty
7 thousand dollars (\$250,000) in tax credits for the purchase or construction of new residences and
8 two hundred fifty thousand dollars (\$250,000) in tax credits for the retrofitting or renovation of
9 existing residences or residential structures or units. If the amount of tax credits approved in a
10 fiscal year for the purchase or construction of new residences is less than two hundred fifty
11 thousand dollars (\$250,000), the director of the corporation shall allocate the remaining balance
12 of such tax credits for the retrofitting or renovation of existing residences or residential structures
13 or units. If the amount of tax credits approved in a fiscal year for the retrofitting or renovation of
14 existing residences or residential structures or units is less than two hundred fifty thousand dollars
15 (\$250,000), the director shall allocate the remaining balance of such tax credits for the purchase
16 or construction of new residences. In the event applications for the tax credit exceed the amount
17 allocated by the director for the fiscal year, the corporation shall issue the tax credits pro rata
18 based upon the amount of tax credit approved for each taxpayer and the amount of tax credits

19 allocated by the director.
 20 **44-70-5. Limitations.** -- (a) No credit shall be allowed under this chapter for the
 21 purchase, construction, retrofitting, or renovation of residential rental property.
 22 (b) In no case shall the director issue any tax credit relating to transactions or dealings
 23 between affiliated entities. In no case shall the director issue any tax credit more than once to the
 24 same or different persons relating to the same retrofitting, renovation, or construction project.
 25 (c) In no case shall the amount of credit taken by a taxpayer pursuant to this chapter
 26 exceed the taxpayer's income tax liability for the taxable year. If the amount of credit allowed for
 27 the taxable year in which the residence has been purchased or construction, retrofitting, or
 28 renovation of the residence or residential structure or unit has been completed exceeds the
 29 taxpayer's income tax liability imposed for such taxable year, then the amount that exceeds the
 30 tax liability may be carried over for credit against the income taxes of such taxpayer in the next
 31 seven (7) taxable years or until the total amount of the tax credit issued has been taken, whichever
 32 is sooner. Credits granted to a partnership, limited liability company, or electing small business
 33 corporation (S corporation) shall be allocated to the individual partners, members, or
 34 shareholders, respectively, in proportion to their ownership or interest in such business entities. ^{add}

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

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|  | <p>MOTION: To find beneficial 15 S 0615 An Act Relating To Taxation - - Rhode Island Livable Home Tax Credit Act Motion moved by MS, seconded by RC, passed, TF abstain</p> |
| | <p>15 S 0653 AN ACT RELATING TO CITIES AND TOWNS - RHODE ISLAND COMPREHENSIVE PLANNING AND LAND USE ACT Sen. Cote in Senate Housing and Municipal Government [Casey Gartland] This act would eliminate the mandate requiring cities and towns to include an affordable housing program in their comprehensive plans. It also voids any comprehensive plans that include an affordable housing program. This act would take effect upon passage.</p> |

1 SECTION 1. Section 45-22.2-6 of the General Laws in Chapter 45-22.2 entitled "Rhode
 2 Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:
 3 **45-22.2-6. Required content of a comprehensive plan.** -- (a) The comprehensive plan
 4 must utilize a minimum twenty (20) year planning timeframe in considering forecasts, goals, and
 5 policies.

6 (b) The comprehensive plan must be internally consistent in its policies, forecasts, and
 7 standards, and shall include the content described within this section. The content described in
 8 subdivisions (1) through (10) may be organized and presented as deemed suitable and appropriate
 9 by the municipality. The content described in subdivisions (11) and (12) must be included as
 10 individual sections of the plan.

11 (1) Goals and policies. - The plan must identify the goals and policies of the municipality
 12 for its future growth and development and for the conservation of its natural and cultural
 13 resources. The goals and policies of the plan shall be consistent with the goals and intent of this
 14 chapter and embody the goals and policies of the state guide plan.

15 (2) Maps. - The plan must contain maps illustrating the following as appropriate to the
 16 municipality:

17 (i) Existing conditions:

18 (A) Land use, including the range of residential housing densities;

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1 (B) Zoning;

2 (C) Key infrastructure such as, but not limited to, roads, public water, and sewer;

3 (D) Service areas for public water and sewer;

4 (E) Historical and cultural resource areas and sites;

5 (F) Open space and conservation areas (public and private); and
 6 (G) Natural resources such as, but not limited to, surface water, wetlands, floodplains,
 7 soils, and agricultural land;
 8 (ii) Future land use illustrating the desired patterns of development, density, and
 9 conservation as defined by the comprehensive plan; and
 10 (iii) Identification of discrepancies between future land uses and existing zoning use
 11 categories.
 12 (3) Natural resource identification and conservation. - The plan must be based on an
 13 inventory of significant natural resource areas such as, but not limited to, water, soils, prime
 14 agricultural lands, forests, wildlife, wetlands, aquifers, coastal features, and floodplains. The plan
 15 must include goals, policies, and implementation techniques for the protection and management
 16 of these areas.
 17 (4) Open space and outdoor recreation identification and protection. - The plan must be
 18 based on an inventory of outdoor recreational resources, open space areas, and recorded access to
 19 these resources and areas. The plan must contain an analysis of forecasted needs, policies for the
 20 management and protection of these resources and areas, and identification of areas for potential
 21 expansion. The plan must include goals, policies, and implementation techniques for the
 22 protection and management of existing resources and acquisition of additional resources if
 23 appropriate.
 24 (5) Historical and cultural resources identification and protection. - The plan must be
 25 based on an inventory of significant historical and cultural resources such as historical buildings,
 26 sites, landmarks, and scenic views. The plan must include goals, policies, and implementation
 27 techniques for the protection of these resources.
 28 (6) Housing. - The plan ^{delete}~~must~~^{delete} ^{add}may^{add} include the identification of existing housing
 29 patterns,
 30 an analysis of existing and forecasted housing needs, and identification of areas suitable for future
 31 housing development or rehabilitation. However, ^{delete}~~The~~^{delete} the plan need not and shall not include
 32 an
 33 affordable housing program that meets the requirements of § 42-128-8.1, the "Comprehensive
 34 Housing Production and Rehabilitation Act of 2004" and chapter 45-53, the "Rhode Island Low
 and Moderate Income Housing Act" ^{delete}~~. The plan must~~^{delete} or include goals and policies that
 further the
 goal of subdivision 45-22.2-3(c)(3) and implementation techniques that identify specific

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1 programs to promote the preservation, production, and rehabilitation of housing-^{add} and any plan
 2 which includes such requirements in response to previously existing statutes or executive orders
 3 shall be void.^{add}

Skipped most of Pages 3 and 4

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



MOTION: To find harmful 15 S 0653 An Act Relating To Cities And Towns - Rhode Island Comprehensive Planning And Land Use Act Motion moved by TF, seconded by CG, passed unanimously

15 S 0654 AN ACT RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING AND LAND USE ACT
 Sen. Cote in Senate Housing and Municipal Government [Casey Gartland]
 This act would remove the mandate requiring cities and towns to include an affordable housing program in their comprehensive plans and would provide an opt-out provision regarding any provision in the state guide plan regarding affordable housing and any related land use provisions.
 This act would take effect upon passage.

1 SECTION 1. Section 45-22.2-6 of the General Laws in Chapter 45-22.2 entitled "Rhode

2 Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:
3 **45-22.2-6. Required content of a comprehensive plan.** -- (a) The comprehensive plan
4 must utilize a minimum twenty (20) year planning timeframe in considering forecasts, goals, and
5 policies.

[Text of existing law identical to S 0653 Above]

28 (6) Housing. - The plan ^{delete} ~~must~~ ^{delete} ~~must~~ ^{add} may ^{add} include the identification of existing housing
29 patterns,
30 an analysis of existing and forecasted housing needs, and identification of areas suitable for future
31 housing development or rehabilitation. The plan ^{delete} ~~shall~~ ^{delete} ~~shall~~ ^{add} may ^{add} include an affordable
32 housing program
33 that meets the requirements of § 42-128-8.1, the "Comprehensive Housing Production and
34 Rehabilitation Act of 2004" and chapter 45-53, the "Rhode Island Low and Moderate Income
Housing Act". The plan ^{delete} ~~must~~ ^{delete} ~~must~~ ^{add} may ^{add} include goals and policies that further the goal of
subdivision
45-22.2-3(c)(3) and implementation techniques that identify specific programs to promote the

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1 preservation, production, and rehabilitation of housing. ^{add} Each city or town shall have the option to
2 decline to comply with any provision contained in this chapter and the state guide plan relating to
3 affordable housing programs described in this subsection, including land use provisions related to
4 affordable housing currently or as contained in any further amendment within ninety (90) days of
5 the effective date of any amendment. The option shall be exercised by filing a timely notice, in
6 writing, of declination with the chief. ^{add}

[Text of existing law identical to S 0653 Above]

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



MOTION: To find harmful 15 S 0654 An Act Relating To Towns And Cities -- Rhode Island Comprehensive Planning And Land Use Act Motion moved by CG, seconded by AP, passed unanimously

15 S 5242 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING RESOURCES -- HOMELESS SHELTERS
Rep. Lombardi in House Finance [Casey Gartland]
This act would create a commission to establish homeless shelter standards.
This act would take effect upon passage.

1 SECTION 1. Chapter 42-128 of the General Laws entitled "Rhode Island Housing
2 Resources Act of 1998" is hereby amended by adding thereto the following section:
3 ^{add} **42-128-18. Homeless shelter standard.** -- (a) Findings.
4 (1) That all homeless persons have the right to homeless shelter services regardless of
5 political or religious beliefs, immigration status, former geographic location of residence, ethno-
6 cultural background, (dis)ability, gender identity, criminal background, and/or sexual orientation;
7 (2) That no shelter should charge a fee nor expect and/or require compensation from
8 clients/residents for any services rendered;
9 (3) Homeless shelters should provide an atmosphere of dignity and respect for all shelter
10 residents, and provide services in a non-judgmental manner;
11 (4) That shelter residents are capable of moving toward increasing levels of self-reliance
12 and self-determination. Shelter staff should work with residents to assist them in achieving their
13 goals;
14 (5) Homeless shelters should be sensitive to the ethno-specific and linguistic needs of
15 residents;
16 (6) Service providers need to accept gender identity as defined by the individual rather
17 than by the perception of staff and/or other residents;
18 (7) Protecting the privacy and confidentiality of shelter residents and their personal

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- 1 information is of the utmost importance;
2 (8) That all people staying in homeless shelters should have access to safe, nutritious
3 food;
4 (9) That the health and safety of shelter residents, volunteers, and staff is of the highest
5 importance in each shelter;
6 (10) That issuing service restrictions in the shelter system must be done only as a last
7 resort and in the most serious cases;
8 (11) That everyone is entitled to shelter service whether or not they use substances and
9 service policies should not be based on substance use alone, except for those shelters operating on
10 an abstinence or recovery model basis;
11 (12) Shelter residents should be involved in service provision, program planning,
12 development and evaluation, and policy development;
13 (13) Homeless shelters that include children and youth should provide supports and
14 activities and ensure that the school-related recreation and treatment needs of resident children
15 are met on site through community based services;
16 (14) Homeless shelters should afford an opportunity for children and youth with
17 developmental and/or physical disabilities to develop to their full potential within an environment
18 where they can interact and socialize with other children;
19 (15) That shelters are part of a larger network of homeless services and agencies and
20 collaboration within this network is important to ensure effective and coordinated services;
21 (16) That notification of shelter closure (either emergency or permanent shelter) should
22 be done as soon as the provider is aware of the potential closure and posted in a common area.
23 The provider should notify their residents, and the office of housing and community development
24 within the division of planning of the department of administration; and
25 (17) That all shelters should utilize the Rhode Island homeless information management
26 system (HMIS) database, and make entries in a timely manner.
27 (b) To further the purpose of this section, the chair of the Rhode Island housing resources
28 commission shall appoint a committee to draft regulations for homeless shelters. Each member of
29 the committee will be drawn from the following constituencies or communities of interest:
30 (1) One homeless or formerly homeless person;
31 (2) Two (2) representatives of the Rhode Island homeless advocacy project;
32 (3) One representative of the Rhode Island coalition for the homeless;
33 (4) Two (2) homeless shelter providers operating a shelter for individuals;
34 (5) Two (2) homeless shelter providers operating a shelter for families;

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- 1 (6) One representative from the Rhode Island office of housing and community
2 development;
3 (7) One domestic violence shelter provider; and
4 (8) One resident or former resident of a domestic violence shelter. The committee shall
5 elect a chair or co-chairs from among their membership.
6 (c) (1) The committee shall define the characteristics of a homeless shelter that shall be
7 subject to the regulations and standards established by this section.
8 (2) The committee shall be charged with the formulation of regulations and standards to
9 address the following topics and areas of concern:
10 (i) Baseline organizational standards that any agency operating a homeless shelter must
11 meet;
12 (ii) Access to shelter guidelines, including admission and discharge, bed registration,
13 substance use, and service restrictions;
14 (iii) Residents' rights and responsibilities, including resident input, complaints and
15 appeals, and grievance procedures;
16 (iv) Program standards including the provision of essential services, counseling supports,
17 daytime access, confidentiality, sharing of resident information, safeguarding resident files, and
18 staff code of conduct;
19 (v) Health and safety standards including basic health and safety protocols, the safeguard

20 [of, and access to, resident medication, a policy on weapons, and requirements for staff training on](#)
 21 [health and safety issues; and](#)
 22 [\(vi\) Emergency and winter shelter standards including the definition of inclement](#)
 23 [weather events, in all seasons, that trigger requirements for homeless shelters to stay open for the](#)
 24 [protection of residents.](#)
 25 [\(3\) Except to the extent specifically required by statute, no shelter regulation shall deny](#)
 26 [access to, or otherwise impose additional restrictions upon individuals due to their being subject](#)
 27 [to community notification requirements, nor shall any state or municipal agency request or](#)
 28 [require a shelter to impose any such restrictions.](#) ^{add}
 29 SECTION 2. This act shall take effect upon passage.

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|  | <p>MOTION: To find beneficial if amended to include a representative from either BHDDH or EOHHS 15 H 5242 An Act Relating To State Affairs And Government -- Housing Resources -- Homeless Shelters Motion moved by RC, seconded by TF, passed unanimously</p> |
| <p>Human Services Bills</p> | |
| <p>15 S 0609 AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR FAMILIES Sen. Lynch in Senate Finance Committee This act would expand the income disregards or other methodology, under the direction of the Executive Secretary of Health and Human Services (EOHHS), for parents or relative caretakers eligible for medical assistance under this chapter to income levels that are below one hundred eighty-five percent (185%) of the federal poverty level. This act would take effect upon passage.</p> | |

1 SECTION 1. Chapter 40-8.4 of the General Laws entitled "Health Care For Families" is
 2 hereby amended by adding thereto the following section:
 3 ^{add} **40-8.4-4.1. Eligibility for medicare savings programs.** – [Notwithstanding the](#)
 4 [provisions of any general or public law to the contrary, the secretary of the executive office of](#)
 5 [health and human services shall increase income disregards used to determine eligibility by the](#)
 6 [department of human services for the federal qualified Medicare beneficiary, the specified low-](#)
 7 [income Medicare beneficiary and the qualifying individual programs, administered in accordance](#)
 8 [with the provisions of 42 U.S.C. § 1396d\(p\), by an amount that equalizes the income levels used](#)
 9 [to determine eligibility for said programs to income levels at or below one hundred eighty-five](#)
 10 [percent \(185%\) of the federal poverty level. Provided, further, the secretary of the executive](#)
 11 [office of health and human services shall not apply an asset test for eligibility under the Medicare](#)
 12 [savings program and shall submit any Medicaid state plan amendment necessary to implement](#)
 13 [the provisions of this section.](#) ^{add}
 14 SECTION 2. This act shall take effect upon passage.

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| | <p><i>Took no position on 15 S 0609 An Act Relating To Human Services -- Health Care For Families</i></p> |
| <p>15 H 6016 & S 0572 ACTS RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT Rep. Azzinaro in House Judiciary Committee Sen. McCaffrey on Senate Desk (Recommend Passage) This act would mandate the development of a transition plan by the department of children, youth and families in collaboration with the department of behavioral healthcare, developmental disabilities and hospitals for all children, under the jurisdiction of the family court, are developmentally delayed or</p> | |

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| | seriously emotionally disturbed prior to the child turning one (21) years of age addressing housing, placement options, health insurance, education, employment services, mentors and continuing support services. It would also mandate transition planning for other youth who will be receiving services from the department of behavioral healthcare, developmental disabilities and hospitals after their twenty-first birthday. This act would take effect upon passage. |
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1 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings
2 in Family Court" is hereby amended to read as follows:

3 **14-1-6. Retention of jurisdiction.** -- (a) When the court shall have obtained jurisdiction
4 over any child prior to the child having attained the age of eighteen (18) years by the filing of a
5 petition alleging that the child is wayward or delinquent pursuant to § 14-1-5, the child shall,
6 except as specifically provided in this chapter, continue under the jurisdiction of the court until he
7 or she becomes nineteen (19) years of age, unless discharged prior to turning nineteen (19). When
8 the court shall have obtained jurisdiction over any child prior to the child's eighteenth (18th)
9 birthday by the filing of ^{add}a miscellaneous petition or^{add} a petition alleging that the child is
10 dependent,
11 neglected and abused pursuant to §§ 14-1-5 and 40-11-7 ^{add} or 42-72-14^{add}, including any child under
12 the jurisdiction of the family court on petitions filed and/or pending before the court prior to July
13 1, 2007, the child shall, except as specifically provided in this chapter, continue under the
14 jurisdiction of the court until he or she becomes eighteen (18) years of age; provided, that ^{add}at least
15 six (6) months^{add} prior to a child turning eighteen (18) years of age, the court shall require the
16 department of children, youth, and families to provide a description of the transition services
17 ^{add}including the child's housing, health insurance, education and/or employment plan, available
18 mentors and continuing support services, including workforce supports and employment services^{add}
afforded the child in placement or a detailed explanation as to the reason those services were not

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1 offered ^{delete} ~~;~~ ^{delete} ~~provided~~ ^{add} The details of a child's transition plan shall be developed in
2 consultation with
3 the child, wherever possible and approved by the court prior to the dismissal of an abuse, neglect,
4 dependency or miscellaneous petition before the child's twenty-first birthday.

5 (b) The court may retain jurisdiction of any child who is seriously emotionally disturbed
6 or developmentally delayed pursuant to § 42-72-5(24)(v) until that child turns age twenty-one
7 (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth
8 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
9 neglected and or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

10 (c) The department of children, youth and families shall work collaboratively with the
11 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
12 in accordance with § 14-1-59, to provide the family court with a transition plan for those
13 individuals who come under the court's jurisdiction pursuant to a petition alleging that the child is
14 dependent, neglected and or abused and who are seriously emotionally disturbed or
15 developmentally delayed pursuant to § 42-72-5(24)(v). This plan shall be a joint plan presented to
16 the court by the department of children, youth and families and the department of behavioral
17 healthcare, developmental disabilities and hospitals. The plan shall include the behavioral
18 healthcare, developmental disabilities and hospitals' community or residential service level,
19 health insurance option, education plan, available mentors, continuing support services,
20 workforce supports and employment services, and the plan shall be provided to the court at least
21 twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall
22 identify the specific placement for the child, if a residential placement is needed. The court shall
23 monitor the transition plan. In the instance where the department of behavioral healthcare,
24 developmental disabilities and hospitals has not made timely referrals to appropriate placements
and services, the department of children, youth and families may initiate referrals.

25 (d) The parent and/or guardian and/or guardian ad litem of a child who is seriously

26 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(24)(v), and who is
27 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be
28 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
29 appropriate transition plan has been submitted to the court by the department of children, person
30 and families and the department of behavioral healthcare, developmental disabilities and
31 hospitals. The family court shall require that the department of behavioral healthcare,
32 developmental disabilities, and hospitals shall immediately identify a liaison to work with the
33 department of children, youth, and families until the child reaches the age of twenty-one (21) and
34 an immediate transition plan be submitted if the following facts are found:

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1 (1) No suitable transition plan has been presented to the court addressing the levels of
2 service appropriate to meet the needs of the child as identified by the department of behavioral
3 healthcare, developmental disabilities and hospitals; or

4 (2) No suitable housing options, health insurance, educational plan, available mentors,
5 continuing support services, workforce supports and employment services have been identified
6 for the child.

7 (e) Provided, ^{add} further, that any youth who comes within the jurisdiction of the court by the
8 filing of a wayward or delinquent petition based upon an offense which was committed prior to
9 July 1, 2007, including youth who are adjudicated and committed to the Rhode Island Training
10 School and who are placed in a temporary community placement as authorized by the family
11 court, may continue under the jurisdiction of the court until he or she turns twenty one (21) years
12 of age.

Skipped much of Page 3 of 11

1 SECTION 2. Section 40.1-5.4-4 of the General Laws in Chapter 40.1-5.4 entitled
2 "Division of Mental Health" is hereby amended to read as follows:

3 **40.1-5.4-4. Powers and duties of director of mental health, retardation and hospitals.**

4 -- The director of mental health, retardation, and hospitals shall, subject to available
5 appropriations, have the following powers and duties:

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19 ^{add} (17) To initiate transition planning:

20 (i) In cooperation with the department of children, youth and families and local school
21 departments for any person who receives services through the department of children, youth, and
22 families, is seriously emotionally disturbed or developmentally delayed pursuant § 42-72-29
23 5(24)(v), and whose care may or shall be administered by the department of behavioral
24 healthcare, developmental disabilities and hospitals after the age of twenty-one (21) years, the
25 transition planning shall commence at least twelve (12) months prior to the child's twenty-first
26 birthday and shall result in a collaborative plan submitted to the family court by both behavioral
27 healthcare, developmental disabilities and hospitals and the department of children, youth, and
28 families and shall require the approval of the court prior to the dismissal of the abuse, neglect,
29 dependency or miscellaneous petition;

30 (ii) In cooperation with the individual, the parents/legal guardians and school districts for
31 any other person whose care may or shall be administered by the department of behavioral
32 healthcare, developmental disabilities and hospitals after the age of twenty-one (21) years, the
33 transition planning shall commence at least twelve (12) months prior to the child's twenty-first
34 birthday and shall specifically identify housing options, supportive services, health care and

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1 workforce training or opportunities, ^{add}

9 SECTION 3. Section 42-72-5 of the General Laws in Chapter 42-72 entitled "Department
10 of Children, Youth, and Families" is hereby amended to read as follows:

11 **42-72-5. Powers and scope of activities.** -- (a) The department is the principal agency of
12 the state to mobilize the human, physical and financial resources available to plan, develop, and
13 evaluate a comprehensive and integrated statewide program of services designed to ensure the
14 opportunity for children to reach their full potential. The services include prevention, early
15 intervention, out-reach, placement, care and treatment, and after-care programs; provided,

16 however, that the department notifies the state police and cooperates with local police
17 departments when it receives and/or investigates a complaint of sexual assault on a minor and
18 concludes that probable cause exists to support the allegations(s). The department also serves as
19 an advocate for the needs of children.

Skipped most of Pages 6 to 9 of 11

20 A child with a "functional developmental disability" means any person under the age of
21 eighteen (18) years or any person under the age of twenty-one (21) years who began to receive
22 services from the department prior to attaining eighteen (18) years of age and has continuously
23 received those services thereafter.

24 The term "functional developmental disability" includes autism spectrum disorders and
25 means a severe, chronic disability of a person which:

- 26 ~~(a)~~(A) Is attributable to a mental or physical impairment or combination of mental
27 physical impairments;
28 ~~(b)~~(B) Is manifested before the person attains age eighteen (18);
29 ~~(c)~~(C) Is likely to continue indefinitely;
30 ~~(d)~~(D) Results in age- appropriate substantial functional limitations in three (3) or more
31 of the following areas of major life activity.
32 ~~(i)~~(I) Self-care;
33 ~~(ii)~~(II) Receptive and expressive language;
34 ~~(iii)~~(III) Learning;

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- 1 ~~(iv)~~(IV) Mobility;
2 ~~(v)~~(V) Self-direction;
3 ~~(vi)~~(VI) Capacity for Independent Living; and
4 ~~(vii)~~(VII) Economic self-sufficiency; and
5 (e) Reflects the person's need for a combination and sequence of special,
6 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
7 duration and are individually planned and coordinated.

8 Funding for these clients shall include funds that are transferred to the Department of
9 Human Services as part of the Managed Health Care program transfer. However, the expenditures
10 relating to these clients shall not be part of the Department of Human Services' Caseload
11 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be
12 accounted for separately.

13 (25) To provide access to services to any person under the age of eighteen (18) years or
14 any person under the age of twenty-one (21) years who began to receive child welfare services
15 from the department prior to attaining eighteen (18) years of age, has continuously received those
16 services thereafter and elects to continue to receive such services after attaining the age of
17 eighteen (18) years. The assembly has included funding in the FY 2008 Department of Children,
18 Youth and Families budget in the amount of \$10.5 million from all sources of funds and \$6.0
19 million from general revenues to provide a managed system to care for children serviced between
20 18 to 21 years of age. The department shall manage this caseload to this level of funding.

21 ^{add} (26) To initiate transition planning in cooperation with the department of behavioral
22 healthcare, developmental disabilities and hospitals and local school departments for any child
23 who receives services through the department of children, youth and families, is seriously
24 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(24)(v), and whose care
25 may or shall be administered by the department of behavioral healthcare, developmental
26 disabilities and hospitals after the age of twenty-one (21) years, the transition planning shall
27 commence at least twelve (12) months prior to the person's twenty-first birthday and shall result
28 in a collaborative plan submitted to the family court by both the department of behavioral
29 healthcare, developmental disabilities and hospitals and the department of children, youth and
30 families and shall require the approval of the court prior to the dismissal of the abuse, neglect,
31 dependency or miscellaneous petition before the child's twenty-first birthday. ^{add}

Skipped most of Pages 10 and 11

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



MOTION: To find beneficial 15 H 6016 & S 0572 Acts Relating To Delinquent And Dependent Children -- Proceedings In Family Court (should replace references in current law to MHRH with BHDDH) Motion moved by TF, seconded by AP, passed unanimously

15 S 0652 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND HUMAN SERVICES
 Sen. Miller in Senate Health and Human Services Committee
 This act would require the secretary of the office of health and human services to create an evidence-based behavioral health care program for incarcerated adults with co-occurring substance use and mental disorders.
 This act would take effect upon passage.

1 SECTION 1. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled "Office of
 2 Health and Human Services" is hereby amended to read as follows:
 3 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and
 4 supervision of the governor for the oversight, coordination and cohesive direction of state
 5 administered health and human services and in ensuring the laws are faithfully executed, not
 6 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
 7 Services shall be authorized to:

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32 (6) Assure continued progress toward improving the quality, the economy, the
 33 accountability and the efficiency of state-administered health and human services. In this
 34 capacity, the secretary shall:

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- 1 (i) Direct implementation of reforms in the human resources practices of the departments
- 2 that streamline and upgrade services, achieve greater economies of scale and establish the
- 3 coordinated system of the staff education, cross-training, and career development services
- 4 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
- 5 services workforce;
- 6 (ii) Encourage the departments to utilize consumer-centered approaches to service design
- 7 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
- 8 changing needs of the people and communities they serve;
- 9 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
- 10 power, centralizing fiscal service functions related to budget, finance, and procurement,
- 11 centralizing communication, policy analysis and planning, and information systems and data
- 12 management, pursuing alternative funding sources through grants, awards and partnerships and
- 13 securing all available federal financial participation for programs and services provided through
- 14 the departments;
- 15 (iv) Improve the coordination and efficiency of health and human services legal
- 16 functions by centralizing adjudicative and legal services and overseeing their timely and judicious
- 17 administration;
- 18 (v) Facilitate the rebalancing of the long term system by creating an assessment and
- 19 coordination organization or unit for the expressed purpose of developing and implementing
- 20 procedures across departments that ensure that the appropriate publicly-funded health services are
- 21 provided at the right time and in the most appropriate and least restrictive setting; and
- 22 (vi) Strengthen health and human services program integrity, quality control and
- 23 collections, and recovery activities by consolidating functions within the office in a single unit
- 24 that ensures all affected parties pay their fair share of the cost of services and are aware of
- 25 alternative financing.
- 26 (vii) Broaden access to publicly funded food and nutrition services by consolidating

27 agency programs and initiatives to eliminate duplication and overlap and improve the availability
 28 and quality of services; and
 29 (viii) Assure protective services are available to vulnerable elders and adults with
 30 developmental and other disabilities by reorganizing existing services, establishing new services
 31 where gaps exist and centralizing administrative responsibility for oversight of all related
 32 initiatives and programs.

33 ^{add}(ix) Create and evaluate an evidence-based behavioral health care program for
 34 incarcerated adults with co-occurring substance use and mental disorders, that includes clinically

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1 appropriate assessment and treatment of individuals during their incarceration, and the provision
 2 of treatment to facilitate the successful reintegration of individuals returning from incarceration to
 3 their communities. ^{add}

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

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|  | <p>MOTION: To find beneficial 15 S 0652 An Act Relating To State Affairs And Government - Office Of Health And Human Services Motion moved by TF, seconded by RC, passed unanimously</p> |
| | <p style="text-align: center;">Special Education Bills</p> |
| | <p>15 H 6022 AN ACT RELATING TO EDUCATION Rep. Azzinaro in House Health, Education, & Welfare Committee This act would make clear that a disabled child would have all statutory rights available to them until their twenty-first birthday or until completion of the program or school year in which they were enrolled before their twenty-first birthday, whichever occurs later. This act would take effect upon passage.</p> |

1 SECTION 1. Section 16-24-1 of the General Laws in Chapter 16-24 entitled "Children
 2 With Disabilities [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
 3 hereby amended to read as follows:

4 **16-24-1. Duty of school committee to provide special education.** -- (a) In any city or
 5 town where there is a child with a disability within the age range as designated by the regulations
 6 of the state board of regents for elementary and secondary education, who is functionally limited
 7 to such an extent that normal educational growth and development is prevented, the school
 8 committee of the city or town where the child resides shall provide the type of special education
 9 that will best satisfy the needs of the child with a disability, as recommended and approved by the
 10 state board of regents for elementary and secondary education in accordance with its regulations
 11 governing the education of children with disabilities.

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9 (d) For the purpose of this statute, a free and appropriate education is defined as special
 10 education services and related services that:

11 (1) Are provided at public expense, under public supervision and direction, and without
 12 charge;

13 (2) Meet all of the standards and requirements of the state of Rhode Island department of
 14 education and requirements of the regulations of the board of regents for elementary and
 15 secondary education governing the education of children with disabilities, which shall include
 16 initial evaluation and determination procedures;

17 (3) Include preschool, elementary school or secondary school education in the state; and

18 (4) Are provided in conformity with an individualized education program that meets the
 19 requirements of the regulations of the board of regents for elementary and secondary education
 20 governing the education of children with disabilities.

21 (e) In those cases that an individual education plan has been adopted for a child and the

22 child moves to another town or city, the plan shall remain in effect until a new plan is adopted for
23 the child in the new town or city.

24 ^{add} (f) A child with a disability as referenced in subsection (a) of this section shall have
25 available to him or her any benefits provided by this section up to his or her twenty-first birthday.
26 Provided, in the event such a child with a disability is enrolled in a post-secondary or transitional
27 educational program as part of the services provided to the child by the school committee or local
28 education agency (LEA), and such child reaches twenty-one (21) years of age during a school or
29 program year, then the school committee's or LEA's obligation to pay for the post-secondary or
30 transitional program shall continue through to the conclusion of the school or program's academic
31 year. ^{add}

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

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| <i>Took no position</i> on 15 H 6022 An Act Relating To Education |
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| 15 S 0589 & H 5862 ACTS RELATING TO EDUCATION - CHILDREN WITH DISABILITIES |
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| Sen. McCaffery By request in Senate Judiciary Committee |
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| Rep. Blazejewski in House Judiciary Committee [Casey Gartland] |
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| This act would allow parents of children with educational disabilities to recover their attorney and expert fees when they prevail in an adjudicatory proceeding or superior court action in matters governing the education of their child with disabilities. |
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| This act would take effect upon passage. |
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1 SECTION 1. Chapter 16-24 of the General Laws entitled "Children with Disabilities" is
2 hereby amended by adding thereto the following section:

3 ^{add} **16-24-19. Costs to prevailing plaintiff -- Special education matter in controversy. --**

4 **(a) Costs awarded to prevailing plaintiff.**

5 **(1) In any adjudicatory proceeding or superior court action in any matter governing the**
6 **education of children with disabilities, the hearing officer or superior court, if requested by a**
7 **parent who is a prevailing party in a hearing brought pursuant to the Individuals with Disabilities**
8 **Education Act, 20 U.S.C. 1400 et seq., and/or Title 16 of the Rhode Island general laws**
9 **("Education"), shall require that the prevailing parent be awarded reasonable attorney and expert**
10 **witness fees, as part of the costs associated with bringing the action. Provided, however, that any**
11 **such parent who is a prevailing party may elect to seek an award of reasonable attorneys' fees in**
12 **the United States District Court pursuant to the Individuals with Disabilities Education Act, 20**
13 **U.S.C. 1400 et seq., rather than before the hearing officer or in superior court.**

14 **(2) In any action or proceeding brought in a court of proper jurisdiction, the court, in its**
15 **discretion, may award reasonable attorneys' fees as part of the costs to a prevailing party who is a**
16 **state or local education agency against the attorney of a parent who files a complaint or**
17 **subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the**
18 **attorney of a parent who continued to litigate after the litigation clearly became frivolous,**
19 **unreasonable or without foundation.**

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1 **(3) In any action or proceeding brought in the court of proper jurisdiction, the court, in its**
2 **discretion, may award reasonable attorneys' fees as part of the costs to a prevailing party who is a**
3 **state or local education agency against the attorney of a parent, or against the parent, if the**
4 **parent's complaint or subsequent cause of action was presented for any improper purpose, such as**
5 **to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.**

6 **(4) In any adjudicatory proceeding or superior court action in any matter governing the**
7 **education of children with disabilities, the hearing officer or superior court may, in his, her, or its**
8 **discretion, award reasonable attorneys' fees as part of the costs to a prevailing party who is a**
9 **parent against the attorney of a state or local education agency who files a complaint or**
10 **subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the**
11 **attorney of a state or local education agency who continued to litigate after the litigation clearly**
12 **became unreasonable or without foundation.**

13 (b) Determination of amount of attorney and expert fees. Awarded attorney and expert
14 fees shall be based on rates prevailing in the community in which the action or proceeding arose
15 for the kind and quality of services furnished. No bonus or multiplier may be used in
16 calculating the fees awarded under this subsection.

17 (c) Prohibition of attorney and/or expert fees and related costs for certain services.
18 (1) Attorney and expert fees may not be awarded and related costs may not be reimbursed
19 in any action or proceeding under this statute for services performed subsequent to the time of a
20 written offer of settlement to a parent if:

21 (i) The offer is made within the time prescribed by Rule 68 of the Rhode Island Superior
22 Court Rules of Civil Procedure or Rule 68 of the Federal Rules of Civil Procedure, or, in the case
23 of an administrative hearing, at any time more than ten (10) days before the proceeding begins;

24 (ii) The offer is not accepted within ten (10) days; and

25 (iii) The court of proper jurisdiction or administrative hearing officer finds that the relief
26 finally obtained by the parent is not more favorable to the parent than the offer of settlement.

27 (d) Exception to prohibition on attorney and/or expert fees and related
28 costs. Notwithstanding subsection (c) of this section, an award of attorney and expert fees and
29 related costs may be made to a parent who is the prevailing party and who was substantially
30 justified in rejecting the settlement offer.

31 (e) Reduction of amount of attorney and/or expert fees. Except as provided in subsection
32 (f) of this section, the administrative hearing officer or court of proper jurisdiction may reduce,
33 accordingly, the amount of the attorney and/or expert witness fees awarded, if the administrative
34 hearing officer or court of proper jurisdiction finds that:

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1 (1) The parent, during the course of the action or proceeding, unreasonably protracted the
2 final resolution of the controversy; or

3 (2) The amount of the attorney and/or expert fees otherwise authorized to be awarded
4 unreasonably exceeds the hourly rate prevailing in the community for similar services by
5 attorneys and/or expert witnesses of reasonably comparable skill, reputation, and experience; or

6 (3) The time spent and legal and expert witness services furnished were excessive
7 considering the nature of the action or proceeding; or

8 (4) The attorney representing the parent did not provide to the school district the
9 appropriate information in the notice of the due process complaint as described in 20 U.S.C. 1415
10 (b)(7) of the Individuals with Disabilities Education Act as amended or in any subsequent
11 provisions providing for a similar due process complaint.

12 (f) Exception to reduction in amount of attorney and expert fees. The provisions of
13 subsection (e) of this section do not apply in any action or proceeding if the administrative
14 hearing officer or court of proper jurisdiction finds that the state or local agency unreasonably
15 protracted the final resolution of the action or proceeding.

16 (g) As used in this section, the term "parent" shall also include a legal guardian of a child
17 if applicable. ^{add}

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

| | |
|---|---|
|  | MOTION: To find beneficial 15 S 0589 & H5862 Acts Relating To Education - Children With Disabilities Motion moved by CG, seconded by AP, passed, TF & RC abstained |
| | 15 S 0699 AN ACT RELATING TO EDUCATION - FUNDING OF CHARTER PUBLIC SCHOOLS Sen. Gallo in Senate Education Committee [Casey Gartland] This act would provide that the costs for special education services for students attending a charter public school that is in partnership with a public school system would be paid by the district where the student resides. This act would take effect upon passage. |

1 SECTION 1. Chapter 16-77.1 of the General Laws entitled "Funding of Charter Public

Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto the following section:

^{add} **16-77.1-8. Special education costs.** -- For any student requiring special education services who attends a charter public school which school is in partnership with a public school system, the local education agency or "LEA" where the student resides shall be responsible for all special education costs associated with and provided to that student. The provisions of this section shall apply to students attending a district charter school, an independent charter school, or a mayoral academy. ^{add}

SECTION 2. This act shall take effect upon passage.

| | |
|--|---|
| | <i>Took no position on</i> 15 S 0699 An Act Relating To Education - Funding Of Charter Public Schools |
| | <p>15 H 5697 AN ACT RELATING TO EDUCATION -- INSTRUCTION FOR DEAF OR HARD-OF-HEARING STUDENTS</p> <p>Rep. Handy in House Health, Education, & Welfare Committee [Casey Gartland]</p> <p>This act would mandate that the department of education in conjunction with the department of human services develop programs to assess and monitor developmental language benchmarks for deaf and hard-of-hearing children and would require that Individual Education Plans and Individual Family Service Plans include recommendations and plans to assist the child in becoming linguistically age-appropriate and kindergarten ready. Language experts would be part of the IEP and IFSP teams.</p> <p>This act would take effect on July 1, 2017.</p> |

SECTION 1. Section 16-25.2-3 of the General Laws in Chapter 16-25.2 entitled "Instruction for Deaf or Hard of Hearing Students [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

16-25.2-3. Assessment. -- (a) Individuals involved in administering assessment tools to students who are deaf or hard of hearing shall be proficient in the student's primary communication mode, style, or language as determined by a language assessment consistent with the requirements of § 16-25.2-2. All assessments shall be delivered in the student's primary communication mode, style, or language as determined by a language assessment consistent with the requirements of § 16-25.2-2, shall have been validated for the specific purposes for which they are used, and shall be appropriately normed.

^{add} (b) The Rhode Island department of elementary and secondary education shall develop language assessments to monitor deaf and hard-of-hearing children's developmental language benchmarks in American Sign Language (ASL) and English literacy and, if applicable, spoken English and visual supplements. Language benchmarks must include data and tracking that provides information as to the individual child's receptive and expressive language comparative to the child's age and cognitive abilities using ASL and English in order to be kindergarten-ready. When the language assessment/benchmarks indicate that the child does not have age-appropriate expressive and receptive language skills, the individualized education plan (IEP) must include as

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much detail as possible to explain the lack of such skills and make specific recommendations as to what strategies, services, and programs will be available to assist the child in becoming linguistically age-appropriate. The IEP shall include recommendations and information to the family or guardian of the child about being provided training, benchmark materials, and support to insure appropriate language growth as well as recommendations about what the child's IEP should include to assist the child in becoming linguistically age appropriate. These recommendations shall be part of the child's IEP file and all recommendations shall be considered by the child's IEP team in formulating the child's educational plans.

(c) A qualified language expert in American Sign Language and other language experts, as deemed appropriate for the education of the child, shall be part of the IEP team.

(d) The Rhode Island department of education shall develop specific plans and

12 regulations by January 31, 2017, to fully implement the "language assessment" program. ^{add}

13 SECTION 2. Chapter 23-13 of the General Laws entitled "Maternal and Child Health
14 Services for Children with Special Health Care Needs" is hereby amended by adding thereto the
15 following section:

16 ^{add} **23-13-27. Assessment for deaf and hard-of-hearing language development.** – (a) The
17 Rhode Island department of human services with assistance of the Rhode Island department of
18 education shall develop language assessments to monitor deaf and hard-of-hearing children's
19 developmental language benchmarks in American Sign Language (ASL) and English literacy
20 and, if applicable, spoken English and visual supplements. Language benchmarks must include
21 data and tracking that provides information as to the individual child's receptive and expressive
22 language comparative to the child's age and cognitive abilities using ASL and English in order to
23 be kindergarten-ready. When the language assessment/benchmarks indicate that the child does
24 not have age-appropriate expressive and receptive language skills, the individual family service
25 plan (IFSP) must include as much detail as possible to explain the lack of such skills and make
26 specific recommendations as to what strategies, services, and programs will be available to assist
27 the child in becoming linguistically age-appropriate. The IFSP shall include recommendations
28 and information to the family or guardian of the child about being provided training, benchmark
29 materials and support to insure appropriate language growth as well as recommendations about
30 what the child's IFSP should include to assist the child in becoming linguistically age-appropriate.
31 These recommendations shall be part of the child's IFSP file and all recommendations shall be
32 considered by the child's IFSP team in formulating the child's educational plans.

33 (c) A qualified language expert in American Sign Language and other language experts
34 as deemed appropriate for the education of each child, shall be part of the IFSP team.

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1 (d) The Rhode Island department of education shall develop specific plans and
2 regulations by January, 31, 2017, to fully implement the "language assessment" program for the
3 benefit of children who are deaf or hard-of-hearing and under three (3) years of age. ^{add}

4 SECTION 3. This act shall take effect on July 1, 2017.

| | |
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| | Table for information regarding CDHH's position on 15 H 5697 An Act Relating To Education -- Instruction For Deaf Or Hard-Of-Hearing Students |
| | Transportation Bills |
| | 15 S 0697 & 15 H 5786 ACTS RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC MOTOR VEHICLES Sen. Pearson in Senate Commerce Committee This act would expand the definition of public motor vehicles to include transportation services, licensed home care nursing care providers and facilities, assisted living providers, licensed adult day services as well as programs for inclusive care for the elderly. This act would take effect upon passage. |

1 SECTION 1. Section 39-14.1-1 of the General Laws in Chapter 39-14.1 entitled "Public
2 Motor Vehicles" is hereby amended to read as follows:

3 **39-14.1-1. Definitions.** -- Terms used in this chapter shall be construed as follows, unless
4 another meaning is expressed or is clearly apparent from the language or context:

5 (1) "Certificate" means a certificate of operating authority issued to a public motor
6 vehicle;

7 (2) "Charter carrier" means a provider of transportation services to groups such as:
8 lodges, bands, athletic teams, schools or other travel groups, assembled by someone other than
9 the carrier who collectively contracts for the exclusive use of certain equipment for the duration
10 of a particular trip or tour. Charter carrier services shall also include transportation services
11 provided by employment agencies or employers to individuals in the context of providing

12 transportation to and from their place of employment;
 13 (3) "Common carrier" as used in this chapter, means any person engaging in the business
 14 of providing transportation services for compensation to passengers through the use of a public
 15 motor vehicle as defined in this chapter;
 16 (4) "Division" means the division of public utilities and carriers;
 17 (5) "Driver" means any person operating a motor vehicle used for the transportation of
 18 passengers which he or she owns or is operating with the expressed or implied consent of the
 19 owner;

1 (6) "Person" means and includes any individual, partnership, corporation, or other
 2 association of individuals;
 3 (7) "Public motor vehicle" means and includes every motor vehicle for hire, other than a
 4 jitney, as defined in § 39-13-1, or a taxicab or limited public motor vehicle, as defined in § 39-14-
 5 1, used for transporting members of the general public for compensation in unmarked vehicles at
 6 a predetermined or prearranged charge to such points as may be directed by the passenger. All
 7 vehicles operated under this chapter shall conform to specifications established by the division.
 8 Transportation services provided by charter carriers, as defined in this chapter, or by funeral
 9 homes in association with funeral services, and by ambulance companies^(add), [by licensed home](#)
 10 [nursing care providers or nursing facilities licensed pursuant to the provisions of chapter 17 of](#)
 11 [title 23, assisted living residence providers licensed pursuant to chapter 17.4 of title 23, licensed](#)
 12 [adult day services providers licensed pursuant to chapter 52 of title 23 and programs of all](#)
 13 [inclusive care for the elderly a \(PACE\) as certified by the Centers for Medicare and Medicaid](#)
 14 [Services \(CMS\)](#)^(add) shall be exempt from this chapter;
 15 (8) "Unmarked vehicles" means motor vehicles that do not display the transportation
 16 company's name, address or telephone number, or any advertisements or commercial information
 17 beyond that included by the vehicle's manufacturer on the vehicle's exterior surfaces.
 18 (9) "Wheelchair accessible public motor vehicle" means a public motor vehicle designed
 19 and equipped to allow the transportation of a person(s) who uses a wheelchair without requiring
 20 that person(s) to be removed from the wheelchair, but such public motor vehicle is not restricted
 21 to transporting only persons using wheelchairs.
 22 SECTION 2. This act shall take effect upon passage.

| | |
|--|--|
| | <p><i>Took no position on 15 S 0697 & 15 H 5786 ACTS RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC MOTOR VEHICLES</i></p> |
| | <p>15 H 5900 Art. 19 RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS Rep. Gallison Requested by the Governor in House Finance Committee [Tim Flynn] This article would repeal in its entirety the Department of Health's "Division of Professional Regulation", abolish 25 licensing boards and replace them with the division of professional regulation and licensing which would be the licensing and regulatory authority for the following arts, practices, sciences or callings: (1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title 5; (2) Chiropractic physicians in chapter 30 of title 5; (3) Electrolysis in chapter 32 of title 5; (4) Funeral director/embalmer in chapter 33.2 of title 5; (5) Opticians in chapter 35.2 in title 5; (6) Social workers in chapter 39.1 of title 5; (7) Physical therapists in chapter 40 in title 5; (8) Occupational therapy in chapter 40.1 in title 5; (9) Psychologists in chapter 44 of title 5; (10) Nursing home administrators 45 of title 5;</p> |

- (11) Speech pathology and audiology in chapter 48 of title 5;
 - (12) Hearing aid dealers and fitters in chapter 49 of title 5;
 - (13) Prosthetist in chapter 59 of title 5;
 - (14) Athletic trainers in chapter 60 in title 5;
 - (15) Mental health counselors and marriage and family therapists in chapter 63 of title 5;
 - (16) Licensed dietician in chapter 64 of title 5;
 - (17) Dietary manager in chapter 64.1 of title 5;
 - (18) Radiologic technologists in chapter 68 of title 5;
 - (19) Licensed chemical dependency professionals in chapter 69 of title 5;
 - (20) Interpreters for the deaf in chapter 71 of title 5;
 - (21) Applied behavior analysts in chapter 86 of title 5;
 - (22) Clinical laboratory science practice in chapter 16.3 in title 23;
 - (23) Assisted living residence administrators in chapter 17.4 of title 23;
 - (24) Massage therapists in chapter 20.8 in title 23; and
 - (25) Respiratory care in chapter 39 of title 23.
- A single health professions board of review is hereby established for the purpose of appeals, discipline and advisory functions for the arts, practices, sciences, or callings listed in § 5-26.1-2(a).
- This article would take effect upon passage.

ARTICLE 19

RELATING TO CONSOLIDATION OF DEPARTMENT OF HEALTH BOARDS

SECTION 1. Chapter 5-26 of the General Laws entitled "Division of Professional Regulation" is hereby repealed in its entirety.

~~(delete)~~ CHAPTER 5-26

~~DIVISION OF PROFESSIONAL REGULATION~~

~~5-26-1. Establishment of division—Administrator.— Within the department of health there shall be a division of professional regulation, and the director of health shall appoint an administrator of that division, in accordance with the provisions of chapter 4 of title 36. The administrator of the division professional regulation shall act as the administrative agent for the boards established.~~

~~5-26-2. Boards of examiners appointed by director of health.— The director of health, with the approval of the governor, shall also appoint to the division of professional regulation a board of nursing registration and education as provided by chapter 34 of this title, and a board of examiners of each of the following arts, practices, sciences, or callings: barbering, podiatry, chiropractic, (except as provided in § 5-30-1.1) psychology, optometry, electrolysis, and physical therapy; and a board of five (5) examiners in speech pathology, audiology, and embalming. Those boards shall perform the duties prescribed by chapters 10, 29, 30, (except as provided in § 5-30-1.1), 32, 33, 34, 35, 40, 44, and 48 of this title.~~

~~5-26-3. Qualifications of examiners.— The examiners appointed for each specific art, practice, science, or calling referred to in § 5-26-2 shall be persons competent to give those examinations and shall be appointed from persons licensed to practice such an art, practice, science, or calling in this state, except that one member of each of the chiropractic, and electrolysis boards shall be a physician licensed to practice medicine in the state.~~

~~5-26-4. Terms of examiners—Vacancies.— The membership of the boards of examiners mentioned in § 5-26-2 shall be for terms of three (3) years. On the expiration of the term of any member, the director of health, by and with the advice and consent of the governor, shall fill the vacancy by appointment for a term of three (3) years. On the death, resignation, or removal for cause of any member, the director of health, by and with the consent and advice of the governor, shall fill the vacancy by appointment for the unexpired portion of the term. Every~~

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~~member shall serve until his or her successor has been appointed and qualified.~~

~~5-26-5. Holding of examinations—Compensation of examiners.— The director of~~

3 health shall cause examinations to be held as required by law for the various arts and practices
4 enumerated in § 5-26-2. Members of each board of examiners as enumerated in § 5-26-2 shall not
5 be compensated for their service on the board of examiners.

6 ~~5-26-6. Non-discrimination in licensing or certification.— The division of professional
7 regulation and the licensing and examining boards established in this title shall administer their
8 licensing or certification programs in a manner which does not violate the requirements of 29
9 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42. ^(delete)~~

10 SECTION 2. TITLE 5 of the General Laws entitled “BUSINESSES AND
11 PROFESSIONS” is hereby amended by adding thereto the following chapter:

12 ^(add) **CHAPTER 5-26.1**

13 **THE DIVISION OF PROFESSIONAL REGULATION AND LICENSING**

14 **5-26.1-1. Establishment of the division of professional regulation and licensing –**
15 **Administrator -- Staff.** – (a) Within the department of health there shall be a division of
16 professional regulation and licensing. The director of health shall appoint an administrator of this
17 division, in accordance with the provisions of chapter 4 of title 36.

18 (b) Subject to appropriation, the director of health may appoint appropriate staff to the
19 division of professional regulation and licensing for the proper administration of this chapter,
20 including a chief field inspector, approved by the governor, to assist the division in the proper
21 administration of this chapter.

22 **5-26.1-2. Division of professional regulation and licensing powers and duties.** – (a)
23 The division of professional regulation and licensing shall be the licensing and regulatory
24 authority for the following arts, practices, sciences or callings:

25 (1) Barbers, hairdressers, cosmeticians, manicurists, and estheticians in chapter 10 of title
26 5;

27 (2) Chiropractic physicians in chapter 30 of title 5;

28 (3) Electrolysis in chapter 32 of title 5;

29 (4) Funeral director/embalmer in chapter 33.2 of title 5;

30 (5) Opticians in chapter 35.2 in title 5;

31 (6) Social workers in chapter 39.1 of title 5;

32 (7) Physical therapists in chapter 40 in title 5;

33 (8) Occupational therapy in chapter 40.1 in title 5;

34 (9) Psychologists in chapter 44 of title 5;

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1 (10) Nursing home administrators 45 of title 5;

2 (11) Speech pathology and audiology in chapter 48 of title 5;

3 (12) Hearing aid dealers and fitters in chapter 49 of title 5;

4 (13) Prosthetist in chapter 59 of title 5;

5 (14) Athletic trainers in chapter 60 in title 5;

6 (15) Mental health counselors and marriage and family therapists in chapter 63 of title 5;

7 (16) Licensed dietician in chapter 64 of title 5;

8 (17) Dietary manager in chapter 64.1 of title 5;

9 (18) Radiologic technologists in chapter 68 of title 5;

10 (19) Licensed chemical dependency professionals in chapter 69 of title 5;

11 (20) Interpreters for the deaf in chapter 71 of title 5;

12 (21) Applied behavior analysts in chapter 86 of title 5;

13 (22) Clinical laboratory science practice in chapter 16.3 in title 23;

14 (23) Assisted living residence administrators in chapter 17.4 of title 23;

15 (24) Massage therapists in chapter 20.8 in title 23; and

16 (25) Respiratory care in chapter 39 of title 23;

17 (b) Over all professions stated in (a), the division of professional regulation and licensing
18 shall:

19 (1) Approve all written and practical examinations in accordance with (c) below;

20 (2) Issue all licenses and permits subsequently provided for in this chapter;

21 (3) Serve as the inspector of sanitation of all individuals and establishments licensed

22 under this chapter:
23 (4) Make any rules and regulations that the division deems necessary or expedient, in
24 conformity with the provisions of this chapter and not contrary to law, relating to the practice of
25 any of the professions provided in subsection (a), including, but not limited to, the licensing,
26 examination, examination fees, conduct of the business, the establishment, the sanitary
27 requirements in all establishments and of all persons licensed or unlicensed under the provisions
28 of this chapter;
29 (5) Keep a register of all persons and places of business licensed under this chapter;
30 (6) Keep complete records of all persons and establishments licensed under this chapter;
31 (7) Summon witnesses; and
32 (8) Perform all acts necessary to enforce the provisions of this chapter.
33 (9) Act as the administrative agent and keep a record of all proceedings of the health
34 professions board of review, issue all notices, attest all records, and perform any other

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1 administrative duties that are required by the health professionals board of review, established in
2 accordance with § 5-26.1-3.

3 (c)(1) If an examination is deemed necessary as a condition of licensing by the director
4 of health, the examination for licensure may be conducted by the division as scheduled by the
5 division as appropriate and according to methods and in any subject fields that is deemed most
6 practical and expeditious to test the applicant's qualifications. Further:

7 (i) The division may require examinations to be written or oral, or both.

8 (ii) In any written examination, the division may require that the identity of the applicant
9 shall not be disclosed until after the examination papers have been graded.

10 (iii) Written examination papers shall be preserved and available for at least two (2)
11 years.

12 (iv) A candidate shall pass the examination upon receiving the threshold score
13 determined in advance by the division.

14 (v) Any appeal regarding the examination or score of an individual shall be submitted to
15 the health professions board of review.

16 (2) A license may be issued by the division without examination in Rhode Island if:

17 (i) An applicant who has been licensed or certified under the laws of another state, United
18 States territory, or foreign country where the division determines that the requirements are
19 substantially equivalent or stricter to those of this state; or

20 (ii) An applicant has been licensed or certified after examination by an association
21 deemed suitable by the division and the division determines that the examination is substantially
22 equivalent to, or exceeds, the requirements or examination in the State of Rhode Island.

23 (d) The division may issue temporary permit or provisional license to practice to a
24 candidate for licensure who has paid the required fees as set forth in § 23-1-54 and has satisfied
25 the following requirements:

26 (1) Filed an application for licensure with all required supporting materials;

27 (2) Has met all of the requirements determined necessary by the division as specified in
28 rules and regulations;

29 (3) Shall only practice under the appropriate supervision of a licensed practitioner as
30 delineated in the rules and regulations promulgated hereunder;

31 (4) Shall refrain from using the professional title or representing himself or herself as a
32 licensed professional, other than by using the title "student", "trainee" or "intern", or "resident";
33 and

34 (5) The temporary permit or provisional license shall expire, but may be extended, in

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1 accordance with a time period to be determined by the division under regulation.

2 (e) Establish standards for continuing education.

3 (f) (1) Be responsible for investigation and enforcement of all disciplinary actions under
4 this chapter.

5 (2) If the division has reason to believe that any person, firm, corporation or association

6 is conducting any activities requiring licensure without obtaining a license, or who after the
7 denial, suspension or revocation of a license conducts any activities requiring licensure, or who
8 conducting activities in an improper manner. in the interest of public health and safety, the
9 department may issue a cease and desist order to that person, firm, corporation or association
10 commanding them to halt unlawful activities and to appear within thirty (30) days for a hearing
11 before the health professions board of review established in accordance with § 5-26.1-
12 3. Additionally, the division may impose any appropriate sanctions or take further action
13 consistent with law or regulation.

14 (3) The order to show cause may be served on any person, firm, corporation or
15 association named in the order in the same manner that summons in a civil action may be served,
16 or by mailing a copy of the order, certified mail, return receipt requested, to that person at any
17 address at which he or she has done business or at which he or she lives. If, upon that hearing, the
18 board is satisfied that the person is in fact violating any provision of title 5, then the department
19 may order that person, in writing, to cease and desist from that violation and the department may
20 impose sanctions or take further action consistent with law or regulations. If that person, firm,
21 corporation or association fails to comply with an order of the division, the superior court in
22 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that
23 person from further violation.

24 (g) Effective July 1, 2015, all functions and authority vested in the division of
25 professional regulation under § 5-26 are hereby transferred to the division of professional
26 regulation and licensing hereunder. The division of regulation and licensing shall have authority
27 as expressly provided in the provisions of chapter 26 of title 5. Notwithstanding any other general
28 law to the contrary, the division shall supersede all licensing and regulatory authority previously
29 established pursuant to chapters 10, 30, 32, 33.2, 35.2, 39.1, 40, 40.1, 44, 45, 48, 49, 59, 60, 63,
30 64, 64.1, 68, 69, 71, and 86 of title 5 and chapters 16.3, 17.4, 20.8, and 39 of title 23, granted to
31 individual boards under these chapters. All administrative appeals and advisory authority
32 conferred by these sections shall now be vested in the health professions board of review
33 established by § 5-26.1-3.

34 (h)The division shall administer their licensing or certification programs in a manner

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1 which does not violate the requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and
2 chapter 87 of title 42.

3 **5-26.1-3. Health professions board of review established.** – (a) A single health
4 professions board of review is hereby established for the purpose of appeals, discipline and
5 advisory functions for the arts, practices, sciences, or callings listed in § 5-26.1-2(a).

6 **5-26.1-4. Health professions board of review – Appointments – Terms – Removal of**
7 **members – Vacancies – Technical Subcommittee.** – (a) With recommendation by the director
8 of health, and approval of the governor, the department shall appoint ten (10) members to the
9 health professions board of review. Four (4) of the members shall be professionals licensed and
10 in good standing in any of the arts, practices, sciences, or callings stated in § 5-26.1-2(a). Three
11 (3) of the members shall be general members of the public and consumers of the professions
12 stated in § 5-26.1-2(a). Three (3) of the members shall be employed in the healthcare industry.
13 The entire membership as a whole shall be diverse and representative of the Rhode Island
14 population to the greatest extent possible. In addition to the ten (10) appointed members, the
15 director of health or his or her designee shall serve as a member and chairperson.

16 (b) Appointed members of the board of review shall serve until their successors are
17 appointed and qualified and for the following terms:

18 1) Three (3) members for one (1) year;

19 2) Three (3) members for two (2) years;

20 3) Three (3) members for three (3) years; and

21 4) Beginning July 1, 2018, all members shall serve for three (3) years from their date of
22 appointment.

23 (c) Upon recommendation of the director of health, any member of the board may be
24 removed by the governor for cause, including, but not limited to failure to attend regularly

25 scheduled meetings or failure to maintain good standing in his or profession. On the death,
26 resignation, or removal for cause of any member of the board, the governor shall fill the vacancy
27 by appointment for a new three (3) year term in accordance with subsection (a).

28 (d) The director of health shall designate at least one (1) person licensed and in good
29 standing in each profession listed in § 5-26.1-2(a) to serve as a non-voting technical expert to the
30 board in his or her profession as necessary and required by the board.

31 (e) All members of the board and designated technical experts shall not be compensated
32 for their service.

33 (d) All members of the board are subject to the provisions of chapter 14 of title 36 and
34 associated provisions.

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1 **5-26.1-5. Health professions board of review – Powers and duties.** - (a) Upon formal
2 request, the board shall hear an appeal of disciplinary actions taken by the division of professional
3 regulation and licensing related to the professions listed in § 5-26.1-3(a) within thirty (30) days
4 from the issuance of a complaint by the division. Any such hearing shall be conducted in
5 accordance with chapter 35 of title 42, administrative procedures. The board shall render a
6 decision within ten business (10) days from the close of the hearing. The board shall adopt
7 regulations for the conduct of any such hearings. The board may summon witnesses and
8 administer oaths as necessary. If a person fails to comply with an order of the board after being
9 afforded a hearing, the superior court in Providence county has jurisdiction upon complaint of the
10 department of health to restrain and enjoin that person from violating any order.

11 (b) The board shall hear all licensing and examination appeals pertaining to professions
12 listed in § 5-26.1-2(a) in a manner consistent with subsection (a).

13 (c) Any aggrieved person, including the division, may appeal from the decision of the
14 board pursuant to § 42-35-15 to the superior court.

15 (d) The board may serve in an advisory capacity and may make recommendations to the
16 director of health and the division of professional regulation and licensing regarding any
17 selection, review and evaluation of the licensing examinations; regarding any policy that may be
18 necessary to improve the operations of the division of professional regulation and licensing;
19 recommend that the director adopt rules and regulations that set professional practice standards
20 for professions listed in § 5-26.1-2(a). Any recommendations are advisory in nature and are
21 subject to the approval of the director of health.

22 (e) The board shall administer their function in a manner which does not violate the
23 requirements of 29 U.S.C. § 794, 42 U.S.C. § 12101 et seq., and chapter 87 of title 42.^{add}

Note: The next 2 sections are repeated for all the other licensing boards.

SECTION 5. Amending Chapter 5-30 entitled “Chiropractic Physicians”

29 SECTION 5. Sections 5-30-6, 5-30-7, 5-30-8, 5-30-9, 5-30-10, 5-30-12, 5-30-13, 5-30-14
30 and 5-30-15 of the General Laws in Chapter 5-30 entitled “Chiropractic Physicians,” are hereby
31 amended as follows:

32 **5-30-6. Qualifications and examinations of applicants.** – Every person desiring to
33 begin the practice of chiropractic medicine, except as provided in this chapter, shall present
34 satisfactory evidence to the division of professional regulation^{add} and licensing^{add} of the department of

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1 health, verified by oath, that he or she is more than twenty-three (23) years of age, of good moral
2 character, and that before he or she commenced the study of chiropractic medicine had
3 satisfactorily completed credit courses equal to four (4) years of pre-professional study acceptable
4 by an accredited academic college and obtained a bachelor of science or bachelor of arts degree
5 and subsequently graduated from a school or college of chiropractic medicine approved by the
6 division of professional regulation^{add} and licensing^{add} of the department of health, and has completed a
7 residential course of at least four (4) years, each year consisting of at least nine (9) months study.
8 Any qualified applicant shall take an examination^{delete} ~~before the state board of chiropractic~~
~~examiners~~^{delete}
9^{add} as required by the division of professional regulation and licensing^{add} to determine his or her

10 qualifications to practice chiropractic medicine. Every applicant for an examination shall pay a
11 fee as set forth in § 23-1-54 for the examination to the division of professional and licensing
12 regulation. Every candidate who passes the examination shall be recommended by the division of
13 professional regulation of the department of health to the director of the department of health to
14 receive a certificate of qualification to practice chiropractic medicine. ^{add}Nothing herein shall
15 prevent the division of professional regulation and licensing from issuing a license without
16 examination in accordance with the provisions of § 5-26.1-2(c)(2) or § 5-30-7. ^{add}

17 **5-30-7. Certification of chiropractic physicians authorized to practice in other states.**

18 = The division of professional regulation ^{add}and licensing^{add} of the department of health may, at its
19 discretion, dispense with the examination of any chiropractic physician authorized to practice
20 chiropractic medicine in any other state, and who has been practicing his or her profession in that
21 state for at least five (5) years and desires to reside permanently and practice his or her profession
22 in this state, provided the laws of that state require qualifications of a grade equal to those
23 required in Rhode Island, and provided that equal rights are accorded by that state to chiropractic
24 physicians of Rhode Island. The chiropractic physician shall make an application to the division
25 for exemption from examination and the division may in its discretion exempt him or her. If the
26 division exempts him or her, he or she shall pay a fee as set forth in § 23-1-54 for a certificate of
27 exemption from that examination, and upon receipt of that fee, the division shall recommend him
28 or her to the director of the department of health to receive a certificate of qualification to practice
29 chiropractic medicine.

30 **5-30-8. Certification to practice physiotherapy.**

31 – (a) Every person desiring to practice
32 physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
33 of eight (8) months each, in some school of chiropractic medicine approved by the division of
34 professional regulation ^{add}and licensing^{add} of the department of health, completed a course of three (3)
years, of nine (9) months each, at some school of chiropractic medicine approved by the division

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1 and an additional year, of at least six (6) months, in physiotherapy and all branches of that field,
2 at that school, or has served as an intern for six (6) months in any year at an institution approved
3 by the division, and satisfies the division that he or she is qualified, may take an examination
4 ~~^{delete}before the state board of chiropractic examiners^{delete}~~ to determine his or her qualification to practice
5 physiotherapy in addition to chiropractic medicine.

6 (b) Every applicant for that examination shall pay a fee for the examination to the
7 division of professional regulation ^{add}and licensing^{add} of the department of health, provided that if the
8 examination is taken at the same time as the examination to determine the applicant's fitness to
9 practice chiropractic medicine, only one fee as set forth in § 23-1-54 is charged. Every candidate
10 who passes that examination shall be recommended by the division of professional regulation and
11 licensing of the department of health to the director of the department of health to receive a
12 certificate of qualification to practice physiotherapy.

13 **5-30-9. Method and scope of examinations – Reexaminations.**

14 – With the exception of
15 vertebral palpation and adjusting which is by demonstration, the examination provided for in § 5-
16 30-6 to determine the applicant's qualification to practice chiropractic medicine shall be in
17 writing, and it shall be given in any subjects that the division of professional regulation and
18 licensing of the department of health determines, but it must include questions in all of the
19 following subjects: microbiology, anatomy, histology and embryology, physiology, chemistry,
20 laboratory diagnosis, hygiene and sanitation, philosophy of chiropractic medicine, spinal analysis,
21 pathology, physical diagnosis, practice of chiropractic medicine, technique, clinical diagnosis, x-
22 ray, first aid, gynecology and dietetics. The division utilizes for the examinations in the basic
23 sciences subjects of microbiology, anatomy, physiology, chemistry, and pathology the
24 examination prepared and scored by the examination institute committee of the Federation of
25 State Medical Boards of the United States, Inc., (FLEX) or any other examination that in the
26 opinion of the division of professional regulation ^{add}and licensing^{add} is substantially equivalent to it.
27 The Rhode Island board of medical licensure shall cooperate with the division in making the
28 (FLEX) examination available. In case an applicant fails to pass the first examination, he or she is
entitled to reexamination at the next regular examination without further fee. The examination to

29 determine the applicant's fitness to practice physiotherapy shall include questions in any branches
30 of physiotherapy that the division determines. The division shall prepare reasonable questions and
31 shall fairly mark and grade the answers to these questions, all of which shall be done for the
32 purpose of determining whether the applicant is reasonably qualified to practice chiropractic
33 medicine and physiotherapy.

34 **5-30-10. Issuance and registration of certificates.** – Upon receipt of any

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1 recommendation from the ^{add} division of professional regulation and licensing ^{add} ~~{delete}~~ **board of**
2 **chiropractic**
3 **examiners** ^{delete}, as provided in §§ 5-30-6 – 5-30-8, the director of the department of health shall issue
4 to the recommended person a certificate to practice chiropractic medicine or physiotherapy within
5 this state, or certificates to practice each of them, in accordance with that recommendation. Those
6 certificates shall be signed by the ^{add} administrator of the division of professional regulation and
7 licensing ^{add} ~~{delete}~~ **members of the board of chiropractic examiners** ^{delete} and by the director of the
8 department of
9 health, who shall affix the official seal of the department of health to the certificates. The holder
10 of a certificate authorizing him or her to practice chiropractic medicine, immediately upon receipt
11 of the certificate, shall cause it to be filed for registration in the office of the clerk of the city or
12 town in which he or she resides, and that act shall constitute him or her a regularly registered
13 chiropractic physician.

12 **5-30-12. Annual registration – Payment of fees.** – Annually, during the month of
13 October in each year, every person granted a certificate to practice chiropractic medicine shall
14 register his or her name, address, and place of business with the division of professional
15 regulation ^{add} and licensing ^{add} of the department of health. The division shall keep a book for that
16 purpose, and each person registering shall pay a fee as set forth in § 23-1-54 and shall receive a
17 certificate of registration for the next succeeding fiscal year, unless the certificate of practice has
18 been suspended or revoked for cause, as provided in § 5-30-13. All fees for examination, for
19 certificate of exemption from examination, and for annual registration shall be deposited as
20 general revenues.

21 **5-30-13. Continuing education requirements** – Grounds for refusal, revocation, or
22 suspension of certificates. – (a) The division of professional regulation ^{add} and licensing ^{add} of the
23 department of health may, after notice and a hearing, in its discretion refuse to grant the
24 certificate provided for in this chapter to any chiropractic physician if the applicant has not
25 furnished satisfactory evidence that he or she has completed, in the twelve (12) months preceding
26 each renewal date, at least twelve (12) hours of instruction in chiropractic related subjects as
27 conducted by the Chiropractic Society of Rhode Island or the equivalent as approved by the
28 division. Satisfactory evidence of completion of postgraduate study of a type and character, or at
29 an educational session or institution approved by the division, is considered equivalent. Every
30 chiropractic physician licensed to practice within this state, on or before the thirty-first day of
31 October of every third year after the 1980 registration, shall apply to the ^{add} division ^{add} ~~{delete}~~ **Rhode Island**
32 **state board of chiropractic examiners** ^{delete} for certification of triennial registration with the division
33 ~~{delete}~~ **board** ^{delete}. The division may, after notice and a hearing, in its discretion refuse to grant the certificate
34 provided for in this chapter to any chiropractic physician, if the applicant has not furnished

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1 satisfactory evidence ^{delete} ~~to the board of examiners~~ ^{delete} that in the preceding three (3) years the
2 practitioner has completed sixty (60) hours of instruction in chiropractic related subjects
3 prescribed by the rules and regulations, ^{delete} ~~by the board of chiropractic examiners~~ ^{delete} as conducted by
4 the Chiropractic Society of Rhode Island or the equivalent as approved by the division.
5 Satisfactory evidence of completion of postgraduate study of a type and character, or at an
6 educational session or institution approved by the division, is considered equivalent. The division
7 may waive the educational requirements if the division is satisfied that an applicant has suffered a
8 hardship or for any other sufficient reason was prevented from meeting the educational
9 requirements.

10 (b) The division of professional regulation ^{add} and licensing ^{add} of the department of health may,

11 after notice and hearings, in its discretion refuse to grant the certificate provided for in this
12 chapter to any chiropractic physician who is not of good moral character, or who has violated any
13 of the laws of the state involving moral turpitude or affecting the ability of any chiropractic
14 physician to practice chiropractic medicine, or who has been guilty of gross unprofessional
15 conduct or conduct of a character likely to deceive or defraud the public, and may, after notice
16 and hearing, revoke or suspend any certificate issued or granted by it for like cause or for any
17 fraud or deception committed in obtaining the certificate. "Gross unprofessional conduct" is
18 defined as including, but not being limited to:

19 (1) The use of any false or fraudulent statement in any document connected with the
20 practice of chiropractic medicine.

21 (2) The obtaining of any fee by willful fraud or misrepresentation either to a patient or
22 insurance plan.

23 (3) The willful violation of a privileged communication.

24 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
25 to practice chiropractic medicine in violation of this chapter.

26 (5) The practice of chiropractic medicine under a false or assumed name.

27 (6) The advertising for the practice of chiropractic medicine in a deceptive or unethical
28 manner.

29 (7) The obtaining of a fee as personal compensation or gain for an employer or for a
30 person on a fraudulent representation that a manifestly incurable condition can be permanently
31 cured.

32 (8) Habitual intoxication or addiction to the use of drugs.

33 (9) Willful or repeated violations of any of the rules or regulations of the state department
34 of health.

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1 (10) Gross incompetence in the practice of his or her profession.

2 (11) Repeated acts of immorality or repeated acts of gross misconduct in the practice of
3 his or her profession.

4 (12) The procuring or aiding or abetting in procuring a criminal abortion.

5 (13) A chiropractic physician providing services to a person who is making a claim as a
6 result of a personal injury who charges or collects from the person any amount in excess of the
7 reimbursement to the chiropractic physician by the insurer as a condition of providing or
8 continuing to provide services or treatment.

9 (c) The division of professional regulation ^{add}and licensing^{add} of the department of health shall
10 serve a copy of its decision or ruling upon any person whose certificate has been revoked or
11 refused.

12 **5-30-14. Appeals from director and division.** – Any person aggrieved by any decision
13 or ruling ^{delete}of the director of the department of health, or^{delete} of the division of professional regulation
14 and licensing, in regard to any of the provisions of this chapter, may appeal to ^{add}the health
15 professions board of review in accordance with § 5-26.1-5. A further judicial appeal of the
16 board's decision may be brought pursuant to § 5-26.1-5(c). ^{add}^{delete}the superior court in the manner
17 provided for in chapter 35 of title 42. ^{delete}

18 **5-30-15. Disposition of fees – Compensation of board members.** – The administrator
19 of the division of professional regulation ^{add}and licensing^{add} shall collect all fees for the division under
20 the provisions of this chapter, and shall remit those fees to the general treasurer monthly. Under
21 no circumstances shall any fee be returned. ^{delete}Members of the board of chiropractic examiners shall
22 not be compensated for actual attendance at meetings of the board. ^{delete}

SECTION 6. Sections 5-30-1.1, 5-30-2, and 5-30-17 relating to the Board of Chiropractic Examiners

23 SECTION 6. Sections 5-30-1.1, 5-30-2, and 5-30-17 of the General Laws in Chapter 5-30
24 entitled "Chiropractic Physicians" are hereby repealed:

25 ^{delete}**5-30-1.1. Board of Chiropractic Examiners.**-(a) Within the division of professional
26 regulation of the department of health, there shall be a state board of chiropractic examiners to be
27 appointed by the director of the department of health with the approval of the governor. The

28 ~~board shall consist of five (5) members who are certified electors in this state, to be appointed to~~
29 ~~terms of three (3) years each. No member shall serve more than two (2) consecutive full terms.~~
30 ~~Three (3) members shall be chiropractic physicians licensed to practice in the state of Rhode~~
31 ~~Island, and two (2) members shall be representatives of the general public.~~

32 (b) ~~The current members of the board as provided for in chapter 26 of this title shall~~
33 ~~continue to serve until the expiration of their terms. One additional chiropractic physician and the~~
34 ~~public members shall be appointed for initial terms to expire on June 30, 2002.~~

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1 (c) ~~At the expiration of the terms, the director, with the approval of the governor, shall~~
2 ~~appoint, at that time, and every three (3) years thereafter, qualified persons for a term of three (3)~~
3 ~~years. Upon the death, resignation or removal of any member, the director of the department of~~
4 ~~health, with the approval of the governor, shall appoint to vacancies, as they occur, a qualified~~
5 ~~person to serve on the board for the remainder of the term and until his or her successor is~~
6 ~~appointed and qualified.~~

7 (d) ~~The director of the department of health may remove any member of the board for~~
8 ~~neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable~~
9 ~~conduct. Vacancies shall be filled in the same manner as the original appointment is made for the~~
10 ~~remainder of the term. Before beginning his or her term of office, each member shall take the~~
11 ~~oath prescribed by law for state officers, a record of which shall be filed with the secretary of~~
12 ~~state.~~

13 ~~**5-30-2. Board of examiners — Rules and regulations — Oaths — Seal.** The state board of~~
14 ~~chiropractic examiners shall make any rules and regulations, not inconsistent with law, that it~~
15 ~~deems necessary to carry out the provisions of this chapter relating to the practice of chiropractic~~
16 ~~medicine. Any member of the board has power to administer oaths for all purposes required in the~~
17 ~~discharge of his or her duties. The board shall adopt a seal to be affixed to all its official~~
18 ~~documents.~~

19 ~~**5-30-17. Applicability of chapter 37 of this title to chiropractic medicine.** Except as~~
20 ~~expressly provided in this chapter, all provisions of chapter 37 of this title apply to the practice of~~
21 ~~chiropractic medicine, and to persons practicing chiropractic medicine within the state.~~ ^(delete)

SECTION 10. Amending Chapter 5-35.2 entitled "Opticians"

Deletes all references to the "advisory committee of opticianry" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 5-35.2-1. Definitions; 5-35.2-4. Advertising by opticians; 5-35.2-10. Refusal, suspension or revocation of license for unprofessional conduct; 5-35.2-13. Prosecution of violations; and 5-35.2-14. Rules and regulations.

SECTION 11. Repeal of Section 5-35.2-8 Advisory Committee for Opticianry

RIGL Section: 5-35.2-8. Advisory committee for opticianry.

SECTION 12. Amending Chapter 5-39 entitled "Social Workers"

Deletes all references to the "state board of social work examiners" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 5-39.1-2. Definitions; 5-39.1-5. Agency powers; 5-39.1-8. Licenses; 5-39.1-9. Fees and renewal; 5-39.1-10. Social worker discipline; 5-39.1-11. Complaints; and 5-39.1-12. Disciplinary process.

SECTION 13. Repeal of Section 5-39.1-6 relating to the Board of Social Work Examiners

RIGL Section: 5-39.1-6. Board of social work examiners.

SECTION 14. Amending Chapter 5-40 entitled "Physical Therapists"

Deletes all references to the "board of physical therapy" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 5-40-1. Definitions; 5-40-6. Qualification of physical therapists; 5-40-6.1. Qualifications of physical therapist assistants; 5-40-7. Licensing of physical therapists; 5-40-7.1. Licensing of physical therapist assistants; 5-40-13. Grounds for discipline of licensees; 5-40-14. Procedure for discipline of physical therapist; 5-40-15. Grounds for discipline without a hearing; 5-40-16. Appeals from board, administrator, or director;

SECTION 15. Repeal of Sections 5-40-2, 5-40-3, 5-40-4 and 5-40-5 relating to the Board

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| <p>of Physical Therapy RIGL Sections: 5-40-2. Board of physical therapy - Creation - Composition; 5-40-3. Board of physical therapy - Composition - Appointment, terms, oath and removal of members; 5-40-4. Board of physical therapy - Organization and meetings; and 5-40-5. Board of physical therapy - General powers.</p> |
| <p>SECTION 16. Chapter 5-40 entitled “Occupational Therapists” Deletes all references to the “board of occupational therapy” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-40.1-3. Definitions; 5-40.1-8. Requirements for licensure; 5-40.1-10. Examination; 5-40.1-12. Renewal of licenses - Inactive status; 5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license;</p> |
| <p>SECTION 17. Repeal of Sections 5-40.1-4, 5-40.1-5 and 5-40.1-15 relating to the Board of Occupational Therapy RIGL Sections: 5-40.1-4. Board of occupational therapy - Practice - Creation - Composition - Appointment and term of members - Meetings - Vacancies; 5-40.1-5. Board of occupational therapy practice - Powers and duties - Office Compensation of members; and 5-40.1-15. Board of occupational therapy practice - Seal - Authentication of records.</p> |
| <p>SECTION 18. Amending Chapter 5-44 entitled “Psychologists” Deletes all references to the “board of psychology” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-44-1. Definitions; 5-44-9. Qualifications of psychologists; 5-44-10. Examinations; 5-44-11. Licensure without examination; 5-44-13. Temporary license; 5-44-14. Limitation of practice; 5-44-15. Expiration and renewal of licenses - Continuing education - Lapsed license; 5-44-18. Grounds for discipline; 5-44-19. Procedure for discipline; 5-44-20. Grounds for discipline without a hearing; and 5-44-22. Injunction of violations.</p> |
| <p>SECTION 19. Repeal of Sections 5-44-3, 5-44-4, 5-44-5, 5-44-6 related to the Board of Psychology RIGL Sections: 5-44-3. Board of psychology - Creation - Composition; 5-44-4. Board of psychology - Appointment, terms, oath, and removal of members; 5-44-5. Board of psychology - Organization and meetings; and 5-44-6. Board of psychology - General powers.</p> |
| <p>SECTION 20. Amending Chapter 5-45 entitled “Nursing Home Administrators” Deletes all references to the “board of examiners for nursing home administrators” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-45-4. Definitions; 5-45-6. Licensing function of department of health - Term of licenses - Appeal of license denials, suspensions, or revocations; 5-45-7. Qualification for licensure; 5-45-12. Disciplinary proceedings - Grounds for discipline;</p> |
| <p>SECTION 21. Repeal of Sections 5-45-1 and 5-45-3 related to the Board of Examiners for Nursing Home Administrators RIGL Sections: 5-45-1. Board of examiners - Creation - Composition - Appointment, terms, oath, and removal of members - Meetings; and 5-45-3. Board of examiners - Functions.</p> |
| <p>SECTION 22. Amending Chapter 5-48 entitled “Speech Pathology and Audiology” Deletes all references to the “board of examiners for speech language pathology and audiology” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-48-1. Purpose and legislative intent - Definitions; 5-48-7. Qualifications of applicants for a license as a speech language pathologist; 5-48-7.1. Qualifications for a provisional license for a speech language pathologist; 5-48-7.2. Qualifications for license as an audiologist; 5-48-9. Fees - Late filing - Inactive status - Filing fees for support personnel registration; 5-48-9.1. Continuing education; 5-48-12. Penalty for violations; 5-48-13. Revocation and suspension procedure - Reinstatement;</p> |
| <p>SECTION 23. Repeal of Sections 5-48-2, 5-48-3 and 5-48-4 related to the Board of Examiners of Speech Language Pathology and Audiology RIGL Sections: 5-48-2. Board of examiners - Composition - Appointments, terms and qualifications of members; 5-48-3. Board of examiners - Duties and powers - Meetings - Compensation of members; and 5-48-4. Board examiners - Seal - Authentication of records.</p> |

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| <p>SECTION 24. Amending Chapter 5-49 entitled “Hearing Aid Dealers and Fitters” Deletes all references to the “board of examiners for nursing home administrators” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-49-1. Definitions; 5-49-6. Issuance of licenses and certificates of endorsement; 5-49-7. License by examination; and 5-49-12. Complaints - Grounds and proceedings for revocation or suspension of licenses.</p> |
| <p>SECTION 25. Repeal of Sections 5-49-15, 5-49-16, 5-49-17 related to the Board of Hearing Aid Dealers and Fitters RIGL Sections: 5-49-15. Board - Creation - Composition - Appointment and terms; 5-49-16. Board Duties; and 5-49-17. Board - Meetings.</p> |
| <p>SECTION 26. Amending Chapter 5-59.1 entitled “Orthotics and Prosthetics Practices” Deletes all references to the “board of examiners for nursing home administrators” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-59.1-3. Definitions; 5-59.1-6. Qualifications for license; and 5-59.1-12. Relicensing - Renewal.</p> |
| <p>SECTION 27. Repeal of Sections 5-59.1-10 and 5-59.1-17 related to the Advisory Board of Orthotics and Prosthetics Practice RI GL Section: 5-59.1-10. Grandfather clause; 5-59.1-17. Advisory Board of orthotics and prosthetics practice - Composition Appointment and terms - Powers and duties;</p> |
| <p>SECTION 30. Amending Chapter 5-63.2 entitled “Mental Health Counselors and Marriage and Family Therapists” Deletes all references to the “board of mental health counselors and marriage and family therapists” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-63.2-2. Definitions; 5-63.2-8. Register of mental health counselors and marriage and family therapists - Records - Issuance of licenses; 5-63.2-9. Qualifications of licensed clinical mental health counselors; 5-63.2-10. Qualifications of licensed - Marriage and family therapists; 5-63.2-13. Licensure application; 5-63.2-14. Examination of applicants; 5-63.2-15. Licensure by endorsement; 5-63.2-17. Expiration and renewal of license; 5-63.2-21. Grounds for discipline; 5-63.2-22. Procedure for discipline; 5-63.2-24. Injunction of violations; and 5-63.2-26. Appeals from director and board.</p> |
| <p>SECTION 31. Repeal of Sections 5-63.2-3, 5-63.2-4, 5-63.2-5, 5-63.2-6, 5-63.2-7 relating to the Board of mental health counselors and marriage and family therapists RIGL Sections: 5-63.2-3. Board of mental health counselors and marriage and family therapists; 5-63.2-4. Composition of board - Appointment, terms and removal of members; 5-63.2-5. Organization and meeting of board; 5-63.2-6. General powers of board; and 5-63.2-7. Reimbursement of board members.</p> |
| <p>SECTION 35. Amending Chapter 5-68.1 entitled “Radiologic Technologists” Deletes all references to the “board of radiologic technology” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-68.1-2 Definitions; 5-68.1-4 License required; 5-68.1-6 Licensing by training and examination; 5-68.1-7 Licensing by endorsement; 5-68.1-10 Fees; 5-68.1-11 Denial, suspension, revocation and reinstatement of licenses; and 5-68.1-13 Appeals from board or director</p> |
| <p>SECTION 36. Repeal of Section 5-68.1-3 relating to the Board of Radiologic Technology RIGL Section 5-68.1-3 Board - Composition - Appointment and terms of members and 5-69-7 Powers and duties of the licensing board</p> |
| <p>SECTION 39. Amending Chapter 5-71 entitled “Interpreters for the Deaf” Deletes all references to the “board of examiners of interpreters for the deaf” and inserts “health professions board of review” or the “division of professional regulation and licensing” in RIGL sections: 5-71-3 Definitions; 5-71-7 Disposition of moneys received; 5-71-8 Qualifications of applicants for licenses; 5-71-10 Endorsement; and 5-71-13 Grounds for suspension or revocation of licenses;</p> |
| <p>SECTION 40. Repeal of Sections 5-71-4, 5-71-5 and 5-71-6 relating to the Board of Examiners of Interpreters for The Deaf</p> |

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| <p>RIGL Sections: 5-71-4 Board of examiners - Creation - Compensation - Appointment, terms and qualifications of members; 5-71-5 Board of examiners - Duties and powers - Meetings - Compensation of members; and 5-71-6 Board of examiners - Seal - Authentication of records</p> | |
| <p>SECTION 41. Amending Chapter 5-86 entitled "Licensing of Applied Behavior Analysts" Deletes all references to the "board of applied behavior analysts" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 5-86-2 Definitions; 5-86-9 Qualifications and examinations for licensing; 5-86-10 Licensure; 5-86-12 Limitation of practice; 5-86-16 Grounds for discipline; 5-86-17 Procedure for discipline; 5-86-18 Grounds for discipline without a hearing; and 5-86-20 Injunction of violations</p> | |
| <p>SECTION 42. Repeal of Sections 5-86-4, 5-86-5, 5-86-6 and 5-86-7 relating to the Applied Behavior Analyst Licensing Board RIGL Sections: 5-86-4 Board of applied behavior analysts - Creation - Composition; 5-86-5 Board of applied behavior analysts - Appointment, terms, and removal of members; 5-86-6 Board of applied behavior analysts - Organization and meetings; and 5-86-7 Board of applied behavior analysts - General powers.</p> | |
| <p>SECTION 43. Amending Chapter 23-16.3 entitled "Clinical Laboratory Science Practice" Deletes all references to the "clinical laboratory board" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 23-16.3-3 Definitions; 23-16.3-8 Standards for licensure; 23-16.3-9 Waiver of requirements; 23-16.3-10 Licensure application procedures; 23-16.3-11 Licensure renewal; 23-16.3-12 Disciplinary requirements; and 23-16.3-13 Hearing requirements - Procedure.</p> | |
| <p>SECTION 44. Repeal of Sections 23-16.3-6 and 23-16.3-7 relating to the Clinical Laboratory Advisory Board RIGL Sections 23-16.3-6 Administration and 23-16.3-7 Duties and powers of the clinical laboratory advisory board.</p> | |
| <p>SECTION 45. Repeal of Sections 23-17.4-21.1 and 23-17.4-21.3 relating to the Assisted Living Administrator Certification Board RIGL Sections 23-17.4-21.1 Assisted living administrator certification board and 23-17.4-21.3 Functions of assisted living certification board.</p> | |
| <p>SECTION 48. Amending Chapter 23-39 entitled "Respiratory Care Act" Deletes all references to the "administrative board of respiratory care" and inserts "health professions board of review" or the "division of professional regulation and licensing" in RIGL sections: 23-39-2 Definitions; 23-39-7 Licensing by training and examination; 23-39-9 Other licensing provisions; 23-39-11 Fees; and 23-39-12 Denial, suspension, revocation, and reinstatement of licenses;</p> | |
| <p>SECTION 49. Repeal of Sections 23-39-5 and 23-39-6 relating to the Board of Respiratory Care RIGL Sections 23-39-5 Board created and 23-39-6 Board duties.</p> | |
| | <p>15 H 5900 Art. 20 RELATING TO PROFESSIONAL LICENSES Rep. Gallison Requested by the Governor in House Finance Committee [Tim Flynn] This Article would abolish the license, certification, or registration for:</p> <ol style="list-style-type: none"> (1) Sanitation line cleaners in section 3-7-25 Sanitary conditions for dispensing of malt beverages or wine, (abolish the license fee and \$50); (2) Apprentice barbers, instructors, or demonstrators in chapter 5-10 Barbers, Hairdressers, Cosmeticians, Manicurists (and repeal of the section 5-10-13 Demonstrator's permit); (3) Apprentice electrologists and instructions in chapter 5-32 |

Electrolysis (the department of health could issue regulations on the course of training);

(4) Acupuncture assistants in chapter 5-37.2 Healing Art of Acupuncture;

(5) Physical therapist assistants in chapter 5-40 Physical Therapists (and repeal sections 5-40-6.1. Qualifications of physical therapist assistants; 5-40-7.1. Licensing of physical therapist assistants, and 5-40-8.1. Application fee for physical therapists assistants);

(6) Occupational therapy aides and occupational therapy assistants in chapter 5-40.1 Occupational Therapy (the department of health could issue regulations concerning other personnel in the occupational therapy field, including occupational therapist assistant” and “occupational therapy aide);

(7) Audiology support personnel and speech language support personnel in chapter 5-48 Speech Pathology and Audiology;

(8) Chapter 5-58 Auctioneers would be repealed in its entirety;

(9) Chapter 5-59.1 Rhode Island Orthotics and Prosthetics Practices would be repealed in its entirety;

(10) Chapter 5-60 Athletic Trainers would be repealed in its entirety;

(11) Radiologist assistants in chapter 5-68.1 Radiologic Technologists (and repeal in its entirety 5-68.1-9. Special requirements pertaining to licensure of radiologist assistants);

(12) Athletic Coaches in chapter 16-11.1 Athletic Coaches (The department of elementary and secondary education would issue regulations requiring first aid certification for any person who coaches in any athletic program in any school);

(13) Fur buyers in section 20-2-30. Fur trapping and buying licenses;

(14) Chapter 23-16.3 Clinical Laboratory Science Practice would be repealed in its entirety;

(15) Chapter 23-19.3 Sanitarians” would be repealed in its entirety;

(16) Chapter 23-20.8.1 Registration of Music Therapists would be repealed in its entirety;

(17) Lifeguard certification in chapter 23-22.5 Drowning Prevention and Lifesaving (repeal of the annual \$10 certification fee for lifeguards)

(18) Kickboxing in chapter 41-5 Boxing and Wrestling (deleting all references to kickboxing;

This article would take effect upon passage.

1
2

**ARTICLE 20
RELATING TO PROFESSIONAL LICENSES**

SECTION 7. Chapter 5-37.2 entitled "The Healing Art of Acupuncture"
Would delete all references to "Licensed acupuncture assistant". Currently defined as a person who assists in the practice of acupuncture under the direct supervision of a person licensed to practice acupuncture.
RIGL Sections: 5-37.2-2. Definitions; 5-37.2-14. Recordation and display of licenses - Annual registration fee - Penalties for failure to pay fee; 5-37.2-15. Suspension, revocation, or refusal of license - Grounds;

SECTION 8. Chapter 5-37.2 entitled "Issuance of License for Acupuncture Assistant"
Repeals 5-37.2-13. Qualifications of applicants.

SECTION 9. Chapter 5-40 entitled "Physical Therapists"
Would delete all references to "Physical therapist assistant". Currently defined as an individual who is licensed by the department to assist in the practice of physical therapy under the supervision of a physical therapist.
RIGL Sections: 5-40-1. Definitions; 5-40-3. Board of physical therapy - Composition - Appointment, terms, oath and removal of members; 5-40-9. Right of use of the title of physical therapist; 5-40-10. Continuing education requirements and expiration and renewal of licenses; 5-40-11. Register of physical therapists - Records - Issuance of licenses; 5-40-13. Grounds for discipline of licensees; and 5-40-17. Penalties for violations.

SECTION 10. Chapter 5-40 entitled "Physical Therapists"
Repeals Sections: 5-40-6.1. Qualifications of physical therapist assistants, 5-40-7.1. Licensing of physical therapist assistants; and 5-40-8.1. Application fee for physical therapists assistants.

SECTION 11. Chapter 5-40.1 entitled "Occupational Therapy"
Would delete all references to "Occupational therapy aide". Currently defined as a person who works under the supervision of a licensed occupational therapist or occupational therapy assistant.
Would also delete all reference to "Occupational therapy assistant". Currently defined as a person licensed to practice occupational therapy.
RIGL Sections: 5-40.1-3. Definitions; 5-40.1-6. Licenses required; 5-40.1-7. Persons and practices not affected; 5-40.1-8. Requirements for licensure; 5-40.1-9. Graduate practice; 5-40.1-12. Renewal of licenses - Inactive status; 5-40.1-14. Grounds for refusal to renew, suspension, or revocation of license; 5-40.1-21. Supervision

SECTION 12. Chapter 5-40.1 entitled "Occupational Therapy" adding section

28 SECTION 12. Chapter 5-40.1 of the General Laws entitled "Occupational Therapy" is
29 hereby amended by adding thereto the following section:
30 ^{add} 5-40.1-22. Other personnel. -- The director may promulgate rules and regulations
31 concerning other personnel in the occupational therapy field, including, but not limited to, roles
32 such as "occupational therapist assistant" and "occupational therapy aide." ^{add}

SECTION 13. Chapter 5-48 entitled "Speech Pathology and Audiology"
Would delete all references to "Audiology support personnel". Currently defined as an individual who meets minimum qualifications, established by the board, which are less than those established by this chapter as necessary for licensing as an audiologist, who do not act independently and who work under the direction and supervision of an audiologist licensed under this chapter who has been actively working in the field for twenty-four (24) months after completion of the postgraduate professional experience.
Would also delete references to "Speech language support personnel", who work under the direction and supervision of a speech language pathologist, etc.
RIGL Sections 5-48-1. Purpose and legislative intent - Definitions; 5-48-9. Fees - Late filing - Inactive status

SECTION 15. Chapter 5-59.1 entitled "Rhode Island Orthotics and Prosthetics Practices"
Would repeal in its entirety the chapter.

5 ^{delete} 5-59.1-1. Legislative intent.-- The purpose of this chapter is to safeguard the public
6 health to regulate the practice of orthotics and prosthetics by untrained and unethical persons.
7 5-59.1-2. Short title.-- This act shall be known and may be cited as "The Rhode Island
8 Orthotics and Prosthetics Practices Act".
9 5-59.1-3. Definitions.-- As used in this chapter:

- 10 (1) "ABC" means the American Board for Certification in Orthotics and Prosthetics or its
11 successor agency.
- 12 (2) "BOC" means the Board for Orthotist/Prosthetist Certification or its successor agency.
- 13 (3) "Custom fabricated orthotics" or "custom made orthotics" means devices designed
14 and fabricated, in turn, from raw materials for a specific patient and require the generation of an
15 image, form, or mold that replicates the patient's body or body segment and, in turn, involves the
16 rectification of an image.
- 17 (4) "Department" means the Rhode Island department of health.
- 18 (5) "Director" means the director of the department of health.
- 19 (6) "Direct formed orthoses" means devices formed or shaped during the molding
20 process directly on the patient's body or body segment.
- 21 (7) "Licensed Orthotist" means a person licensed under this chapter to practice orthotics.
- 22 (8) "Licensed Prosthetist" means a person licensed under this chapter to practice
23 prosthetics.
- 24 (9) "Off the shelf orthosis" means devices manufactured by companies registered with
25 the Federal Food and Drug Administration other than devices designed for a particular person
26 based on that particular person's condition.
- 27 (10) "Orthosis" means a custom fabricated brace or support that is designed based on
28 medical necessity. Orthosis does not include prefabricated or direct formed orthotic devices, as
29 defined in this section, or any of the following assistive technology devices: commercially
30 available knee orthoses used following injury or surgery; spastic muscle tone inhibiting orthoses;
31 upper extremity adaptive equipment; finger splints; hand splints; wrist gauntlets; face masks used
32 following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the
33 patient independent of the wheelchair; fabric or elastic supports; corsets; low temperature formed
34 plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other

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- 1 similar devices as determined by the director, such as those commonly carried in stock by a
2 pharmacy, department store, corset shop, or surgical supply facility.
- 3 (11) "Orthotics" means the science and practice of evaluating, measuring, designing,
4 fabricating, assembling, fitting, adjusting or, servicing, as well as providing the initial training
5 necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of
6 neuromuscular or musculoskeletal dysfunction, disease, injury or deformity. The practice of
7 orthotics encompasses evaluation, treatment, and consultation; with basic observational gait and
8 postural analysis, orthotists assess and design orthoses to maximize function and provide not only
9 the support but the alignment necessary to either prevent or correct deformity or to improve the
10 safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing
11 continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit
12 and function of the orthotic device by periodic evaluation.
- 13 (12) "Orthotist" means an allied health professional who is specifically trained and
14 educated to provide or manage the provision of a custom designed, fabricated, modified and
15 fitted external orthosis to an orthotic patient, based on a clinical assessment and a physician's
16 prescription, to restore physiological function and/or cosmesis, and certified by ABC or BOC.
- 17 (13) "Physician" means a doctor of allopathic medicine (M.D.), osteopathic medicine
18 (D.O.), podiatric medicine (D.P.M.), and chiropractic medicine (D.C.).
- 19 (14) "Prefabricated orthoses" or "off shelf orthoses" means devices that are manufactured
20 as commercially available stock items for no specific patient.
- 21 (15) "Prosthesis" means an artificial limb that is alignable or, in lower extremity
22 applications, capable of weight bearing. Prosthesis also means an artificial medical device that is
23 not surgically implanted and that is used to replace a missing limb, appendage, or other external
24 human body part including an artificial limb, hand, or foot. The term does not include artificial
25 eyes, ears, noses, dental appliances, osotmy products, or devices such as eyelashes or wigs or
26 artificial breasts.
- 27 (16) "Prosthetics" means the science and practice of evaluation, measuring, designing,
28 fabricating, assembling, fitting, aligning, adjusting or servicing, as well as providing the initial

29 training necessary to accomplish the fitting of, a prosthesis through the replacement of external
30 parts of a human body, lost due to amputation or congenital deformities or absences. The practice
31 of prosthetics also includes the generation of an image, form, or mold that replicates the patient's
32 body or body segment and that requires rectification of dimensions, contours and volumes for use
33 in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an
34 artificial appendage that is designed either to support body weight or to improve or restore

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1 function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis
2 and clinical assessment of the requirements necessary to refine and mechanically fix the relative
3 position of various parts of the prosthesis to maximize function, stability, and safety of the
4 patient. The practice of prosthetics includes providing and continuing patient care in order to
5 assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of
6 the prosthetic device by periodic evaluation.

7 (17) "Prosthetist" means a practitioner, certified by the ABC or BOC, who provides care
8 to patients with partial or total absence of a limb by designing, fabricating, and fitting devices,
9 known as prostheses. At the request of and in consultation with physicians, the prosthetist assists
10 in formulation of prescriptions for prostheses, and examines and evaluates patients' prosthetic
11 needs in relation to their disease entity and functional loss. In providing the prostheses, he or she
12 is responsible for formulating its design, including selection of materials and components;
13 making all necessary casts, measurements and model modifications; performing fittings including
14 static and dynamic alignments; evaluating the prosthesis on the patient; instructing the patient in
15 its use, and maintaining adequate patient records; all in conformity with the prescription.

16 **5-59.1-4. Licensing of practitioners.**— The department shall issue to those persons
17 eligible under the provisions of this chapter certificate licenses attesting to their qualifications to
18 practice as certified licensed orthotists or prosthetists.

19 **5-59.1-5. Application for orthotic or prosthetic license.**— Any person who desires to
20 be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by
21 the department for a license accompanied by a fee as set forth in § 23-1-54 with all other
22 credentials that the department requires and as required by this chapter. All the proceeds of any
23 fees collected pursuant to the provisions of this chapter shall be deposited as general revenues.

24 **5-59.1-6. Qualifications for license.**— (a) Qualification for licensing under this chapter
25 shall be the possession of the title "certified prosthetist" or "certified orthotist", as issued by and
26 under the rules of the American Board for Certification in Orthotics and Prosthetics, Inc. or the
27 Board for Orthotist/Prosthetist certification. Evidence of the possession of that title shall be
28 presented to the department.

29 (b) In order to qualify for a license to practice orthotics or prosthetics a person shall
30 provide proof of:

- 31 (1) Possession of a baccalaureate degree from an accredited college or university;
- 32 (2) Completion of an orthotic, or prosthetic education program that meets or exceeds the
33 requirements of the National Commission on Orthotic and Prosthetic Education;
- 34 (3) Completion of a clinical residency in orthotics and/or prosthetics that meets or

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1 exceeds the standards of the National Commission on Orthotic and Prosthetic Education; and
2 (4) Current certification by ABC or BOC in the discipline for which the application
3 corresponds.

4 **5-59.1-7. Use of "licensed prosthetist" or "licensed orthotist" title.**— No person
5 offering service to the public shall use the title licensed prosthetist or licensed orthotist or shall
6 use the abbreviation "L.P." or "L.O.", or in any other way represent themselves as licensed
7 practitioners unless they hold a current license as provided in this chapter.

8 **5-59.1-8. Exceptions.**— This chapter shall not be construed to prohibit:

9 (a) A physician licensed in this state from engaging in the practice for which he or she is
10 licensed;

11 (b) The practice of orthotics or prosthetics by a person who is employed by the federal
12 government while in the discharge of the employee's official duties;

13 (e) The practice of orthotics or prosthetics by a resident continuing his or her clinical
14 education in a residency accredited by the National Commission on Orthotic and Prosthetic
15 Education;

16 (d) Consistent with his or her license, a licensed pharmacist, physical or occupational
17 therapist, or certified athletic trainer from engaging in his or her profession; or

18 (e) Measuring, fitting, or adjusting an off-the-shelf orthosis by employees or authorized
19 representatives of an orthosis manufacturer, which is registered with the Federal Food and Drug
20 Administration when such employee or representative is supervised by a physician.

21 ~~**5-59.1-9. License and biannual renewal required.**— No person may practice orthotics
22 or prosthetics without a license issued under authority of this chapter, which license has not been
23 suspended or revoked as provided under this chapter, without renewal biannually, as provided in
24 § 5-59.1-12.~~

25 ~~**5-59.1-10. Grandfather clause.**— Any person currently practicing full time in the state
26 of Rhode Island on January 1, 2007 in an orthotist and/or prosthetic facility as a certified BOC or
27 ABC orthotist and/or prosthetist must file an application for licensure prior to sixty (60) days
28 after January 1, 2007 to continue practice at his or her identified level of practice. The applicant
29 must provide verifiable proof of active certification in orthotics and/or prosthetics by the ABC or
30 BOC. This section shall not be construed to grant licensing to a person who is a certified or
31 registered orthotic or prosthetic "fitter" or orthotic or prosthetic "assistant."~~

32 ~~**5-59.1-11. Limitation on provisions of care and services.**— A licensed orthotist and/or
33 prosthetist may provide care and services only if care and services are provided pursuant to an
34 order from a licensed physician, unless the item which may be purchased without a prescription.~~

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1 ~~**5-59.1-12. Relicensing – Renewal.**— Every holder of a license issued under this chapter
2 shall biannually attest to the department as to current certification issued by the American Board
3 of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.
4 All licenses issued under this chapter shall expire biannually on the last day of September of
5 every odd-numbered year. A biennial renewal fee as set forth in § 23-1-54 shall be required.
6 Every orthotist and prosthetist shall conform to the standards of the American Board for
7 Certification in Orthotics and Prosthetics or Board for Orthotists/Prosthetists Certification.~~

8 ~~**5-59.1-13. Rules and regulations.**— The department is authorized to promulgate such
9 regulations as it deems necessary to implement the provisions of this chapter.~~

10 ~~**5-59.1-14. Responsibilities of the department.**— In addition to other authority provided
11 by law, the department has the authority to:~~

12 (1) Register applicants, issue licenses to applicants who have met the education, training
13 and requirements for licensure, and deny licenses to applicants who do not meet the minimum
14 qualifications;

15 (2) Maintain the official department records of all applicants and licensees;

16 (3) Establish requirements and procedures for an inactive license; and

17 (4) Seek the advice and knowledge of the prosthetic and orthotic associations in this state
18 on any matter relating to the enforcement of this chapter.

19 ~~**5-59.1-15. Penalty for violations.**— Any person, firm, corporation or association
20 violating any of the provisions of this chapter is deemed to have committed a misdemeanor and
21 upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200), or
22 imprisonment for a period not to exceed three (3) months, or both, and for a second or subsequent
23 violation by a fine of not less than three hundred dollars (\$300) nor more than five hundred
24 dollars (\$500), or imprisonment for one year, or both the fine and imprisonment.~~

25 ~~**5-59.1-16. Severability.**— If any provision of this chapter or of any rule or regulation
26 made under this chapter, or the application of this chapter to any person or circumstances, is held
27 invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation, and
28 the application of that provision to other persons or circumstances shall not be affected.~~

29 ~~**5-59.1-17. Advisory Board of orthotics and prosthetics practice – Composition –
30 Appointment and terms – Powers and duties.**— (a) There is hereby created an advisory
31 licensing board to review applications for licensure to obtain a license as an orthotist or~~

32 prosthetist pursuant to this chapter of the general laws. The review of each applicant's licensing
33 shall require that the applicant have completed an NCOPE (National Commission on Orthotic and
34 Prosthetic Education); accredited residency under a board certified practitioner in the respective

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1 discipline; and meet all of the requirements of the chapter. The board shall conduct its interviews
2 and/or investigation and shall report its findings to the director of the department of health.

3 (b) The licensing board shall be composed of three (3) persons: the director of the
4 department of health, or his or her designee; one board certified Rhode Island state licensed
5 prosthetist; and one board certified Rhode Island state licensed orthotist. The board certified
6 orthotist and the board certified prosthetist shall be certified by the American Board of
7 Certification in orthotics and prosthetics and licensed by the State of Rhode Island, shall serve for
8 three (3) year terms and shall be selected by the board of directors of the Rhode Island Society of
9 Orthotists and Prosthetists, Inc. The members of the board shall serve without compensation. ^(delete)

10

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SECTION 17. Chapter 5-68.1 entitled "Radiologic Technologists"

Would delete all the following references:

14 ^(delete) (1) "Authorized user" means a licensed practitioner who meets the training and
15 experience requirements defined in rules and regulations promulgated pursuant to chapter 23-1.3.

16 (2) "Board" means the board of radiologic technology.

17 (3) "Department" means the Rhode Island department of health.

18 (4) "Director" means the director of the Rhode Island department of health.

19 (5) "Financial interest" means being:

20 (i) A licensed practitioner of radiologic technology; or

21 (ii) A person who deals in goods and services that are uniquely related to the practice of
22 radiologic technology; or

23 (iii) A person who has invested anything of value in a business that provides radiologic
24 technology services.

25 (6) "License" means a license issued by the director to practice radiologic technology.

26 (7) "Licensed practitioner" means an individual licensed to practice medicine,
27 chiropractic, or podiatry, or an individual licensed as a registered nurse practitioner or physician
28 assistant in this state.

29 (8) "Medical physicist" means an individual, other than a licensed practitioner, who
30 practices independently one or more of the subfields of medical physics, and is registered or
31 licensed under rules and regulations promulgated pursuant to section 23-1.3

32 (9) "National organization" means a professional association or registry, approved by the
33 director, that examines, registers, certifies or approves individuals and education programs
34 relating to operators of sources of radiation.

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1 (10) "Nuclear medicine technologist" means an individual, other than a licensed
2 practitioner, who compounds, calibrates, dispenses and administers radiopharmaceuticals,
3 pharmaceuticals, and radionuclides under the general supervision of an authorized user for benefit
4 of performing a comprehensive scope of nuclear medicine procedures, and who has met and
5 continues to meet the licensure standards of this chapter.

23 (15) "Radiologist assistant" means an individual, other than a licensed practitioner, who
24 performs as an advanced level radiologic technologist and works under the general supervision of
25 a radiologist to enhance patient care by assisting the radiologist in the medical imaging
26 environment, and who has met and continues to meet the licensure standards of this chapter. ^(delete)

It would delete those references in the following RIGL Sections: 5-68.1-5. Licensure standards; 5-68.1-8. Other licensing provisions; and repeal 5-68.1-9. Special requirements pertaining to licensure of radiologist assistants.

SECTION 18 Chapter 16-11.1 entitled "Certification of Athletic Coaches"

29 SECTION 18. Section 16-11.1-1 of the General Laws in Chapter 16-11.1 entitled

30 "Certification of Athletic Coaches" is hereby amended to read as follows:

31

CHAPTER 16-11.1

32

~~{delete}~~ **CERTIFICATION OF** ~~{delete}~~ **ATHLETIC COACHES**

33

16-11.1-1. ~~{delete}~~ **Certification of athletic coaches** ~~{delete}~~ **Athletic coaches -** ~~{delete}~~ **Red cross f** ~~{delete}~~ ~~{add}~~ **First**

aid

34

course required. – The department of elementary and secondary education shall promulgate

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1

rules and regulations concerning the necessary requirements for first aid certification for any

2

person who coaches in any athletic program in any school supported wholly or in part by public

3

money.

4

~~No person shall coach in any athletic program in any school supported wholly or in part~~

5

~~by public money unless the person shall have acquired a certificate of qualification issued by or~~

6

~~under the authority of the department of elementary and secondary education which indicates that~~

7

~~the person has, no more than three (3) years prior to the application for certification, successfully~~

8

~~completed the minimum of a red cross first aid course or a comparable course approved by the~~

9

~~department of elementary and secondary education. Participating schools shall require annual~~

~~proof of current and valid first aid training from all coaches in their athletic programs.~~ ~~{delete}~~

SECTION 20. Chapter 23-16.3 entitled "Clinical Laboratory Science Practice"

Would be repealed in its entirety this chapter.

20

~~{delete}~~ **23-16.3-1. Short title.** – This chapter shall be known and may be cited as the "Clinical

21

~~Laboratory Science Practice Act".~~

22

23-16.3-2. Declaration of policy and statement of purpose. – It is declared to be a

23

~~policy of the state that the practice of clinical laboratory science by health care professionals~~

24

~~affects the public health, safety, and welfare and is subject to control and regulation in the public~~

25

~~interest. It is further declared that clinical laboratories and clinical laboratory science practitioners~~

26

~~provide essential services to practitioners of the healing arts by furnishing vital information which~~

27

~~may be used in the diagnosis, prevention, and treatment of disease or impairment and the~~

28

~~assessment of the health of humans. The purpose of this chapter is to provide for the better~~

29

~~protection of public health by providing minimum qualifications for clinical laboratory science~~

30

~~practitioners, and by ensuring that clinical laboratory tests are performed with the highest degree~~

31

~~of professional competency by those engaged in providing clinical laboratory science services in~~

32

~~the state.~~

33

23-16.3-3. Definitions. – The following words and terms when used in this chapter have

34

~~the following meaning unless otherwise indicated within the context:~~

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1

(1) "Accredited clinical laboratory program" means a program planned to provide a

2

~~predetermined amount of instruction and experience in clinical laboratory science that has been~~

3

~~accredited by one of the accrediting agencies recognized by the United States Department of~~

4

~~Education.~~

5

(2) "Board" means the clinical laboratory science board appointed by the director of

6

~~health.~~

7

(3) "Clinical laboratory" or "laboratory" means any facility or office in which clinical

8

~~laboratory tests are performed.~~

9

(4) "Clinical laboratory science practitioner" or "one who engages in the practice of

10

~~clinical laboratory science" means a health care professional who performs clinical laboratory~~

11

~~tests or who is engaged in management, education, consulting, or research in clinical laboratory~~

12

~~science, and includes laboratory directors, supervisors, clinical laboratory scientists~~

13

~~(technologists), specialists, and technicians working in a laboratory, but does not include persons~~

14

~~employed by a clinical laboratory to perform supportive functions not related to direct~~

15

~~performance of laboratory tests and does not include clinical laboratory trainees. Provided,~~

16

~~however, nothing contained in this chapter shall apply to a clinical perfusionist engaged in the~~

17

~~testing of human laboratory specimens for extracorporeal functions, which shall include those~~

18

~~functions necessary for the support, treatment, measurement, or supplementation of the~~

19

~~cardiopulmonary or circulatory system of a patient.~~

20

(5) "Clinical laboratory scientist" and/or "technologist" means a person who performs

21 clinical laboratory tests pursuant to established and approved protocols requiring the exercise of
22 independent judgment and responsibility, maintains equipment and records, performs quality
23 assurance activities related to test performance, and may supervise and teach within a clinical
24 laboratory setting.

25 (6) "Clinical laboratory technician" means a person who performs laboratory tests
26 pursuant to established and approved protocols which require limited exercise of independent
27 judgment and which are performed under the personal and direct supervision of a clinical
28 laboratory scientist (technologist), laboratory supervisor, or laboratory director.

29 (7) "Clinical laboratory test" or "laboratory test" means a microbiological, serological,
30 chemical, hematological, radiobioassay, cytological, immunological, or other pathological
31 examination which is performed on material derived from the human body, the test or procedure
32 conducted by a clinical laboratory which provides information for the diagnosis, prevention, or
33 treatment of a disease or assessment of a medical condition.

34 (8) "Department" means the Rhode Island department of health.

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1 (9) "Director" means the director of the Rhode Island department of health.

2 (10) "Limited function test" means a test conducted using procedures which as
3 determined by the director have an insignificant risk of an erroneous result, including those
4 which:

5 (i) Have been approved by the United States Food and Drug Administration for home
6 use;

7 (ii) Employ methodologies that are so simple and accurate as to render the likelihood of
8 erroneous results negligible; or

9 (iii) The director has determined pose no reasonable risk of harm to the patient if
10 performed incorrectly.

11 **23-16.3-4. Exceptions.**— This chapter shall not apply to:

12 (1) Any person performing clinical laboratory tests within the scope of his or her practice
13 and for which he or she is licensed pursuant to any other provisions of the general laws.

14 (2) Clinical laboratory science practitioners employed by the United States government
15 or any bureau, division, or agency of the United States government while in the discharge of the
16 employee's official duties.

17 (3) Clinical laboratory science practitioners engaged in teaching or research, provided
18 that the results of any examination performed are not used in health maintenance, diagnosis, or
19 treatment of disease.

20 (4) Students or trainees enrolled in a clinical laboratory science education program
21 provided that these activities constitute a part of a planned course in the program, that the persons
22 are designated by title such as intern, trainee, or student, and the persons work directly under the
23 supervision of an individual licensed by this state to practice laboratory science.

24 (5) Individuals performing limited function tests.

25 **23-16.3-5. License required.**— (a) No person shall practice clinical laboratory science or
26 hold himself or herself out as a clinical laboratory science practitioner in this state unless he or
27 she is licensed pursuant to this chapter.

28 (b) All persons who were engaged in the practice of clinical laboratory science on July 1,
29 1992, who are certified by or eligible for certification by an agency approved by the department
30 of health, and who have applied to the department of health on or before July 1, 1994, and have
31 complied with all necessary requirements for the application, may continue to perform clinical
32 laboratory tests until July 1, 1995 unless the application is denied by the department of health, or
33 the withdrawal of the application, whichever occurs first.

34 (c) Persons not meeting the education, training, and experience qualifications for any

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1 license described in this chapter may be considered to have met the qualifications providing they
2 have:

3 (1) Three (3) years acceptable experience between January 1, 1986 and January 1, 1996
4 and submits to the department of health the job description of the position which the applicant has

5 most recently performed attested to by his or her employer and notarized; or
6 (2) No less than twelve (12) years acceptable experience prior to 1993 and submits to the
7 department of health the job description of the position which the applicant has most recently
8 performed attested to by his or her employer and notarized on or before December 1, 2001.
9 (d) After December 1, 2001, no initial license shall be issued until an applicant meets all
10 of the requirements under this chapter, and successfully completes a nationally recognized
11 certification examination, such as NCA, DHHS, ASCP, state civil service examination, or others
12 including appropriate categorical and specialty exams. Provided, however, that the provisions of
13 this subsection shall not be available to any individual who has been previously denied a license
14 as a clinical laboratory science practitioner by the department of health.
15 **23-16.3-6. Administration.** (a) There is created within the division of professional
16 regulation of the department of health a clinical laboratory advisory board which shall consist of
17 seven (7) persons who have been residents of the state for at least two (2) years prior to their
18 appointment, and who are actively engaged in their areas of practice. The director of the
19 department of health, with the approval of the governor, shall make appointments to the board
20 from lists submitted by organizations of clinical laboratory science practitioners and
21 organizations of physicians and pathologists.
22 (b) The board shall be composed of:
23 (1) One physician certified by the American Board of Pathology or American Board of
24 Osteopathic Pathology;
25 (2) One physician who is not a laboratory director and is not a pathologist;
26 (3) Four (4) clinical laboratory science practitioners, at least one of whom is a non-
27 physician laboratory director, one of whom is a clinical laboratory scientist (technologist), and
28 one of whom is a clinical laboratory technician, and who, except for the initial appointments, hold
29 active and valid licenses as clinical laboratory science practitioners in this state and one of whom
30 is a clinical laboratory science practitioner not falling in one of the first three (3) categories; and
31 (4) One public member who is not associated with or financially interested in the practice
32 of clinical laboratory science.
33 (e) Board members shall serve for a term of three (3) years, and until their successors are
34 appointed and qualified, except that the initial appointments, which shall be made within sixty

1 (60) days after July 1, 1992, shall be as follows:
2 (1) One pathologist, one non-physician laboratory director, and one clinical laboratory
3 scientist, shall be appointed to serve for three (3) years;
4 (2) One public representative and one non-pathologist physician, shall be appointed to
5 serve for two (2) years; and
6 (3) The remaining members shall be appointed to serve for one year.
7 (d) The membership of the board shall receive no compensation for their services.
8 (e) Whenever a vacancy shall occur on the board by reason other than the expiration of a
9 term of office, the director of the department of health with the approval of the governor shall
10 appoint a successor of like qualifications for the remainder of the unexpired term. No person shall
11 be appointed to serve more than two (2) successive three (3) year terms.
12 **23-16.3-7. Duties and powers of the clinical laboratory advisory board.** In addition
13 to any other power conferred upon the board pursuant to this chapter, the board shall recommend
14 to the director:
15 (1) Rules and regulations for the implementation of this chapter including, but not limited
16 to, regulations that delineate qualifications for licensure of clinical laboratory science
17 practitioners as defined in this chapter, specify requirements for the renewal of licensure,
18 establish standards of professional conduct, and recommend on the amendment or on the repeal
19 of the rules and regulations. Following their adoption, the rules and regulations shall govern and
20 control the professional conduct of every person who holds a license to perform clinical
21 laboratory tests or otherwise engages in the profession of clinical laboratory science;
22 (2) Standard written, oral, or practical examinations for purposes of licensure of clinical
23 laboratory science practitioners as provided for in § 23-16.3-5;

- 24 (3) Rules and regulations governing qualifications for licensure of specialists in those
25 clinical laboratory science specialties that the board may determine in accordance with § 23-16.3-
26 8(e);
- 27 (4) Rules and regulations governing personnel performing tests in limited function
28 laboratories;
- 29 (5) A schedule of fees for applications and renewals;
- 30 (6) Establish criteria for the continuing education of clinical laboratory science
31 practitioners as required for license renewal;
- 32 (7) Any other rules and regulations necessary to implement and further the purpose of
33 this chapter.

34 **23-16.3-8. Standards for licensure.**— (a) Clinical laboratory scientist (technologist). The

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1 department of health shall issue a clinical laboratory scientist's license to an individual who meets
2 the qualifications developed by the board, including at least one of the following qualifications:

- 3 (1) A baccalaureate degree in clinical laboratory science (medical technology) from an
4 accredited college or university whose curriculum included appropriate clinical education;
- 5 (2) A baccalaureate degree in biological, chemical, or physical science from an accredited
6 college or university, and subsequent to graduation has at least twelve (12) months of appropriate
7 clinical education in an accredited clinical laboratory science program;
- 8 (3) A baccalaureate degree which includes a minimum of thirty-six (36) semester (or
9 equivalent) hours in the biological, chemical, and physical sciences from an accredited college or
10 university plus two (2) years of full-time work experience including a minimum of four (4)
11 months in each of the four (4) major disciplines of laboratory practice (clinical chemistry, clinical
12 microbiology, hematology, immunology/immunohematology); or
- 13 (4) A baccalaureate degree consisting of ninety (90) semester (or equivalent) hours,
14 thirty-six (36) of which must be in the biological, chemical, or physical sciences, from an
15 accredited university, and appropriate clinical education in an accredited clinical laboratory
16 science program.
- 17 (5) A clinical laboratory scientist (technologist) who previously qualified under federal
18 regulatory requirements such as 42 CFR § 493.1433 of the March 14, 1990 federal register or
19 other regulations or criteria which may be established by the board.

20 (b) Clinical laboratory technician. The department of health shall issue a clinical
21 laboratory technician's license to an individual who meets the qualifications promulgated by the
22 board, including at least one of the following qualifications:

- 23 (1) An associate degree or completion of sixty (60) semester (or equivalent) hours from a
24 clinical laboratory technician program (MLT or equivalent) accredited by an agency recognized
25 by the United States Department of Education that included a structured curriculum in clinical
26 laboratory techniques;
- 27 (2) A high school diploma (or equivalent) and (i) completion of twelve (12) months in a
28 technician training program in an accredited school such as CLA (ASCP) clinical laboratory
29 assistant (American Society of Clinical Pathologists), and MLT-C medical laboratory technician-
30 certificate programs approved by the board; or (ii) successful completion of an official military
31 medical laboratory procedure course of at least fifty (50) weeks duration and has held the military
32 enlisted occupational specialty of medical laboratory specialist (laboratory technician); or
- 33 (3) A clinical laboratory technician who previously qualified under federal regulatory
34 requirements such as 42 CFR § 493.1441 of the March 14, 1990 federal register which meet or

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1 exceed the requirements for licensure set forth by the board.

2 (c) Clinical histologic technician. The department of health shall issue a clinical
3 histologic technician license to an individual who meets the qualifications promulgated by the
4 board, including at least one of the following:

- 5 (1) Associate degree or at least sixty (60) semester hours (or equivalent) from an
6 accredited college/university to include a combination of mathematics and at least twelve (12)
7 semester hours of biology and chemistry, and successfully complete an accredited program in

8 histologic technique or one full year of training in histologic technique under the supervision of a
9 certified histotechnologist or an appropriately certified histopathology supervisor with at least
10 three (3) years experience.

11 (2) High school graduation (or equivalent) and two (2) years full time acceptable
12 experience under the supervision of a certified/licensed clinical histologic technician at a licensed
13 clinical laboratory in histologic technique.

14 (d) Cytotechnologist. The department of health shall issue a cytotechnologist license to
15 an individual who meets the qualifications promulgated by the board including at least one of the
16 following:

17 (1) A baccalaureate degree from an accredited college or university with twenty (20)
18 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
19 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and successful
20 completion of a twelve (12) month cytotechnology program.

21 (2) A baccalaureate degree from an accredited college or university with twenty (20)
22 semester hours (30 quarter hours) of biological science, eight (8) semester hours (12 quarter
23 hours) of chemistry, and three (3) semester hours (4 quarter hours) of mathematics and five (5)
24 years full time acceptable clinical laboratory experience including cytopreparatory techniques,
25 microscopic analysis, and evaluation of the body systems within the last ten (10) years. At least
26 two (2) of these years must be subsequent to the completion of the academic component and at
27 least two (2) years must be under the supervision of a licensed physician who is a pathologist,
28 certified, or eligible for certification, by the American Board of Pathology in anatomic pathology
29 or has other suitable qualifications acceptable to the board.

30 (3) A cytotechnologist who previously qualified under federal regulatory requirements
31 such as 42 CFR § 493.1437 of the March 14, 1990 federal register.

32 (e) The board shall recommend standards for any other clinical laboratory science
33 practitioners specializing in areas such as nuclear medical technology, radioimmunoassay,
34 electron microscopy, forensic science, molecular biology, or similar recognized academic and

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1 scientific disciplines with approval of the director of health.

2 **23-16.3-9. Waiver of requirements.**—The board shall recommend regulations providing
3 procedures for waiver of the requirements of § 23-16.3-8 for all applicants who hold a valid
4 license or its equivalent issued by another state; provided that the requirements under which that
5 license or its equivalent was issued to meet or exceed the standards required by this chapter with
6 the approval of the director. The board may also recommend regulations it deems appropriate
7 with respect to individuals who hold valid licenses or their equivalent in other countries.

8 **23-16.3-10. Licensure application procedures.**— (a) Licensure applicants shall submit
9 their application for licensure to the department of health upon the forms prescribed and furnished
10 by the department of health, and shall pay the designated application or examination fee.

11 (b) Upon receipt of application and payment of a fee, the department of health shall issue
12 a license for a clinical laboratory scientist or technologist, a clinical laboratory technician, or an
13 appropriate specialty license to any person who meets the qualifications specified in this chapter
14 and the regulations promulgated under this chapter.

15 (e) The board may recommend a procedure for issuance of temporary permits to
16 individuals otherwise qualified under this chapter who intend to engage in clinical laboratory
17 science practice in this state for a limited period of time not to exceed eighteen (18) months.

18 (d) The board may recommend a procedure for issuance of provisional licenses to
19 individuals who otherwise qualify under this chapter but are awaiting the results of certification
20 examinations. A provisional license so issued shall be converted to a license under the provisions
21 of § 23-16.3-8 or expire not more than twelve (12) months after issuance. At the discretion of the
22 board, the provisional license may be reissued at least one time with the director's approval.

23 **23-16.3-11. Licensure renewal.**— (a) Licenses issued pursuant to this chapter shall
24 expire on a date and time specified by the department of health.

25 (b) Every person licensed pursuant to this chapter shall be issued a renewal license every
26 two (2) years upon:

27 (1) Submission of an application for renewal on a form prescribed by the department of
28 health and payment of an appropriate fee recommended by the board; and
29 (2) Proof of completion, in the period since the license was first issued or last renewed, of
30 at least thirty (30) hours of continuing education courses, clinics, lectures, training programs,
31 seminars, or other programs related to clinical laboratory practice which are approved or accepted
32 by the board; or proof of re-certification by a national certification organization that mandates an
33 annual minimum of fifteen (15) hours of continuing education, such as the National Certification
34 Agency for Medical Laboratory Personnel.

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1 (c) The board may recommend any other evidence of competency it shall deem
2 reasonably appropriate as a prerequisite to the renewal of any license provided for by this chapter,
3 as long as these requirements are uniform as to application, are reasonably related to the
4 measurement of qualification, performance, or competence, and are desirable and necessary for
5 the protection of the public health.

6 **23-16.3-12. Disciplinary requirements.**— The board may recommend to the director of
7 health issuance, renewal, or revocation of a license, or suspension, placement on probation,
8 censure, or reprimand of a licensee, or any other disciplinary action that the board may deem
9 appropriate, including the imposition of a civil penalty, for conduct that may result from, but not
10 necessarily be limited to:

- 11 (1) A material misstatement in furnishing information to the department of health;
- 12 (2) A violation or negligent or intentional disregard of this chapter, or of the rules or
13 regulations promulgated under this chapter;
- 14 (3) A conviction of any crime under the laws of the United States or any state or territory
15 of the United States which is a felony or which is a misdemeanor, an essential element of which
16 is dishonesty, or of any crime which is directly related to the practice of the profession;
- 17 (4) Making any misrepresentation for the purpose of obtaining registration or violating
18 any provision of this chapter;
- 19 (5) Violating any standard of professional conduct adopted by the board;
- 20 (6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to
21 deceive, defraud, or harm the public;
- 22 (7) Providing professional services while mentally incompetent, under the influence of
23 alcohol or narcotic or controlled dangerous substance that is in excess of therapeutic amounts or
24 without valid medical indication;
- 25 (8) Directly or indirectly contracting to perform clinical laboratory tests in a manner
26 which offers or implies an offer of rebate, fee-splitting inducements or arrangements, or other
27 unlawful remuneration; or
- 28 (9) Aiding or assisting another person in violating any provision of this chapter or any
29 rule adopted under this chapter.

30 **23-16.3-13. Hearing requirements—Procedure.**— (a) The proceedings for the
31 revocation, suspension or limiting of any license may be initiated by any person, corporation,
32 association, or public officer or by the board by the filing of written charges with the board, but
33 no license shall be revoked, suspended, or limited without a hearing before the board within sixty
34 (60) days after the filing of written charges in accordance with the procedures established by the

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1 board. A license may be temporarily suspended without a hearing for the period not to exceed
2 thirty (30) days upon notice to the licensee following a finding by the board that there exists a
3 significant threat to the public health and approved by the director.

4 (b) Any appeal from the action of the board shall be in accordance with the provisions of
5 chapter 35 of title 42.

6 **23-16.3-14. Roster of licenses.**— The department of health shall maintain a roster of the
7 names and addresses of persons currently licensed and registered under the provision of this
8 chapter, and of all persons whose licenses have been suspended or revoked within the previous
9 year.

10 **23-16.3-15. Receipts.**— The proceeds of any fees collected pursuant to the provisions of

11 ~~this chapter shall be deposited as general revenues.~~
12 ~~**23-16.3-16. Severability.**— If any provision of this chapter or the application of any~~
13 ~~provision to any person or circumstance shall be held invalid, that invalidity shall not affect the~~
14 ~~provisions or application of this chapter which can be given effect without the invalid provision~~
15 ~~or application, and to this end the provisions of the chapter are declared to be severable.~~ ^(delete)

SECTION 22. Chapter 23-20.8.1 entitled “Registration of Music Therapists”

Would repeal in its entirety this chapter

34 ~~^(delete)**23-20.8.1-1. Definitions.**— As used in this chapter:~~

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1 ~~(1) "Board certified music therapist" means an individual who has completed the~~
2 ~~education and clinical training requirements established by the American Music Therapy~~
3 ~~Association; has passed the certification board for music therapists certification examination; or~~
4 ~~transitioned into board certification, and remains actively certified by the certification board for~~
5 ~~music therapists.~~

6 ~~(2) "Music therapist" means a person registered to practice music therapy pursuant to this~~
7 ~~chapter.~~

8 ~~(3) "Music therapy" means the clinical and evidence based use of music interventions to~~
9 ~~accomplish individualized goals within a therapeutic relationship through an individualized music~~
10 ~~therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of~~
11 ~~the music therapy services appropriate for the client using music therapy interventions, which~~
12 ~~may include music improvisation, receptive music listening, song writing, lyric discussion, music~~
13 ~~and imagery, music performance, learning through music, and movement to music. Music therapy~~
14 ~~is a distinct and separate profession from other licensed, certified, or regulated professions,~~
15 ~~including speech language pathology. The practice of music therapy does not include the~~
16 ~~diagnosis of any physical, mental, or communication disorder. This term may include:~~

17 ~~(i) Accepting referrals for music therapy services from medical, developmental, mental~~
18 ~~health, or education professionals; family members; clients; or caregivers. Before providing~~
19 ~~music therapy services to a client for a medical, developmental, or mental health condition, the~~
20 ~~registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental~~
21 ~~health professional to review the client's diagnosis, treatment needs, and treatment plan. During~~
22 ~~the provision of music therapy services to a client, the registrant shall collaborate, as applicable,~~
23 ~~with the client's treatment team;~~

24 ~~(ii) Conducting a music therapy assessment of a client to collect systematic,~~
25 ~~comprehensive, and accurate information necessary to determine the appropriate type of music~~
26 ~~therapy services to provide for the client;~~

27 ~~(iii) Developing an individualized music therapy treatment plan for the client;~~

28 ~~(iv) Carrying out an individualized music therapy treatment plan that is consistent with~~
29 ~~any other medical, developmental, mental health, or educational services being provided to the~~
30 ~~client;~~

31 ~~(v) Evaluating the client's response to music therapy and the individualized music therapy~~
32 ~~treatment plan and suggesting modifications, as appropriate;~~

33 ~~(vi) Developing a plan for determining when the provision of music therapy services is~~
34 ~~no longer needed in collaboration with the client, any physician, or other provider of healthcare or~~

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1 ~~education of the client, any appropriate member of the family of the client, and any other~~
2 ~~appropriate person upon whom the client relies for support;~~

3 ~~(vii) Minimizing any barriers so that the client may receive music therapy services in the~~
4 ~~least restrictive environment; and~~

5 ~~(viii) Collaborating with and educating the client and the family or caregiver of the client~~
6 ~~or any other appropriate person about the needs of the client that are being addressed in music~~
7 ~~therapy and the manner in which the music therapy addresses those needs.~~

8 ~~(4) "Office" means the department of health.~~

9 ~~(5) "Director" means the director of the department of health or his or her designee.~~

10 ~~**23-20.8.1-2. Applicability and scope.**— After January 1, 2015, a person shall not~~

11 practice music therapy or represent himself or herself as being able to practice music therapy in
12 this state unless the person is registered pursuant to this chapter. Nothing in this chapter may be
13 construed to prohibit or restrict the practice, services, or activities of the following:

14 (1) Any person licensed, certified, or regulated under the laws of this state in another
15 profession or occupation or personnel supervised by a licensed professional in this state
16 performing work, including the use of music, incidental to the practice of his or her licensed,
17 certified, or regulated profession or occupation, if that person does not represent himself or
18 herself as a music therapist; or

19 (2) Any person whose training and national certification attests to the individual's
20 preparation and ability to practice his or her certified profession or occupation if that person does
21 not represent himself or herself as a music therapist.

22 (3) Any practice of music therapy as an integral part of a program of study for students
23 enrolled in an accredited music therapy program if the student does not represent himself or
24 herself as a music therapist.

25 (4) Any person who practices music therapy under the supervision of a registered music
26 therapist if the person does not represent himself or herself as a music therapist.

27 **23-20.8.1-3. Issuance of registration— Minimum qualifications.** (a) The director
28 shall issue a registration to an applicant for a music therapy registration when such applicant has
29 completed and submitted an application, upon a form and in such manner as the director
30 prescribes, accompanied by applicable fees, and evidence satisfactory to the director that:

31 (1) The applicant is at least eighteen (18) years of age;

32 (2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,
33 from a program approved by the American Music Therapy Association, or any successor
34 organization within an accredited college or university;

1 (3) The applicant successfully completes a minimum of twelve hundred (1,200) hours of
2 clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at
3 least nine hundred (900) hours in internship experiences; provided that the internship is approved
4 by an academic institution, the American Music Therapy Association or its successor association,
5 or both;

6 (4) The applicant is in good standing based on a review of the applicant's music therapy
7 practice history in other jurisdictions, including a review of any alleged misconduct or neglect in
8 the practice of music therapy on the part of the applicant;

9 (5) The applicant provides proof of passing the examination for board certification
10 offered by the certification board for music therapists, or any successor organization, or provides
11 proof of being transitioned into board certification, and provides proof that the applicant is
12 currently a board-certified music therapist.

13 (b) The director shall issue a registration to an applicant for a music therapy registration
14 when such applicant has completed and submitted an application upon a form, and in such
15 manner as the director prescribes, accompanied by applicable fees, and evidence satisfactory to
16 the director that the applicant is registered and in good standing as a music therapist in another
17 jurisdiction where the qualifications required are equal to, or greater than, those required in this
18 chapter at the date of application.

19 **23-20.8.1-4. Suspension and revocation of registration.** (a) Every registration issued
20 under this chapter shall be renewed biennially. A registration shall be renewed upon payment of a
21 renewal fee if the applicant is not in violation of any of the terms of this chapter at the time of
22 application for renewal. The following shall also be required for registration renewal: proof of
23 maintenance of the applicant's status as a board-certified music therapist.

24 (b) A registrant shall inform the director of any changes to his or her address. Each
25 registrant shall be responsible for timely renewal of his or her registration.

26 (c) Failure to renew a registration shall result in forfeiture of the registration.
27 Registrations that have been forfeited may be restored within one year of the expiration date upon
28 payment of renewal and restoration fees. Failure to restore a forfeited registration within one year
29 of the date of its expiration shall result in the automatic termination of the registration and the

30 ~~director may require the individual to reapply for registration as a new applicant.~~
31 ~~**23-20.8.1-5. Waiver of examination.**— The director shall waive the examination~~
32 ~~requirement for an applicant until January 1, 2015, who is:~~

33 ~~(1) A board-certified music therapist; or~~

34 ~~(2) Designated as a registered music therapist, certified music therapist, or advanced~~

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1 ~~certified music therapist and in good standing with the national music therapy registry.~~

2 ~~**23-20.8.1-6. Rules and regulations.**— The director is authorized to adopt, modify,~~
3 ~~repeal, and promulgate rules and regulations in accordance with the purposes of this chapter, and~~
4 ~~only after procedures in accordance with the administrative procedures act (chapter 35 of title 42)~~
5 ~~have been followed. The director is further authorized to assess fees for registrations issued in~~
6 ~~accordance with rules and regulations promulgated pursuant to the authority conferred by this~~
7 ~~chapter, provided that those fees are assessed only after procedures in accordance with the~~
8 ~~administrative procedures act (chapter 35 of title 42) have been followed. All fees shall be~~
9 ~~deposited into the general fund as general revenue.~~ ^(delete)

17 SECTION 25. This article shall take effect upon passage.

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|  | <p>MOTION: To recommend the Commission oppose unless amended:</p> <ol style="list-style-type: none">1. 15 H 5900 Article 19 Relating To Consolidation Of Department Of Health Boards, to retain the following boards, especially the voice/vote of the consumer unprofessional conduct hearings:<ol style="list-style-type: none">a. The Board of Chiropractic Examiners (Sections 5 & 6, Chapter 5-30)b. The Advisory Committee for Opticianry (Sections 10 & 11, Chapter 5-35.2).c. The Board of Social Work Examiners (Sections 12 & 13, Chapter 5-39)d. The Board of Physical Therapy (Sections 14 & 15, Chapter 5-40)e. The Board of Occupational Therapy Sections 16 & 17, Chapter 5-40)f. The Board of Psychology (Sections 18 & 19, Chapter 5-44) entitled “Psychologists”g. The Board of Examiners of Speech Language Pathology and Audiology (Sections 22 & 23, Chapter 5-48)h. The Board of Hearing Aid Dealers and Fitters (Sections 24 & 25, Chapter 5-49)i. The Advisory Board of Orthotics and Prosthetics Practice (Sections 26 & 27, Chapter 5-59.1)j. The Board of Mental Health Counselors (Sections 30 & 31, Chapter 5-63.2)k. The Board of Radiologic Technology (Sections 35 & 36, Chapter 5-68.1)l. The Board of Licensing for Chemical Dependency Professionals (Sections 37 & 38, Chapter 5-69)m. The Board of Examiners of Interpreters for The Deaf |
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|--|---|
| | <p>(SECTION 39 & 40, Chapter 5-71)</p> <p>n. The Clinical Laboratory Advisory Board (Sections 43 & 44, Chapter 23-16.3) and</p> <p>o. The Board of Respiratory Care (Sections 48 & 49, Chapter 23-39) and</p> <p>2. 15 H 5900 Article 20 Relating To Professional Licenses , to not repeal the minimum professional standards:</p> <p>a. Chapter 5-59.1 entitled “Rhode Island Orthotics and Prosthetics Practices” (Section 15)</p> <p>b. Chapter 5-68.1 entitled “Radiologic Technologists” (Section 17) and</p> <p>c. Chapter 23-16.3 entitled “Clinical Laboratory Science Practice” (Section 20)</p> <p>Motion moved by CG, seconded by AP, passed unanimously</p> |
|--|---|



4:15 2015 Legislative Package, Bob Cooper, Executive Secretary

Purpose/Goal: To Review and Vote Amended of Substitute Versions

15 S 0167 Sub A AN ACT RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

Sen. Miller in Senate Health and Human Services Committee Held for Further Study, Continued, or Heard Identical to H 5219 Senate letter send 2/10/2015

This act would prevent health insurance policies, plans or contracts that provide coverage for prescription drugs, from requiring a beneficiary to use an opioid drug not indicated by the FDA for the condition being treated prior to the use of a non-opioid drug that is approved by the FDA for the condition being treated, or to use a non-abuse-deterrent formulation prior to using an abuse-deterrent formulation.

This act would take effect upon passage.

The Substitute A would require policies and plans issued by health insurers to cover abuse-deterrent drug formulations of opioid analgesics in the same manner in which the policies and plans cover non-abuse deterrent drugs formations.

This act would take effect upon passage

1 SECTION 1. Title 27 of the General Laws entitled "INSURANCE" is hereby amended

2 by adding thereto the following chapter:

3 {add} **CHAPTER 81**

4 **ACCESS TO OPIOID ANALGESICS WITH ABUSE-DETERRENT PROPERTIES**

5 **27-81-1. Findings. -- The general assembly hereby finds and declares that:**

6 **(1) The abuse of opioids is a serious problem that affects the health, social and economic**

7 **welfare of the state.**

8 **(2) An estimated four million five hundred thousand (4,500,000) people in the United**

9 **States suffered from substance use disorders related to prescription opioid pain relievers in 2012.**

10 **(3) The number of unintentional overdose deaths involving prescription pain relievers has**

11 **more than quadrupled since 1999.**

12 **(4) It is imperative for people suffering from pain to get the relief they need while**

13 **minimizing the potential for negative consequences from pain treatment.**

14 **21-81-2. Definitions.-- (a) "Abuse-deterrent opioid analgesic drug product" means a**

15 **brand or generic opioid analgesic drug product approved by the United States Food and Drug**

16 **Administration (FDA) with abuse-deterrence labeling claims that indicate the drug product is**

17 **expected to result in a meaningful reduction in abuse.**

18 **(b) "Cost sharing" means any coverage limit, copayment, coinsurance, deductible, or**

1 [\(c\) "Healthcare services" means any services included in the furnishing to any individual](#)
2 [of medical, podiatric, or dental care, or hospitalization, or incident to the furnishing of that care or](#)
3 [hospitalization, and the furnishing to any person of any and all other services for the purpose of](#)
4 [preventing, alleviating, curing, or healing human illness, injury, or physical disability.](#)

5 [\(d\) "Health maintenance organization" means a health maintenance organization as](#)
6 [defined in chapter 41 of this title.](#)

7 [\(e\) "Insurer" means any person, firm or corporation offering and/or insuring health](#)
8 [services on a prepaid basis, including, but not limited to, a nonprofit service corporation, a health](#)
9 [maintenance organization, or an entity offering a policy of accident and sickness insurance. It](#)
10 [includes all persons, firms, or corporations providing health benefits coverage for employees on a](#)
11 [self-insurance basis without the intervention of other entities.](#)

12 [\(f\) "Nonprofit service corporation" means a nonprofit hospital service corporation as](#)
13 [defined in chapter 19 of this title or a nonprofit medical service corporation as defined in chapter](#)
14 [20 of this title.](#)

15 [\(g\) "Opioid analgesic drug product" means a drug product in the opioid analgesic drug](#)
16 [class prescribed to treat moderate to severe pain or other conditions, whether in immediate release](#)
17 [or extended release/long-acting form and whether or not combined with other drug substances to](#)
18 [form a single drug product or dosage form.](#)

19 [\(h\) "Policy of accident and sickness insurance" means a policy of accident and sickness](#)
20 [insurance as defined in chapter 18 of this title.](#)

21 **[21-81-3. Coverage. --](#)** [\(a\) Each insurer that issues individual or group accident and](#)
22 [sickness insurance policies for health care services and/or provides health plans for health care](#)
23 [services shall provide coverage for abuse-deterrent opioid analgesic drug products as preferred](#)
24 [drug products on formulary, or a preferred drug list, or other lists of similar construct.](#)

25 [\(b\) Cost-sharing for abuse-deterrent opioid analgesic drug products shall not exceed the](#)
26 [lowest cost-sharing level applied to prescription drugs under the applicable health plan or policy.](#)

27 [\(c\) An increase in patient cost-sharing or disincentives for prescribers or dispensers shall](#)
28 [not be allowed to achieve compliance with this section.](#)

29 **[21-81-4. Utilization Management.--](#)** [\(a\) Any prior authorization requirements or other](#)
30 [utilization review measures for opioid analgesics, and any service denials made pursuant thereto,](#)
31 [shall not require the use of non-abuse-deterrent opioid analgesic drug products in order for the](#)
32 [patient to access abuse-deterrent opioid analgesic drug products.](#)

33 [\(b\) This section shall not be construed to prevent an insurer or health plan from applying](#)
34 [prior authorization requirements to abuse-deterrent opioid analgesic drug products. provided that](#)

1 [such requirements are applied to non-abuse-deterrent versions of that opioid.](#) ^{add}

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

| | |
|--|---|
|  | MOTION: To find beneficial 15 S 0167 Sub A An Act Relating To Insurance - Access To Abuse-Deterrent Pain Medications Motion moved by CG, seconded by JR, passed, TF abstained |
| | Purpose/Goal: To review the status of the Commission's legislative package |
| Commission Supports | |
| <p><u>House Corporations Committee</u> Held for Further Study, Continued, or Heard 15 H 5599 AN ACT RELATING TO INSURANCE -- DRUG COVERAGE Rep. Corvese Requested by the Governor's Commission on Disabilities Identical to S House letter send 3/2/2015 Testified on: 3/31/2015 This act would require any health care insurance company to notify authorized prescribers, network pharmacies, and pharmacists at least sixty (60) days' prior to removing a prescription drug from its plan's</p> | |

formulary, or making any change in the preferred or tiered cost-sharing status of a covered prescription drug. Any health care insurer must provide direct written notice to affected subscribers at least sixty (60) days prior to the date the change becomes effective; or at the time an affected subscriber requests a refill of the prescription drug, provide such subscriber with a sixty (60) day supply of the prescription drug under the same terms as previously allowed, and written notice of the formulary change.
This act would take effect on January 1, 2016.

Senate Health and Human Services Committee
Referred to Committee

15 S 0476 AN ACT RELATING TO INSURANCE -- DRUG COVERAGE

Sen. Crowley Requested by the Governor's Commission on Disabilities Identical to H 5599

Senate letter send 3/2/2015

This act would require any health care insurance company to notify authorized prescribers, network pharmacies, and pharmacists at least sixty (60) days' prior to removing a prescription drug from its plan's formulary, or making any change in the preferred or tiered cost-sharing status of a covered prescription drug. Any health care insurer must provide direct written notice to affected subscribers at least sixty (60) days prior to the date the change becomes effective; or at the time an affected subscriber requests a refill of the prescription drug, provide such subscriber with a sixty (60) day supply of the prescription drug under the same terms as previously allowed, and written notice of the formulary change.
This act would take effect on January 1, 2016.

Commission Opposes

House Finance Committee

Withdrawn by sponsor

15 H 5900 Art. 18 RELATING TO DIVISION OF ADVOCACY

Rep. Gallison Requested by the Governor

Prepared to Testified on: 3/31/2015 & 4/2/2015

The Article would "for budgetary and administrative purposes only" create within the executive office of health and human services the division of advocacy, which would consist of the commission on the deaf and hard-of-hearing, the governor's commission on disabilities, the office of the mental health advocate, and the child advocate office. The authority to hire, fire, and direct staff, to set priorities, conduct hearings, investigate complaints, etc. would appear to remain within the existing agencies.

Legislation Committee finds this bill Beneficial

House Corporations Committee

Scheduled for hearing and/or consideration

Next Action on: 4/7/2015@ Rise in rm 203

15 H 5219 AN ACT RELATING TO INSURANCE - ACCESS TO OPIOID ANALGESICS WITH ABUSE-DETERRENT PROPERTIES

Rep. Edwards Identical to S 0167

House letter send 2/10/2015

This act would require policies and plans issued by health insurers to cover abuse-deterrent drug formulations of opioid analgesics in the same manner in which the policies and plans cover non-abuse deterrent drugs formations.

This act would take effect upon passage.

Held for Further Study, Continued, or Heard

15 H 5176 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Rep. Casey

House letter send 2/10/2015

This act would require that health insurance policies include coverage for temporomandibular joint disorder (TMJ).

This act would take effect upon passage.

House Finance Committee

Referred to Committee

15 H 5392 AN ACT RELATING TO HIGHWAYS - SIDEWALKS

Rep. McLaughlin Identical to S 0195 & H

House letter send 3 /6 /2015

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, and on all state-owned crosswalks equipped with handicapped accessible signals within

twenty-four (24) hours after the end of a snowstorm.

This act would take effect upon passage.

15 H 5514 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Rep. Slater

Identical to S

House letter send 3/6/2015

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.

15 H 5564 AN ACT RELATING TO HUMAN SERVICES -- ABLE ACCOUNTS

Rep. Nardolillo

Identical to S 0413 & S

House letter send 3 /5 /2015

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.

Held for Further Study, Continued, or Heard

15 H 5144 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC TRANSIT AUTHORITY

Rep. Chippendale

House letter send 2/10/2015 Testified on: 2/27/2015

This act would mandate the Rhode Island public transit authority provide basic public transit services to all cities and towns except for the town of New Shoreham.

This act would take effect upon passage.

15 H 5349 AN ACT RELATING TO HIGHWAYS - SIDEWALKS

Rep. Blazejewski

Identical to S 0195, S

House letter send 3/6/2015

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.

Senate Finance Committee

Referred to Committee

15 S 0306 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998

Sen. Crowley

Identical to H

Senate letter send 3/6/2015:

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.

15 S 0413 AN ACT RELATING TO HUMAN SERVICES -- ABLE ACCOUNTS

Sen. Kettle

Identical to H 5564 &

Senate letter send 3/6/2015

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.

Held for Further Study, Continued, or Heard

15 S 0465 AN ACT RELATING TO HUMAN SERVICES -- ABLE ACCOUNTS

Sen. Satchell

Identical to H 5564 & S

Senate letter send 3/6/2015

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..

Senate Housing and Municipal Government Committee

Held for Further Study, Continued, or Heard

15 S 0195 AN ACT RELATING TO HIGHWAYS - SIDEWALKS

Sen. Goodwin

Identical to H 5349, H

Senate letter send 3/6/2015

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.

Senate Judiciary Committee

Referred to Committee

15 S 0248 AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES - SCHOOL BUS DRIVER ANNUAL TRAINING

Sen. Metts

Senate letter send 3/6/2015

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.

This act would take effect upon passage.

Legislation Committee finds this bill Beneficial if amended

House Corporations Committee

Held for Further Study, Continued, or Heard

15 H 5605 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Rep. O'Grady

House letter send 3/6/2015

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.

House Health, Education, & Welfare Committee

Referred to Committee

15 H 5498 AN ACT RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT PROGRAM

Rep. Naughton Requested by the Attorney General

Identical to S

House letter send 3/6/2015

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.

Held for Further Study, Continued, or Heard

15 H 5014 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING

Rep. Lombardi

House letter send Testified on: 2/4/2015

This act would add to General Laws entitled "Police Commission on Standards and Training" requiring mandatory training standards to be prepared and published for police officers and trainees, in identifying, responding, and handling all incidents involving any person with a developmental disability with new language defined as manifested at any age, not as previously defined as regarding persons manifesting before age 22.

This act would take effect upon passage.

15 H 5015 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING

Rep. Lombardi

House letter send Testified on: 2/4/2015

This act would require for Police Officer Commission on Standards and Training to establish, prepare, and publish mandatory training standards for police officers and trainees in all incidents involving mental health literacy. The commission shall include certification in the Mental Health First Aid USA curriculum for recruits and subsequently annually for all state police departments. The commission shall appoint at least one member from the mental health advocacy community as an advisor.

This act would take effect upon passage.

15 H 5383 AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Rep. Lombardi

Identical to S

House letter send 3/6/2015

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.

House Municipal Government Committee

Held for Further Study, Continued, or Heard

15 H 5801 AN ACT RELATING TO HIGHWAYS--CONSTRUCTION AND MAINTENANCE OF STATE ROADS

Rep. Williams

Replaces H

House letter send 3/6/2015

This act would require cities and towns to implement a snow removal priority plan to place a 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 for failure to do so.

Withdrawn by sponsor

15 H5529 AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS

Rep. Williams

Replaced by H

House letter not send

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.

Senate Education Committee

Held for Further Study, Continued, or Heard

15 S 0299 AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Sen. Pichardo

Identical to H

Senate letter send 3/ 6/2015

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.

Senate Judiciary Committee

Referred to Committee

15 S 0578 AN ACT RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT PROGRAM

Sen. Lombardi

Requested by the Attorney General

Identical to H

Senate letter send 3/6/2015

This act would require registration of those individuals who provide personal care attendant services to a consumer, including those with disabilities, and includes "Activities of Daily Living (ADL's) and "Companionship" services. Personal care attendants are required to apply to the Dept. of Human Services for certification.

This act would take effect on January 1, 2016.

Legislation Committee finds this bill Harmful

House Finance Committee

Referred to Committee

15 H 5083 AN ACT RELATING TO TOWNS AND CITIES -- STATE AID

Rep. Edwards

House letter send 2/10/2015

This act would provide that if during any fiscal year the state reimbursement to cities and towns and school districts is insufficient to cover the costs of state mandates as reported by the department of revenue, those affected cities, towns and school districts may cease implementation of state mandates at their discretion up to

fifty percent (50%) of the value of the reimbursement shortfall.

This act would take effect upon passage.

15 H 5347 AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM--
COMPULSORY ATTENDANCE

Rep. Casey

House letter send 3/6/2015

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.

Legislation Committee finds this bill Harmful unless amended

Senate Judiciary Committee

Meeting Postponed

15 S 0336 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF CHILDREN,
YOUTH, AND FAMILIES

Sen. Kettle

Senate letter send 3/6/2015

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.

Senate Labor Committee

Held for Further Study, Continued, or Heard

15 S 0534 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - GOVERNOR'S WORKFORCE
BOARD

Sen. Conley

Senate letter send 3/6/2015

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.

Meeting Postponed

15 S 0532 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GOVERNOR'S WORKFORCE
BOARD RHODE ISLAND

Sen. Nesselbush

Senate letter send 3/6/2015

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.

General Assembly Deadlines

- All bills and resolutions shall be filed no later than February 13, 2015
- No public bill which 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 10, in the case of 2015

4:25 Agenda for the Next Meeting, Linda Ward

Purpose/Goal: To set the agenda for the next meeting.

Discussion: The Legislation Committee meetings in 2014 will be on the 1st Monday 3 - 4:30 PM: 02/03rd; 03/03rd; 04/07th; 05/5th; 06/02nd; 07/07th; 08/04th; 09/08th; 10/27th; and 12/01st.





4:30 Adjournment, Linda Ward
MOTION: To adjourn at 4:53 PM