



Governor's Commission on Disabilities Legislation Committee

Monday, March 7, 2016 3:00 PM - 4:30 PM

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Attendees: Linda Ward (Chair.); Jack Ringland (Vice Chair.); Arthur M. Plitt; & Meredith Sheehan

Absentees: Rosemary C. Carmody; Regina Connor; Linda Deschenes; Timothy Flynn; Casey Gartland; Kathleen Heren; Barbara Henry; William R. Inlow; Msgr. Gerard O. Sabourin; Angelina Stabile; & Dawn Wardyga

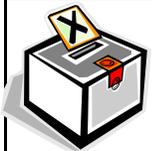
Guests: William Flynn, Senior Agenda; Charles Feldman, Mental Health Alliance Coalition of RI; & Brad Bockmann, Center for Prisoner Health and Human Rights @ Miriam Hospital

Staff: Bob Cooper & Hannah Vitello



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

Chair calls the meeting to order at 3:18 PM
 Introductions of Commissioners and guests



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

Motion moved by JR, seconded by MS, passed unanimously

Action Items:



3:05 RIPTA Elimination of the Off-Peak Hours No Fare Services for Seniors and Low Income People with Disabilities, William Flynn, Senior Agenda

Purpose/Goal: To discuss the impact on the elimination of the no-fare RIPTA off-peak service

NO-FARE BUS PASSES FOR LOW-INCOME ELDERLY AND DISABLED PERSONS:
 DON'T LET RIPTA ELIMINATE THEM!

WHY WE MUST SAVE NO-FARE BUS PASSES

- ❖ The RI Public Transit Authority (RIPTA) recently approved a fare increase plan for public hearings in November. **That plan eliminates no-fare bus passes for low-income seniors and disabled persons**, requiring them to pay a half-fare of \$1.00 plus \$.50 for a transfer for each one-way trip.
- ❖ Currently **10,500** low-income disabled persons and **3,250** low-income seniors rely on no-fare passes for their mobility and access to vital services and everyday needs such as shopping. Seniors average 31 one-way trips per month (\$31), and disabled persons 39 trips per month (\$39).
- ❖ RIPTA estimates that **only 60% of current no-fare customers would pay for half-fare passes**. The result: **4,200 low-income disabled persons and 1,300 low-income seniors would effectively lose their ability to afford public transit**. This is an estimate, the impact could be even worse.
- ❖ RIPTA claims its no-fare pass is an "outlier." Yet transit systems throughout Pennsylvania and

	<p>Illinois, and in San Francisco; Eugene, Oregon; Tulsa, Oklahoma; and Houston, Texas offer free passes to seniors and some disabled persons. Numerous others charge seniors less than \$1.00 a trip.</p> <ul style="list-style-type: none"> ❖ RIPTA’s proposal will harm some of RI’s most vulnerable persons: <ul style="list-style-type: none"> -Isolation leads to poorer health and shorter life spans for seniors and disabled persons. -Many people in recovery programs have reminded us, as one said, “My 12-step meetings are my medicine—without the bus pass I can’t get my medicine and will be more likely to relapse.” <p>The no fare rides on RIPTA include 10,000 persons with disabilities and 3,000 seniors.</p>
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	<p>MOTION: To find beneficial the draft bill to reinstate the no fare RIPTA pass on off-peak hours. Motion moved by MS, seconded by JR, passed unanimously</p>
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3:15 Recently filed legislation that may impact people with disabilities, Bob Cooper

	<p>Purpose/Goal: To review recently filed legislation, determine the potential impact on people with disabilities, and adopt legislative impact statements</p>
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Civil Rights Legislation

	<p>16 S 2595 An Act Relating To Human Services - Equal Rights Of Blind And Deaf Persons To Public Facilities Sen. Walaska in Senate Health and Human Services Committee This act would require movie theaters to provide open captioning for persons who are deaf or hard-of-hearing. This act would take effect on January 1, 2017 and would be repealed on January 1, 2019.</p>
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1 SECTION 1. Chapter 40-9.1 of the General Laws entitled "Equal Rights of Blind and Deaf Persons to Public
2 Facilities" is hereby amended by adding thereto the following section:
3 **40-9.1-7. Motion picture theater accommodation.** -- (a) A public area that owns, leases, leases to, or
4 operates a motion picture theater shall provide open movie captioning during at least two (2) showings per week
5 of each motion picture that is produced and offered with open movie captioning.
6 (b) A public area that owns, leases, leases to, or operates a motion picture theatre shall provide, upon request,
7 audio description of any motion picture that is produced and offered with audio description.
8 (c) A violation of this section shall be a discriminatory practice.
9 (d) This section shall apply to motion pictures that are produced and distributed with the necessary auxiliary aids
10 and services, including captioning and audio description. This section shall not prohibit the showing of a motion
11 picture that is produced and distributed without captioning and audio description; provided that a public
12 accommodation that owns, leases, leases to, or operates a motion picture theater shall provide notice to the
13 public if a motion picture offered for viewing is produced and distributed without captioning or audio
14 description.
15 (e) For the purposes of this section, "motion picture theater" means a movie theater, screening room, or other
16 venue in use primarily for the exhibition of a motion picture.
17 (f) This section shall be repealed on January 1, 2019. <insert>
18 SECTION 2. This act shall take effect on January 1, 2017, and shall be repealed on January 1, 2019.

	<p>MOTION: To find beneficial 2016 S 2595 An Act Relating To Human Services - Equal Rights Of Blind And Deaf Persons To Public Facilities Motion moved by JR, seconded by AP, passed unanimously</p>
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	<p>16 H 7490 An Act Relating To Food And Drugs -- Drive-Through Windows -- Assistance To Deaf And Hard-Of-Hearing</p> <p>Rep. Nardolillo in House Health, Education, & Welfare Committee</p> <p>This act would require establishments selling drinks or food by the use of drive-through windows to install at the ordering station serving each such window, equipment to be used to assist the deaf and hard-of-hearing in ordering, and train its personnel in the use of such equipment.</p> <p>This act would take effect upon passage.</p>
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1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto
2 the following chapter:

3 [\(insert>\) CHAPTER 27.2 DRIVE-THROUGH WINDOWS -- ASSISTANCE TO DEAF AND HARD-OF-](#)
4 [HEARING](#)

5 [21-27.2-1. Drive-through windows. -- Every establishment selling drinks or food by the use of drive-through](#)
6 [windows shall install at the ordering station serving each such window, equipment to be used to assist the deaf](#)
7 [and hard-of-hearing in ordering, and shall train its personnel in the use of such equipment.](#) [\(insert\)](#)

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

	<p>MOTION: To find beneficial if amended to allow other low cost options (i.e. signage allowing the customer to make her/his order at the window) 2016 H 7490 An Act Relating To Food And Drugs -- Drive-Through Windows -- Assistance To Deaf And Hard-Of-Hearing.</p> <p>Motion moved by AP, seconded by JR, passed unanimously</p>
	<p>16 H 7599 An Act Relating To Property - Fair Housing Practices</p> <p>Rep. Williams in House Judiciary Committee</p> <p>This act would prohibit discrimination in housing against those persons who have a lawful source of income.</p> <p>This act would take effect upon passage.</p>

2 SECTION 1. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4, 34-37-4.3, 34-37-5.2, 34-37-5.3 and 34-37-5.4 of the
3 General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read
4 as follows:

5 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and Providence Plantations,
6 hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing
7 accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based
8 upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [\(insert>\)lawful](#)
9 [source of income,](#) [\(insert\)](#) military status as a veteran with an honorable discharge or an honorable or general
10 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial
11 status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened
12 with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking,
13 relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend
14 unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living
15 conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed
16 intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger
17 the public health; jeopardize the public safety, general welfare, and good order of the entire state; and impose
18 substantial burdens on the public revenues for the abatement and relief of conditions so created. These
19 discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the
20 colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States
21 were later established. Discrimination and segregation in housing tend to result in segregation in our public
22 schools and other public facilities, which is contrary to the policy of the state and the constitution of the United
23 States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the
24 growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to

1 safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of
2 discrimination.

3 (b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion,
4 sex, sexual orientation, gender identity or expression, marital status, ^{insert>}lawful source of income,_{<insert}
5 military status as a veteran with an honorable discharge or an honorable or general administrative discharge,
6 servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status,
7 or those tenants or applicants or members of a household who are, or have been, or are threatened with being the
8 victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking relief
9 from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in
10 decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health,
11 safety, and general welfare of all the inhabitants of the state may be protected and ensured.

12 (c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a
13 minor child, or on the basis that a tenant or applicant or a member of the household is, or has been, or is
14 threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is
15 seeking relief from any court in the form of a restraining order for protection from domestic abuse is declared to
16 be against public policy.

17 (d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public
18 welfare, prosperity, health, and peace of the people of the state.

19 (e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who
20 fails to comply with § 34-18-24(7).

21 **34-37-2. Right to equal housing opportunities -- Civil rights.** -- The right of all individuals in the state to
22 equal housing opportunities regardless of race, color, religion, sex, sexual orientation, gender identity or
23 expression, marital status, ^{insert>}lawful source of income,_{<insert} military status as a veteran with an honorable
24 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
25 ancestral origin, disability, age, familial status, or regardless of the fact that a tenant or applicant or a member of
26 the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or
27 applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
28 protection from domestic abuse, is hereby recognized as, and declared to be, a civil right. Nothing in this section
29 shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-
30 24(7).

31 **34-37-3. Definitions.** -- When used in this chapter:

32 (1) "Age" means anyone over the age of eighteen (18).

33 (2) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard, Merchant Marines, or Air Force of the
34 United States and the Rhode Island National Guard.

35 (3) "Commission" means the Rhode Island commission for human rights created by § 28-5-8.

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

37 Provided, further, that the term "disability" does not include current, illegal use of, or addiction to, a controlled
38 substance, as defined in 21 U.S.C. § 802.

39 (5) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because
40 of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, ^{insert>}lawful source
41 of income,_{<insert} military status as a veteran with an honorable discharge or an honorable or general
42 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age,
43 housing status, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or
44 expression, marital status, ^{insert>}lawful source of income,_{<insert} military status as a veteran with an honorable
45 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
46 ancestral origin, disability, age, housing status, or familial status of any person with whom they are, or may wish
47 to be, associated.

48 least six (6) months.

49 (ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who
50 is pregnant or is in the process of securing legal custody of any individual who has not attained the age of
51 eighteen (18) years.

52 (8) The terms, as used regarding persons with disabilities, "auxiliary aids and services", reasonable
53 accommodation", and "reasonable modifications" have the same meaning as those terms are defined in § 42-87-
54 1.1.

1 (9) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's
2 gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or
3 not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is
4 different from that traditionally associated with the person's sex at birth.

5 (10) "Housing accommodation" includes any building or structure, or portion of any building or structure, or any
6 parcel of land, developed or undeveloped, that is occupied or is intended, designed, or arranged to be occupied,
7 or to be developed for occupancy, as the home or residence of one or more persons.

8 (11) "Otherwise qualified" includes any person with a disability who, with respect to the rental of property,
9 personally or with assistance arranged by the person with a disability, is capable of performing all the
10 responsibilities of a tenant as contained in § 34-18-24.

11 (12) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

12 (13) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor
13 organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other
14 fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

15 (14) "Senior citizen" means a person sixty-two (62) years of age or older.

16 (15) The term "sexual orientation" means having, or being perceived as having, an orientation for
17 heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and
18 does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a
19 religious organization. This definition does not confer legislative approval of said status, but is intended to
20 ensure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of
21 such status.

22 (16) The term "victim" means a family or household member and all other persons contained within the
23 definition of those terms as defined in § 12-29-2.

24 (6) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in §
25 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2, except that the domestic abuse need
26 not involve a minor or parties with minor children.

27 (7) (i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years
28 being domiciled with:

29 (A) A parent or another person having legal custody of the individual or individuals; or

30 (B) The designee of the parent or other person having the custody, with the written permission of the parent or
31 other person, provided that, if the individual is not a relative or legal dependent of the designee, that the
32 individual shall have been domiciled with the designee for at (17) The term "housing status" means the status of
33 having or not having a fixed or regular residence, including the status of living on the streets or in a homeless
34 shelter or similar temporary residence.

35 [\(18\) The term "lawful source of income" means being the recipient of federal, state or local public](#)
36 [assistance, including medical assistance, or the recipient of federal, state or local housing subsidies, including](#)
37 [Section 8, and other rental assistance or rental supplements, or who is subject to the requirements of any public](#)
38 [assistance, rental assistance or housing subsidy program.](#) {<insert>}

39 **34-37-4. Unlawful housing practices.** -- (a) No owner having the right to sell, rent, lease, or manage a housing
40 accommodation as defined in § 34-37-3(12), or an agent of any of these, shall, directly or indirectly, make, or
41 cause to be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender
42 identity or expression, marital status, [lawful source of income,](#) {<insert>} military status as a veteran with an
43 honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces,
44 country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning
45 whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the
46 victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any
47 court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser,
48 occupant, or tenant of the housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or
49 otherwise deny to or withhold from any individual the housing accommodation because of the race, color,
50 religion, sex, sexual orientation, gender identity or expression, marital status, [lawful source of](#)
51 [income,](#) {<insert>} military status as a veteran with an honorable discharge or an honorable or general administrative
52 discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of
53 the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
54 [lawful source of income,](#) {<insert>} military status as a veteran with an honorable discharge or an honorable or

1 general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability,
2 age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the
3 basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the
4 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any
5 court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right
6 to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(12), or an agent of any of these,
7 directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation
8 that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex,
9 sexual orientation, gender identity or expression, marital status, ^{insert>}lawful source of income,^{<insert}} military
10 status as a veteran with an honorable discharge or an honorable or general administrative discharge,
11 servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis
12 that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of
13 domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the
14 form of a restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate
15 against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or
16 expression, marital status, ^{insert>}lawful source of income,^{<insert}} military status as a veteran with an honorable
17 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
18 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the
19 household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or
20 applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for
21 protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing
22 accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection
23 shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is
24 over the age of eighteen (18).

25 (b) No person to whom application is made for a loan or other form of financial assistance for the acquisition,
26 construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or
27 unsecured shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race,
28 color, religion, sex, sexual orientation, gender identity or expression, marital status, ^{insert>}lawful source of
29 income,^{<insert}} military status as a veteran with an honorable discharge or an honorable or general administrative
30 discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or any
31 express written or oral inquiry into whether a tenant or applicant or a member of the household is, or has been,
32 or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or
33 sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse,
34 of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the
35 housing accommodation; nor shall any person to whom the application is made in the manner provided, directly
36 or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial
37 assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or
38 expression, marital status, ^{insert>}lawful source of income,^{<insert}} military status as a veteran with an honorable
39 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
40 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the
41 household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or
42 applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for
43 protection from domestic abuse, of the applicant or of the existing or prospective occupants or tenants. Nothing
44 in this subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the
45 age of eighteen (18).

46 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the
47 privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing
48 accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in
49 the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith
50 that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or
51 expression, marital status, ^{insert>}lawful source of income,^{<insert}} military status as a veteran with an honorable
52 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
53 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the
54 household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or

1 applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for
2 protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race,
3 color, religion, sex, sexual orientation, gender identity or expression, marital status, ^{insert>}lawful source of
4 income, ^{<insert}} military status as a veteran with an honorable discharge or an honorable or general administrative
5 discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of
6 any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated.
7 Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the
8 privilege of every person and the agent of any person making loans for, or offering financial assistance in, the
9 acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and
10 preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance that
11 do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or
12 expression, marital status, ^{insert>}lawful source of income, ^{<insert}} military status as a veteran with an honorable
13 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
14 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the
15 household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or
16 applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for
17 protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or
18 prospective owner, lessee, tenant, or occupant of the housing accommodation.

19 (d) An owner may not refuse to allow a person with a disability to make, at his or her expense, reasonable
20 modifications of existing premises occupied or to be occupied by the person if the modifications may be
21 necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the owner may,
22 where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the
23 interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
24 Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the
25 restorations at the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision
26 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable
27 amount of money not to exceed the cost of the restorations. The interest in the account shall accrue to the benefit
28 of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will be subject to § 34-18-19(b)
29 -- (f).

30 (e) (1) An owner may not refuse to make reasonable accommodations in rules, policies, practices, or services
31 when those accommodations may be necessary to afford an occupant with a disability equal opportunity to use
32 and enjoy a dwelling.

33 (2) Every person with a disability who has a guide dog or other personal assistive animal, or who obtains a guide
34 dog or other personal assistive animal, shall be entitled to full and equal access to all housing accommodations
35 provided for in this section and shall not be required to pay extra compensation for the guide dog or other
36 personal assistive animal but shall be liable for any damage done to the premises by a guide dog or other
37 personal assistive animal. For the purposes of this subsection, a "personal assistive animal" is an animal
38 specifically trained by a certified animal training program to assist a person with a disability to perform
39 independent living tasks.

40 (f) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991,
41 shall be designed and constructed in such a manner that:

42 (1) The public use and common use portions of the dwellings are readily accessible to and usable by persons
43 with disabilities;

44 (2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently
45 wide to allow passage by persons with disabilities in wheelchairs;

46 (3) All premises within the dwellings contain the following features of adaptive design:

47 (i) Accessible route into and through the dwelling;

48 (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

49 (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

50 (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. To
51 the extent that any state or local building codes, statutes, or ordinances are inconsistent with this section, they
52 are hereby repealed. The state building code standards committee is hereby directed to adopt rules and
53 regulations consistent with this section as soon as possible, but no later than September 30, 1990.

1 (g) Compliance with the appropriate requirements of the state building code 14 "accessibility for individuals
2 with disabilities for residential use groups" suffices to satisfy the requirements of subsection (f).

3 (h) As used in subsection (f), the term "housing accommodation of four (4) units or more" means:

4 (1) Buildings consisting of four (4) or more units if those buildings have one or more elevators; and

5 (2) Ground floor units in other buildings consisting of four (4) or more units;

6 (i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation that requires a greater
7 degree of accessibility to persons with disabilities.

8 (j) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would
9 constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial
10 physical damage to the property of others.

11 (k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee, sublessee, or assignee from
12 advertising or selecting a person of the same or opposite gender to rent, lease, or share the housing unit that the
13 owner, lessee, sublessee, or assignee will occupy with the person selected.

14 (l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an
15 unlawful housing practice; or obstruct or prevent any person from complying with the provisions of this chapter
16 or any order issued thereunder; or attempt directly or indirectly to commit any act declared by this section to be
17 an unlawful housing practice.

18 (m) No owner; person defined in § 34-37-3(13); person to whom application is made for a loan or other form of
19 financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
20 accommodation, whether secured or unsecured; no financial organization governed by the provisions of title 19
21 or any other credit-granting commercial institution; or respondent under this chapter; or any agent of these shall
22 discriminate in any manner against any individual because he or she has opposed any practice forbidden by this
23 chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation,
24 proceeding, or hearing under this chapter.

25 (n) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who
26 fails to comply with § 34-18-24(7).

27 **34-37-4.3. Discrimination in granting credit or loans prohibited.** -- No financial organization governed by
28 the provisions of title 19 or any other credit granting commercial institution may discriminate in the granting or
29 extension of any form of loan or credit, or the privilege or capacity to obtain any form of loan or credit, on the
30 basis of the applicant's sex, marital status, ^{insert>}lawful source of income,^{<insert} military status as a veteran with
31 an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces,
32 race or color, religion or country of ancestral origin, disability or age or familial status, sexual orientation, or
33 gender identity or expression and the form of loan and credit shall not be limited to those concerned with
34 housing accommodations and the commission shall prevent any violation hereof in the same manner as it is to
35 prevent unlawful housing practices under the provisions of this chapter.

36 **34-37-5.2. Discrimination in brokerage services.** -- It shall be unlawful to deny any person who meets
37 licensing and other non-discriminatory requirements that are also applied to other applicants and members
38 access to, or membership or participation in, any real estate listing service, real estate brokers' organization, or
39 other service, organization, or facility relating to the business of selling, leasing, or renting a housing
40 accommodation or to discriminate against him or her in the terms or conditions of the access, membership, or
41 participation on account of race, color, religion, sex, sexual orientation, gender identity or expression, marital
42 status, ^{insert>}lawful source of income,^{<insert} military status as a veteran with an honorable discharge or an
43 honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin,
44 disability, age, or familial status.

45 **34-37-5.3. Fostering of segregated housing prohibited.** -- It shall be an unlawful discriminatory housing
46 practice to for profit induce, or attempt to induce, any person to sell or rent any dwelling by representations
47 regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color,
48 religion, marital status, ^{insert>}lawful source of income,^{<insert} military status as a veteran with an honorable
49 discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of
50 ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

51 **34-37-5.4. Discrimination in residential real estate related transactions.** -- (a) It shall be unlawful for any
52 person or other entity whose business includes engaging in residential real estate-related transactions to
53 discriminate against any person in making available a transaction, or in the terms and conditions of the
54 transaction, because of race, color, religion, marital status, ^{insert>}lawful source of income,^{<insert} military status

1 as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in
2 the armed forces, country of ancestral origin, sex, sexual orientation, gender identity or expression, age,
3 disability, or familial status.

4 (b) As used in this section, the term "residential real estate-related transaction" means any of the following:

5 (1) The making or purchasing of loans or providing other financial assistance:

6 (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

7 (ii) Secured by residential real estate.

8 (2) The selling, brokering, or appraising of residential real property.

9 (c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to
10 take into consideration factors other than race, color, religion, marital status, ^{insert>}lawful source of
11 income, ^{<insert>} military status as a veteran with an honorable discharge or an honorable or general administrative
12 discharge, servicemember in the armed forces, country of ancestral origin, sex, sexual orientation, gender
13 identity or expression, age, disability, or familial status.

14 SECTION 2. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing Practices Act" is hereby
15 amended by adding thereto the following sections:

16 ^{insert>}**34-37-2.5. Right to equal housing opportunities -- Lawful source of income. -- Whenever in this**
17 **chapter there shall appear the words "marital status" there shall be inserted immediately thereafter the words**
18 **"lawful source of income."**

19 **34-37-4.6. Discrimination based on lawful source of income - Exemption. -- Nothing in this title shall**
20 **prohibit an owner of a housing accommodation from refusing to rent to a person based on their lawful source of**
21 **income if the housing accommodation is three (3) units or less, one of which is occupied by the owner.** ^{<insert>}

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

	Tabled 16 H 7599 An Act Relating To Property - Fair Housing Practices for more info from the Commission on Human Rights
	Employment Legislation
	16 H 7835 An Act Relating To State Affairs And Government -- Governor's Workforce Board Rhode Island Rep. McEntee in House Labor Committee This act would amend the composition of the governor's workforce board by adding one employer seat and one seat representing the representative of the office of rehabilitation services, division of the department of human resources, a division within the department of human services. This act would take effect upon passage.

1 SECTION 1. Section 42-102-2 of the General Laws in Chapter 42-102 entitled "Governor's Workforce Board
2 Rhode Island" is hereby amended to read as follows:

3 **42-102-2. Composition of workforce board. --** (a) The workforce board shall be composed of ^{delete>}twenty-
4 ~~one (21)~~ ^{<delete>} ^{insert>}twenty-three (23) ^{<insert>} members; one of whom shall be the secretary of commerce, who
5 shall be vice-chair; one of whom shall be the director of the department of labor and training; one of whom shall
6 be the commissioner of education; one of whom shall be a representative of a public institution of higher
7 education in Rhode Island; ^{insert>}one of whom shall be a representative of the office of rehabilitation services, a
8 division of the department of human resources ^{<insert>} and ^{delete>}seventeen (17) ^{<delete>} ^{insert>}eighteen (18) ^{<insert>}
9 public members, ^{delete>}eleven (11) ^{<delete>} ^{insert>}twelve (12) ^{<insert>} of whom shall be representatives from the
10 employer community, in a manner that is representative of employers of different sizes and sectors, including
11 the nonprofit sector, provided that two (2) of the representatives from the employer community shall be the
12 chairs of Rhode Island's local workforce investment boards, or their designees, appointed from among the
13 employer community members of the local workforce investment boards; four (4) of whom shall be
14 representatives of organized labor; and two (2) members shall be representatives of community-based
15 organizations that provide or promote workforce development service; appointed by the governor with the
16 advice and consent of the senate. The ~~seventeen (17)~~ ^{insert>}eighteen (18) ^{<insert>} public members shall be
17 appointed in a manner that reflects the geographic diversity of the state, and at least five (5) of whom shall be
18 women; at least four (4) of whom shall be from minority communities; and at least one of whom shall be a

19 person with disabilities. The governor shall appoint a chairperson from among the ~~eleven (11)~~
20 twelve (12) representatives of the employer community.

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

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

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

	Tabled 16 H 7835 An Act Relating To State Affairs And Government -- Governor's Workforce Board Rhode Island for more information from the Office of Rehabilitation Services & Governor's Workforce Board
	16 S 2476 An Act Relating To State Affairs And Government -- Governor's Workforce Board Rhode Island Sen. Conley in Senate Labor Committee, held for further study 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, developmental disabilities and hospitals to the advisory committee of the state career pathways systems. This act would take effect upon passage.

In 2015 the Legislation Committee found this bill to be harmful unless amended for the following reasons "Adding a requirement to service only a specific class of individuals with disabilities, would result in downplaying the needs of the remainder of the community of working age adults with disabilities. This act should be amended on page 5 line 29 to mirror the language in the federal Workforce Innovation and Opportunities act: by after the word "intellectual" striking the word "and" and inserting therein "or" and after the word "disabilities" inserting the words "or other individuals with significant disabilities""

1 SECTION 1. Sections 42-102-6 and 42-102-10 of the General Laws in Chapter 42-102 entitled "Governor's
2 Workforce Board Rhode Island" are hereby amended to read as follows:

3 **42-102-6. Powers and duties.** -- (a) Strategic statewide employment and training plan.

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

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

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

11 (ii) The state department of human services training programs, sponsored under the Temporary Assistance to
12 Needy Families, Title IV of the Social Security Act; the Supplemental Nutrition Assistance Program (SNAP)
13 Employment and Training Program; Vocational Rehabilitation Act of 1973, and any other employment-and-
14 training and related services and employment-related educational programs administered by the state's
15 department of human services;

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

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

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

22 (vi) All other employment-and-training and related services and employment-related educational programs,
23 either presently existing or hereinafter established that are administered by any state agencies, departments, or
24 councils; and
25 (vii) Programs included within subsections (b)(1)(i) through (b)(1)(vi) of this section shall be referred herein
26 collectively as "the coordinated programs system".
27 (2) With respect to plans for employment-and-training programs sponsored under the federal Carl D. Perkins
28 Vocational Education Act, 20 U.S.C. 2301 et seq., and any other employment-related educational programs
29 administered by the board of education, the workforce board and board of education shall establish a process for
30 the development and preparation of all these plans and the board of education shall approve the plan subject to
31 review and comment by the workforce board; provided, however, that the responsibilities and duties of the
32 board of education, as set forth in the general laws, shall not be abridged.
33 (3) With respect to plans for the Temporary Assistance to Needy Families Program, SNAP Employment and
34 Training Program, Vocational Rehabilitation Services, and any other employment-and-training and related
35 programs administered by the state's department of human services, the authority and responsibilities of the
36 department as the single state agency under Titles IV-A, 42 U.S.C. 601 through 617, and IV-F, 42 U.S.C. 681
37 through 687 [repealed] of the Federal Social Security Act shall not be abridged.
38 (4) With respect to plans for training ex-offenders to help them reintegrate into the community and re-enter
39 employment, and any other employment-and-training programs administered by the state's department of
40 corrections, the responsibilities and duties of the department, as set forth in the general laws, shall not be
41 abridged.
42 (5) The board shall review, comment on, or approve as appropriate all plans for employment and training within
43 the coordinated-programs system. The board shall establish policies and performance goals for the coordinated-
44 programs system. These policies and goals shall include, but not be limited to:
45 (i) Establishing and communicating uniform policies and consistent terms and definitions;
46 (ii) Gathering and distributing information from, and to, all agencies, departments, and councils within the
47 coordinated-programs system;
48 (iii) Standardizing and coordinating program planning, evaluation, budgeting, and funding processes;
49 (iv) Recommending structural and procedural changes;
50 (v) Establishing performance goals and measurements for monitoring the effectiveness of the programs provided
51 through the coordinated-programs system; and
52 (vi) Reconciling diverse agency, departmental, or council goals and developing priorities among those goals.
53 (c) Comprehensive system-improvement plan.
54 (1) The 2015 unified workforce development system report required pursuant to § 42-102-6(f) and due on
55 November 15, 2015 shall include an additional, comprehensive system-improvement plan to facilitate the
56 seamless and coordinated delivery of workforce services in this state, consistent with the goals and objectives of
57 the board's statewide employment-and-training plan. In developing the comprehensive, system-improvement
58 plan, the board shall review the roles, responsibilities, and functions of all state employment-and-training
59 programs. The study shall identify any gaps in the services provided by those programs; any barriers to
60 integration and cooperation of these programs; and any other matters that adversely affect the seamless delivery
61 of workforce-development systems in the state.
62 (2) The board shall include in the comprehensive, system-improvement plan:
63 (i) A list of specific barriers, whether structural, regulatory, or statutory, that adversely affect the seamless, and
64 coordinated, delivery of workforce-development programs and services in this state, as well as
65 recommendations to overcome or eliminate these barriers; and
66 (ii) Recommendations for providing, at a minimum, board comment and review of all state employment-and-
67 training programs, to ensure such programs are consistent with the board's statewide employment-and-training
68 plan, and meet the current, and projected, workforce demands of this state, including programs that, pursuant to
69 state or federal law or regulation, must remain autonomous.
70 (3) The recommendations developed by the board under subsection (c)(1) must identify the state agency or
71 department that is responsible for implementing each recommendation; and include a time frame for the
72 implementation of each recommendation. The governor may include such recommendations in his or her
73 proposed budget the following fiscal year.
74 (d) Workforce investment act responsibilities.

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

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

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

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

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

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

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

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

90 (B) Reviewing local workforce-investment plans;

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

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

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

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

98 (G) Developing the statewide employment statistics system;

99 (H) Developing an application for incentive grants;

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

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

102 (e) Job-development fund responsibilities.

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

106 (f) Unified workforce development system report.

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

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

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

114 (B) A summary of clerical, administrative, professional, or technical reports received by the board during the
115 previous fiscal year, if applicable;

116 (C) A briefing on anticipated activities in the upcoming fiscal year;

117 (D) A consolidated financial statement of all funds received, and expended, by the board, including the source of
118 funds, during the previous fiscal year;

119 (E) A listing of any staff supported by these funds;

120 (ii) A unified, expenditure-and-program report for statewide employment-and-training programs and related
121 services including:

122 (A) Expenditures by agencies for programs included in § 42-102-6(b)(1), including information regarding the
123 number of individuals served by each program; demographic information by gender, race and ethnicity;
124 outcome and program-specific performance information as determined by the board, and such other information
125 as may be determined by the board, including, but not limited to, the attainment of credentials;

126 (2) Beginning November 15, 2015, program expenditures included in the unified, workforce-development-
127 system report shall be categorized as administrative, program delivery, or other costs; the report shall further

128 include information on the cost-per-individual served within each program, through a manner determined by the
 129 board;
 130 (3) All state and local agencies, departments, or council or similar organizations within the coordinated-
 131 programs system, shall be required to provide the board with the information necessary to produce the unified
 132 workforce-development-system report.
 133 **42-102-10. State Career Pathways System.** -- The workforce board ("board") shall support and oversee
 134 statewide efforts to develop and expand career pathways that enable individuals to secure employment within a
 135 specific industry or occupational sector and to advance over time to successively higher levels of education and
 136 employment in that sector. Towards this purpose the board shall convene an advisory committee comprised of
 137 representatives from business, labor, adult education, secondary education, higher education, the department of
 138 corrections, the executive office of health and human services, ^{insert>}the department of behavioral healthcare,
 139 developmental disabilities and hospitals, ^{<insert} the office of library and information services, community-based
 140 organizations, ^{insert>}consumers, ^{<insert} and the public-workforce system.
 141 SECTION 2. This act shall take effect upon passage.

	<p>Tabled 16 S 2476 An Act Relating To State Affairs And Government -- Governor's Workforce Board Rhode Island for more information from Department Of Behavioral Healthcare, Developmental Disabilities And Hospitals & Governor's Workforce Board</p>
	<p>Health Insurance Legislation</p>
	<p>16 H 7616 & S 2356 Acts Relating To Health And Safety -- Insurance--Mental Illness And Substance Abuse Sen. Miller in Senate Health and Human Services Committee Rep. Bennett in House Corporations Committee This act would require comprehensive discharge planning for patients treated for substance use disorders and would require insurers to cover medication-assisted addiction treatment including methadone, buprenorphine, and naltrexone. This act would take effect upon passage.</p>

1 SECTION 1. Section 23-17.26-3 of the General Laws in Chapter 23-17.26 entitled "Comprehensive Discharge
 2 Planning" is hereby amended to read as follows:
 3 **23-17.26-3. Comprehensive discharge planning.** -- (a) On or before July 1, ~~2015~~ ^{insert>}2016^{<insert},
 4 each hospital operating in the State of Rhode Island shall submit to the director:
 5 (1) Evidence of participation in a high-quality comprehensive discharge planning and transitions improvement
 6 project operated by a nonprofit organization in this state; or
 7 (2) A plan for the provision of comprehensive discharge planning and information to be shared with patients
 8 transitioning from the hospitals care. Such plan shall contain the adoption of evidence-based practices including,
 9 but not limited to:
 10 (i) Providing in-hospital education prior to discharge;
 11 (ii) Ensuring patient involvement such that, at discharge, patients and caregivers understand the patient's
 12 conditions and medications and have a point of contact for follow-up questions;
 13 (iii) Attempting to identify patients' primary care providers and assisting with scheduling post-hospital follow-
 14 up appointments prior to patient discharge;
 15 (iv) Expanding the transmission of the department of health's continuity of care form, or successor program, to
 16 include primary care providers' receipt of information at patient discharge when the primary care provider is
 17 identified by the patient; and (v) Coordinating and improving communication with outpatient providers.
 18 (3) The discharge plan and transition process shall ~~also be made~~ ^{insert>}include recovery planning
 19 tools ^{<insert} for patients with ~~opioid and other substance use disorders~~ ^{insert>}substance use disorders,
 20 opioid overdoses, and chronic addiction ^{<insert} which plan and transition process shall include the elements
 21 contained in subsections (a)(1) or (a)(2) of this section, as applicable. In addition, such discharge plan and
 22 transition process shall also include:
 23 (i) Assistance, with patient consent, in securing at least one follow-up appointment for the patient within seven
 24 (7) days of discharge, as clinically appropriate:

25 (A) With a facility licensed by the department of behavioral healthcare, developmental disabilities and hospitals
26 to provide treatment of substance use disorders, ^{insert>}opioid overdoses, and chronic addiction^{<insert};

27 (B) With a certified recovery coach;

28 (C) With a licensed clinician with expertise in the treatment of substance use disorders, ^{insert>}opioid overdoses,
29 and chronic addiction^{<insert}; or

30 (D) With a Rhode Island licensed hospital with a designated program for the treatment of substance use
31 disorders, opioid overdoses, and chronic addiction. The patient shall be informed of said appointment prior to
32 the patient being discharged from the hospital;

33 ~~(ii) In the absence of a scheduled follow-up appointment pursuant to subsection (a)(3)(i), every
34 reasonable effort shall be made to contact the patient within thirty (30) days post discharge to provide the
35 patient with a referral and other such assistance as the patient needs to obtain a follow-up appointment; and
36 (iii) That the patient receives information about the real-time availability of appropriate in-patient and out-
37 patient services in Rhode Island.~~ ^{<delete>}

38 ^{insert>} (iv) That the patient, or non-patient, presenting to hospitals, health care clinics, urgent care centers, and
39 emergency room diversion facilities with indication of a substance use disorder, opioid overdose, or chronic
40 addiction, shall receive information about the real-time availability of clinically appropriate in-patient and out-
41 patient services for the treatment of substance use disorders, opioid overdose, or chronic addiction, including:

42 (A) Detoxification;

43 (B) Stabilization;

44 (C) Medication-assisted treatment or medication-assisted maintenance services, including methadone,
45 buprenorphine, naltrexone or other clinically appropriate medications; and

46 (D) Recovery coaches. ^{insert}

47 (4) On or before November 1, ~~2014~~ ^{delete>} ^{{insert>}2016^{<insert}}, the director of the department of health
48 ~~shall develop and disseminate to all hospitals, health care clinics, urgent care centers, and emergency
49 room diversion facilities a model discharge plan and transition process for patients with opioid and other
50 substance use disorders. This model plan may be used as a guide, but may be amended and modified to meet the
51 specific needs of each hospital, health care clinic, urgent care center and emergency room diversion facility.~~
52 ^{<delete>} ^{insert>} with the director of the department of behavioral healthcare, developmental disabilities and
53 hospitals shall submit revised regulations for patients presenting to hospitals, health care clinics, urgent care
54 centers, and emergency room diversion facilities with indication of a substance use disorder, opioid overdose, or
55 chronic addiction to ensure prompt access to the clinically appropriate in-patient and out-patient services
56 contained in subsection (a)(3)(iv) of this section. The director of the department of health with the director of the
57 department of behavioral healthcare, developmental disabilities and hospitals shall develop and disseminate to
58 all hospitals, health care clinics, urgent care centers, and emergency room diversion facilities model pre-
59 admission, admission and discharge guidelines, a recovery plan and transition process for patients with
60 substance use disorders, opioid overdose, or chronic addiction, presenting information on the real-time
61 availability of appropriate in-patient and out-patient services contained in subsection (a)(3)(iv) of this section.
62 Recommendations from the Rhode Island governor's overdose prevention and intervention task force strategic
63 plan may be incorporated into the model plan as a guide, but may be amended and modified to meet the specific
64 needs of each hospital, health care clinic, urgent care center and emergency room diversion facility. ^{<insert>}

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

67 **27-38.2-1. Coverage for the treatment of mental health and substance use disorders.** -- (a) A group health
68 plan and an individual or group health insurance plan shall provide coverage for the treatment of mental health
69 and substance-use disorders under the same terms and conditions as that coverage is provided for other illnesses
70 and diseases.

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

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

76 (d) Coverage shall not impose non-quantitative treatment limitations for the treatment of mental health and
77 substance-use disorders unless the processes, strategies, evidentiary standards, or other factors used in applying
78 the non-quantitative treatment limitation, as written and in operation, are comparable to, and are applied no

79 more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the
 80 limitation with respect to medical/surgical benefits in the classification.
 81 (e) The following classifications shall be used to apply the coverage requirements of this chapter: (1) Inpatient,
 82 in-network; (2) Inpatient, out-of-network; (3) Outpatient, in-network; (4) Outpatient, out-of-network; (5)
 83 Emergency care; and (6) Prescription drugs.
 84 (f) Medication-assisted ~~therapy~~ ^{insert>} treatment or medication-assisted maintenance services of
 85 substance use disorders, opioid overdoses, and chronic addiction, including methadone, buprenorphine,
 86 naltrexone or other clinically appropriate medications, ^{{<insert> {delete>}} ~~maintenance services, for the treatment of~~
 87 ~~substance use disorders, opioid overdoses, and chronic addiction~~ ^{<delete>} is included within the appropriate
 88 classification based on the site of the service.
 89 (g) Payers shall rely upon the criteria of the American Society of Addiction Medicine when developing
 90 coverage for levels of care for substance-use disorder treatment.
 91 SECTION 3. This act shall take effect upon passage.



MOTION: To find beneficial 2016 S 2356 & H 7616 Acts Relating To Health And Safety -- Insurance--Mental Illness And Substance Abuse Motion moved by JR, seconded by MS, passed unanimously

16 S 2461 & H 7617 Acts Relating To Insurance - Insurance Coverage For Mental Illness And Substance Abuse
 Sen. Miller in Senate Health and Human Services Committee
 Rep. Bennett in House Corporations Committee
 This act would require health practitioners and health plan coverage to support clinical practices fostering the appropriate use of abuse-deterrent opioid analgesic drug product formulations approved by the U.S. Food and Drug Administration.
 This act would take effect upon passage.

In 2015 the Legislation Committee found this bill to be Beneficial for the following reasons "Rhode Island and the nation are facing an epidemic of drug overdose deaths. Many people with chronic pain first became "addicted" while legitimately using opioid pain medication. Non-opioid drugs should be the preferred pain medication, to avoid future drug overdose deaths."

1 SECTION 1. Section 27-38.2-1 of the General Laws in Chapter 27-38.2 entitled "Insurance Coverage for
 2 Mental Illness and Substance Abuse" is hereby amended to read as follows:
 3 **27-38.2-1. Coverage for the treatment of mental health and substance use disorders..** -- (a) A group health
 4 plan and an individual or group health insurance plan shall provide coverage for the treatment of mental health
 5 and substance-use disorders under the same terms and conditions as that coverage is provided for other illnesses
 6 and diseases.
 7 (b) Coverage for the treatment of mental health and substance-use disorders shall not impose any annual or
 8 lifetime dollar limitation.
 9 (c) Financial requirements and quantitative treatment limitations on coverage for the treatment of mental health
 10 and substance-use disorders shall be no more restrictive than the predominant financial requirements applied to
 11 substantially all coverage for medical conditions in each treatment classification.
 12 (d) Coverage shall not impose non-quantitative treatment limitations for the treatment of mental health and
 13 substance-use disorders unless the processes, strategies, evidentiary standards, or other factors used in applying
 14 the non-quantitative treatment limitation, as written and in operation, are comparable to, and are applied no
 15 more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the
 16 limitation with respect to medical/surgical benefits in the classification.
 17 (e) The following classifications shall be used to apply the coverage requirements of this chapter: (1) Inpatient,
 18 in-network; (2) Inpatient, out-of-network; (3) Outpatient, in-network; (4) Outpatient, out-of-network; (5)
 19 Emergency care; and (6) Prescription drugs.
 20 (f) Medication-assisted therapy, including methadone maintenance services, for the treatment of substance-use
 21 disorders, opioid overdoses, and chronic addiction is included within the appropriate classification based on the
 22 site of the service.

23 (g) Payors shall rely upon the criteria of the American Society of Addiction Medicine when developing
 24 coverage for levels of care for substance-use disorder treatment.
 25 ^{insert>} Health practitioners prescribing as permitted under chapter 28.1 of title 21 (uniform controlled substance
 26 act) and health plan coverage shall support clinical practices that foster the appropriate use of abuse-deterrent
 27 opioid analgesic drug product formulations that are approved by the U.S. Food and Drug Administration, in
 28 accordance with subsection (c) of this section. When clinically appropriate, coverage for said abuse-deterrent
 29 formulations will not require the use of a non-deterrent opioid analgesic drug product formulation in order for
 30 patients to access abuse-deterrent products. All health plans shall include one or more abuse deterrent
 31 formulations on the lower and lowest cost prescription drug co-payment tiers. ^{<insert}
 32 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find beneficial 2016 S 2461 & H 7617 Acts Relating To Insurance - Insurance Coverage For Mental Illness And Substance Abuse Motion moved by AP, seconded by JR, passed unanimously</p>
	<p>16 S 2501 An Act Relating To Insurance - Insurance Coverage For Mental Health And Substance Abuse Disorders Sen. Miller in Senate Health and Human Services Committee This act would define coinsurance as a percentage of the allowable charge, after a copayment that an insured will pay for covered benefits. It would prohibit insurance contracts or policies from using coinsurance to calculate and collect additional funds from patients, including mental health and substance abuse patients. This act would take effect upon passage.</p>

1 SECTION 1. Legislative findings. - The general assembly hereby finds and declares as follows:
 2 (1) A substantial amount of health care debt incurred by patients in this state is due to the increasing amount of
 3 patient responsibility for covered services outside of the premium of an insurance policy.
 4 (2) It has been shown that patients, especially those in need of mental health and substance use disorder
 5 treatment have been discouraged from seeking treatment based upon the increasing amount of patient financial
 6 liability for such covered services.
 7 (3) The imposition of coinsurance by insurers as a percentage of the allowable payment brings much confusion
 8 to consumers in attempting to control health care costs. Collection of coinsurance at the point of service by a
 9 provider is difficult due to the calculation of a percentage of an insurer's allowable cost of a service prior to the
 10 filing of a claim. This confusion further compounds a patient's financial and emotional stress in obtaining
 11 necessary covered services and meeting the patient's financial responsibility for such covered service.
 12 (4) The power of insurers to unilaterally impose coinsurance based upon a percentage of an allowable cost of a
 13 covered service determined after the provider has filed a claim may further jeopardize the ability of patients and
 14 consumers to be educated and knowledgeable in their full financial responsibility under a health insurance plan
 15 or contract.
 16 It is the intention of the general assembly to enable those in need of mental health and substance use disorder
 17 treatment to have greater access for care with fewer financial burdens that may result in avoidance of needed
 18 care. It is also the intention of the general assembly to lessen the financial complexity and burden on patients
 19 and easing the difficulty in the imposition of cost-sharing under health insurance plans.
 20 SECTION 2. Section 27-18-8 of the General Laws in Chapter 27-18 entitled "Accident and Sickness Insurance
 21 Policies" is hereby amended to read as follows:
 22 **27-18-8. Filing of accident and sickness insurance policy forms.** -- (a) Any insurance company authorized to
 23 do an accident and sickness business within this state in accordance with the provisions of this title shall file all
 24 accident and sickness insurance policy forms and rates used by it in the state with the insurance commissioner,
 25 including the forms of any rider, endorsement, application blank, and other matter generally used or
 26 incorporated by reference in its policies or contracts of insurance. ^{insert>} No such form shall be approved if it
 27 utilizes a coinsurance method, as defined in §27-18-82, for the collection of patient financial requirements for
 28 covered benefits. ^{<insert} No such form shall be used if disapproved by the commissioner under this section, or if
 29 the commissioner's approval has been withdrawn under § 27-18-8.3, or until the expiration of the waiting period

1 established under § 27-18-8.3. Such a company shall comply with its filed and approved forms. If the
2 commissioner finds from an examination of any form that it is contrary to the public interest, or the
3 requirements of this code or duly promulgated regulations, he or she shall forbid its use, and shall notify the
4 company in writing as provided in § 27-18-8.2.

5 (b) Each rate filing shall include a certification by a qualified actuary that to the best of the actuary's knowledge
6 and judgment, the entire rate filing is in compliance with applicable laws and that the benefits offered or
7 proposed to be offered are reasonable in relation to the premium to be charged. A health insurance carrier shall
8 comply with its filed and approved rates and forms.

9 SECTION 3. Section 27-19-7.2 of the General Laws in Chapter 27-19 entitled "Nonprofit Hospital Service
10 Corporations" is hereby amended to read as follows: {NOTE identical to SECTION 1.}

11 SECTION 4. Section 27-20-6.2 of the General Laws in Chapter 27-20 entitled "Nonprofit Medical Service
12 Corporations" is hereby amended to read as follows: {NOTE identical to SECTION 1.}

13 SECTION 5. Sections 27-38.2-1 and 27-38.2-2 of the General Laws in Chapter 27-38.2 entitled "Insurance
14 Coverage for Mental Illness and Substance Abuse" are hereby amended to read as follows:

15 **27-38.2-1. Coverage for the treatment of mental health and substance use disorders..** -- (a) A group health
16 plan and an individual or group health insurance plan shall provide coverage for the treatment of mental health
17 and substance-use disorders under the same terms and conditions as that coverage is provided for other illnesses
18 and diseases.

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

21 (c) Financial requirements ~~and quantitative~~ as defined in §27-38.2-2 shall not apply to
22 coverage for the treatment of mental health and substance use disorders. Quantitative ^{{<insert>} treatment limitations
23 on coverage for the treatment of mental health and substance-use disorders shall be no more restrictive than the
24 ~~predominant financial requirements~~ ^{{<insert>} limitations ^{{<insert>} applied to substantially all coverage for
25 medical conditions in each treatment classification.

26 (d) Coverage shall not impose non-quantitative treatment limitations for the treatment of mental health and
27 substance-use disorders unless the processes, strategies, evidentiary standards, or other factors used in applying
28 the non-quantitative treatment limitation, as written and in operation, are comparable to, and are applied no
29 more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the
30 limitation with respect to medical/surgical benefits in the classification.

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

34 (f) Medication-assisted therapy, including methadone maintenance services, for the treatment of substance-use
35 disorders, opioid overdoses, and chronic addiction is included within the appropriate classification based on the
36 site of the service.

37 (g) Payors shall rely upon the criteria of the American Society of Addiction Medicine when developing
38 coverage for levels of care for substance-use disorder treatment.

39 **27-38.2-2. Definitions.** -- For the purposes of this chapter, the following words and terms have the following
40 meanings:

41 (1) "Financial requirements" means deductibles, copayments, ~~coinsurance,~~ ^{{<delete>} or out-of-pocket
42 maximums.

43 (2) "Group health plan" means an employee welfare benefit plan as defined in 29 USC 1002(1) to the extent that
44 the plan provides health benefits to employees or their dependents directly or through insurance, reimbursement,
45 or otherwise. For purposes of this chapter, a group health plan shall not include a plan that provides health
46 benefits directly to employees or their dependents, except in the case of a plan provided by the state or an
47 instrumentality of the state.

48 (3) "Health insurance plan" means health insurance coverage offered, delivered, issued for delivery, or renewed
49 by a health insurer.

50 (4) "Health insurers" means all persons, firms, corporations, or other organizations offering and assuring health
51 services on a prepaid or primarily expense-incurred basis, including but not limited to, policies of accident or
52 sickness insurance, as defined by chapter 18 of this title;

53 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title or under any
54 public law or by special act of the general assembly; health maintenance organizations, or any other entity that

1 insures or reimburses for diagnostic, therapeutic, or preventive services to a determined population on the basis
2 of a periodic premium. Provided, this chapter does not apply to insurance coverage providing benefits for:

- 3 (i) Hospital confinement indemnity;
- 4 (ii) Disability income;
- 5 (iii) Accident only;
- 6 (iv) Long-term care;
- 7 (v) Medicare supplement;
- 8 (vi) Limited benefit health;
- 9 (vii) Specific disease indemnity;
- 10 (viii) Sickness or bodily injury or death by accident or both; and
- 11 (ix) Other limited benefit policies.

12 (5) "Mental health or substance use disorder" means any mental disorder and substance use disorder that is listed
13 in the most recent revised publication or the most updated volume of either the Diagnostic and Statistical
14 Manual of Mental Disorders (DSM) published by the American Psychiatric Association or the International
15 Classification of Disease Manual (ICD) published by the World Health Organization; provided, that tobacco and
16 caffeine are excluded from the definition of "substance" for the purposes of this chapter.

17 (6) "Non-quantitative treatment limitations" means: (i) Medical management standards; (ii) Formulary design
18 and protocols; (iii) Network tier design; (iv) Standards for provider admission to participate in a network; (v)
19 Reimbursement rates and methods for determining usual, customary, and reasonable charges; and (vi) Other
20 criteria that limit scope or duration of coverage for services in the treatment of mental health and substance use
21 disorders, including restrictions based on geographic location, facility type, and provider specialty.

22 (7) "Quantitative treatment limitations" means numerical limits on coverage for the treatment of mental health
23 and substance use disorders based on the frequency of treatment, number of visits, days of coverage, days in a
24 waiting period, or other similar limits on the scope or duration of treatment.

25 SECTION 6. Section 27-41-29.2 of the General Laws in Chapter 27-41 entitled "Health Maintenance
26 Organizations" is hereby amended to read as follows: {NOTE identical to SECTION 1.}

27 SECTION 7. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance Policies" is hereby
28 amended by adding thereto the following section:

29 ^{insert>} **27-18-82. Patient financial requirements.** -- Every individual or group hospital or medical expense
30 insurance policy or individual or group hospital or medical services plan contract delivered, issued for delivery,
31 or renewed in this state on or after January 1, 2018, shall not utilize coinsurance as a method for collecting
32 amounts due from patients beyond the premium responsibility for covered services as required under the
33 insured's benefit plan. For purposes of this section, "coinsurance" is defined as a percentage of the allowable
34 charge, after a copayment, if any, that an insured will pay for covered benefits. Provided, however, this section
35 shall not apply to insurance coverage providing benefits for:

- 36 (1) Hospital confinement indemnity;
- 37 (2) Disability income;
- 38 (3) Accident only;
- 39 (4) Long-term care;
- 40 (5) Medicare supplement;
- 41 (6) Limited benefit health;
- 42 (7) Specified disease indemnity;
- 43 (8) Sickness or bodily injury or death by accident or both; and
- 44 (9) Other limited benefit policies. ^{<insert}

45 SECTION 8. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service Corporations" is hereby
46 amended by adding thereto the following section:

47 ^{insert>} **27-19-73. Patient financial requirements.** -- Every individual or group hospital or medical expense
48 insurance policy or individual or group hospital or medical services plan contract delivered, issued for delivery,
49 or renewed in this state on or after January 1, 2018, shall not utilize coinsurance as a method for collecting
50 amounts due from patients beyond the premium responsibility for covered services as required under the
51 insured's benefit plan. For purposes of this section, "coinsurance" is defined as a percentage of the allowable
52 charge, after a copayment, if any, that an insured will pay for covered benefits. ^{<insert}

53 SECTION 9. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service Corporations" is hereby
54 amended by adding thereto the following section: {NOTE identical to SECTION 1.}

1 SECTION 10. Chapter 27-41 of the General Laws entitled "Health Maintenance Organizations" is hereby
 2 amended by adding thereto the following section: {NOTE identical to SECTION 1.}
 3 SECTION 11. This act shall take effect upon passage.

	Take no position on 2016 S 2501 An Act Relating To Insurance - Insurance Coverage For Mental Health And Substance Abuse Disorders
	<p>16 S 2510 & H 7625 Acts Relating To Insurance -- Insurance Coverage For Mental Illness And Substance Abuse Sen. Crowley Requested by Attorney General in Senate Health and Human Services Committee Rep. Serpa Requested by Attorney General in House Corporations Committee This act would require insurance coverage for at least ninety (90) days of residential or inpatient services for mental health and/or substance-use disorders for American Society of Addiction Medicine levels of care 3.1 and 3.3. This act would take effect upon passage.</p>

1 SECTION 1. Section 27-38.2-1 of the General Laws in Chapter 27-38.2 entitled "Insurance Coverage for
 2 Mental Illness and Substance Abuse" is hereby amended to read as follows:
 3 **27-38.2-1. Coverage for the treatment of mental health and substance use disorders.** -- (a) A group health
 4 plan and an individual or group health insurance plan shall provide coverage for the treatment of mental health
 5 and substance-use disorders under the same terms and conditions as that coverage is provided for other illnesses
 6 and diseases.
 7 (b) Coverage for the treatment of mental health and substance-use disorders shall not impose any annual or
 8 lifetime dollar limitation.
 9 (c) Financial requirements and quantitative treatment limitations on coverage for the treatment of mental health
 10 and substance-use disorders shall be no more restrictive than the predominant financial requirements applied to
 11 substantially all coverage for medical conditions in each treatment classification.
 12 (d) Coverage shall not impose non-quantitative treatment limitations for the treatment of mental health and
 13 substance-use disorders unless the processes, strategies, evidentiary standards, or other factors used in applying
 14 the non-quantitative treatment limitation, as written and in operation, are comparable to, and are applied no
 15 more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the
 16 limitation with respect to medical/surgical benefits in the classification.
 17 (e) The following classifications shall be used to apply the coverage requirements of this chapter: (1) Inpatient,
 18 in-network; (2) Inpatient, out-of-network; (3) Outpatient, in-network; (4) Outpatient, out-of-network; (5)
 19 Emergency care; and (6) Prescription drugs.
 20 (f) Medication-assisted therapy, including methadone maintenance services, for the treatment of substance-use
 21 disorders, opioid overdoses, and chronic addiction is included within the appropriate classification based on the
 22 site of the service.
 23 (g) Payors shall rely upon the criteria of the American Society of Addiction Medicine when developing
 24 coverage for levels of care for substance-use disorder treatment.
 25 ^{insert>}(h) The coverage required by this section shall include at least ninety (90) days of residential or inpatient
 26 services for mental health and/or substance-use disorders for American Society of Addiction Medicine levels of
 27 care 3.1 and 3.3. ^{<insert}
 28 SECTION 2. This act shall take effect upon passage.

	Tabled 16 S 2510 & H 7625 Acts Relating To Insurance -- Insurance Coverage For Mental Illness And Substance Abuse for more information on the American Society of Addiction Medicine's levels of care 3.1 & 3.3
	<p>16 H 7471 An Act Relating To Insurance - Off-Label Uses Of Prescription Drugs Rep. Shekarchi in House Corporations Committee This act would require insurance coverage for off-label prescription drugs when there is evidence in peer-reviewed medical literature to support their use. This act would take effect upon passage.</p>

1 SECTION 1. Section 27-55-2 of the General Laws in Chapter 27-55 entitled "Off-label Uses of Prescription
2 Drugs" is hereby amended to read as follows:

3 **27-55-2. Prescription drug coverage.** -- (a) No health insurer issuing a policy which provides coverage for
4 prescription drugs shall exclude coverage of any drug used for the treatment of cancer on the grounds that the
5 drug has not been approved by the FDA for that indication, provided that the drug is recognized for treatment of
6 that indication in one of the standard reference compendia, or in the medical literature. It is the responsibility of
7 the prescribing physician to submit to the insurer documentation supporting the proposed off-label use or uses, if
8 requested by the issuer.

9 (b) Any coverage of a drug which serves as the primary treatment required by this chapter shall also include
10 medically necessary services associated with the administration of the drug.

11 (c) ~~Ne~~^{insert>} Except as provided for in subsection (e) of this section, no^{<insert} coverage is required
12 under this chapter: (1) for any drug which has not been fully licensed or approved by the FDA, (2) for the use of
13 any drug when the FDA has determined that use to be contraindicated, or (3) for any experimental drug not
14 approved for any indication by the FDA. ~~The provisions of this section apply to drugs used in the~~
15 ~~treatment for cancer only and nothing in this section is construed to create, impair, alter, limit, modify, enlarge,~~
16 ~~abrogate or prohibit reimbursement for medications used in the treatment of any other disease or~~
17 ~~condition.~~^{<delete}

18 (d) Nothing in this section is construed to prevent the application of contractual deductibles or co-payment
19 provisions or managed care review.

20 ^{insert>} (e) No health insurer issuing a policy which provides coverage for prescription drugs shall exclude
21 coverage of any drug when it is prescribed to treat a condition other than one for which the FDA approved it
22 provided that:

23 (1) The drug prescribed is recognized by peer-reviewed medical literature generally recognized by the relevant
24 medical community for off-label treatment of certain types of cancer or disabling or life threatening diseases. As
25 used in this section, "peer-reviewed medical literature" means a published study in a journal or other publication
26 in which original manuscripts have been critically reviewed for scientific accuracy, validity, and reliability by
27 unbiased international experts, and that has been determined by the international committee of medical journal
28 editors to have met its uniform requirements for manuscripts submitted to biomedical journals. "Peer-reviewed
29 medical literature" does not include publications or supplements to publications that are sponsored to a
30 significant extent by a pharmaceutical manufacturing company or any health insurer, health care center, hospital
31 service corporation, medical service corporation, or fraternal benefit society that delivers, issues for delivery,
32 renews, amends, or continues a health insurance policy in this state.

33 (f) The coverage required under subsection (e) of this section shall include medically necessary services
34 associated with the administration of such drug.

35 (g) A drug use covered under subsection (e) of this section shall not be denied based on medical necessity
36 except for reasons that are unrelated to the legal status of the drug use.^{<insert}

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

**16 S 2499 & H 7512 Acts Relating To Insurance -- Off-Label Uses Of
Prescription Drugs**

Sen. Walaska Requested by Attorney General in Senate Health and Human
Services Committee

Rep. Shekarchi in House Corporations Committee

This act would provide that no health insurer issuing a policy which provides
coverage for prescription drugs shall exclude coverage of any drug used for the
treatment of disabling or life-threatening chronic disease on the grounds that the
drug is considered "off-label" in that the drug has not been approved by the FDA
for that indication, provided that the drug is recognized for treatment of that
indication in one of the standard reference compendia, or in the medical
literature. This act would take effect upon passage.

1 SECTION 1. Section 27-55-2 of the General Laws in Chapter 27-55 entitled "Off-label Uses of Prescription
2 Drugs" is hereby amended to read as follows:

3 **27-55-2. Prescription drug coverage.** -- (a) No health insurer issuing a policy which provides coverage for
 4 prescription drugs shall exclude coverage of any drug used for the treatment of cancer ^{insert>}or disabling or life-
 5 threatening chronic disease ^{<insert} on the grounds that the drug has not been approved by the FDA for that
 6 indication, provided that the drug is recognized for treatment of that indication in one of the standard reference
 7 compendia, or in the medical literature. It is the responsibility of the prescribing physician to submit to the
 8 insurer documentation supporting the proposed off-label use or uses, if requested by the issuer.
 9 (b) Any coverage of a drug which serves as the primary treatment required by this chapter shall also include
 10 medically necessary services associated with the administration of the drug.
 11 (c) No coverage is required under this chapter: (1) for any drug which has not been fully licensed or approved by
 12 the FDA, (2) for the use of any drug when the FDA has determined that use to be contraindicated, or (3) for any
 13 experimental drug not approved for any indication by the FDA. The provisions of this section apply to drugs
 14 used in the treatment for cancer only and nothing in this section is construed to create, impair, alter, limit,
 15 modify, enlarge, abrogate or prohibit reimbursement for medications used in the treatment of any other disease
 16 or condition.
 17 (d) Nothing in this section is construed to prevent the application of contractual deductibles or co-payment
 18 provisions or managed care review.
 19 SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find beneficial 2016 H 7471,S 2016 S 2499 & H 7512 An Act Relating To Insurance - Off-Label Uses Of Prescription Drugs Motion moved by MS, seconded by JR, passed/unanimously</p>
	<p>Housing Legislation</p>
	<p>16 S 2446 An Act Relating To Affordable Housing -- Capital Development Program Sen. Pichardo in Senate Finance Committee This act would provide for a bond referendum which would authorize the issuance of bonds for Affordable Housing in the amount of one hundred million dollars (\$100,000,000), at the election to be held in November, 2016. Sections 1, 2, 3, and 13 of this act would take effect upon passage. The remaining sections of this act would take effect if and when the state board of elections would certify to the secretary of state that a majority of the qualified electors voting on the propositions contained in Section 1 hereof have indicated their approval of the project thereunder.</p>

1 SECTION 1. **Proposition to be submitted to the people.** -- At the general election to be held on the Tuesday
 2 next after the first Monday in November 2016, there shall be submitted to the people for their approval or
 3 rejection the following proposition:
 4 "Shall the action of the general assembly, by an act passed at the January 2016 session, authorizing the issuance
 5 of bonds, refunding bonds, and temporary notes of the state for the capital projects and in the amount with
 6 respect to each such project listed below be approved, and the issuance of bonds, refunding bonds, and
 7 temporary notes authorized in accordance with the provisions of said act?"
 8 **Project:** (1) Affordable Housing \$100,000,000
 9 Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding
 10 bonds, and temporary notes in an amount not to exceed one hundred million dollars (\$100,000,000) for
 11 affordable housing.
 12 SECTION 2. **Ballot labels and applicability of general election laws.** --
 13 SECTION 3. **Approval of projects by people.** --
 14 SECTION 4. **Bonds for capital development program.** --
 15 SECTION 5. **Refunding bonds for 2016 capital development program.** --
 16 SECTION 6. **Proceeds of capital development program.** --
 17 With respect to the bonds and temporary notes described in Section 1, the proceeds shall be utilized for the
 18 following purposes:
 19 Question 1 relating to bonds in the amount of one hundred million dollars (\$100,000,000) for Affordable
 20 Housing shall be allocated as follows:

1 Provides funding to the Housing Resources Commission to provide state funds to promote affordable housing
2 through redevelopment of existing structures, or new construction.

3 SECTION 7. **Sale of bonds and notes.** --

4 SECTION 8. **Bonds and notes to be tax exempt and general obligations of the state.**

5 SECTION 9. **Investment of monies in fund.** --

6 SECTION 10. **Appropriation.** --

7 SECTION 11. **Advances from general fund.** --

8 SECTION 12. **Federal assistance and private funds.** --

9 SECTION 13. **Effective Date.** -- Sections 1, 2, 3, and 13 of this act shall take effect upon passage. The
10 remaining sections of this act shall take effect if and when the state board of elections shall certify to the
11 secretary of state that a majority of the qualified electors voting on the propositions contained in Section 1
12 hereof have indicated their approval of the project thereunder

	MOTION: To find beneficial 2016 S 2446 An Act Relating To Affordable Housing -- Capital Development Program Motion moved by JR, seconded by AP, passed unanimously
	16 S 2625 & H 7107 Acts Relating To State Affairs And Government - Department Of Administration Sen. Cote in Senate Housing and Municipal Government Rep. Price in House Finance Committee This act would prohibit certain affordable housing programs with requirements that exceed those set forth in the general laws of the state or ordinances of the cities and towns from being included in the statewide planning program. This act would take effect upon passage.
<i>In 2015 the Legislation Committee found this bill Harmful for the following reasons "There is a shortage of housing for families that include a member with mobility impairments that is both accessible affordable. These families often live in inaccessible dwellings, carrying the family member up and down stairs or leaving them inside, a prisoner in their own home. No community should be able to divert its low income and disabled residents to other communities."</i>	

1 SECTION 1. Section 42-11-10 of the General Laws in Chapter 42-11 entitled "Department of Administration" is
2 hereby amended to read as follows:

3 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds that the people of this
4 state have a fundamental interest in the orderly development of the state; the state has a positive interest and
5 demonstrated need for establishment of a comprehensive, strategic state planning process and the preparation,
6 maintenance, and implementation of plans for the physical, economic, and social development of the state; the
7 continued growth and development of the state presents problems that cannot be met by the cities and towns
8 individually and that require effective planning by the state; and state and local plans and programs must be
9 properly coordinated with the planning requirements and programs of the federal government.

10 (b) Establishment of statewide planning program.

11 (c) Strategic planning. - Strategic planning includes the following activities:

12 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance with this section may
13 be designated as elements of the state guide plan. The state guide plan shall be comprised of functional elements
14 or plans dealing with land use; physical development and environmental concerns; economic development;
15 housing production; energy supply, including the development of renewable energy resources in Rhode Island,
16 and energy access, use, and conservation; human services; and other factors necessary to accomplish the
17 objective of this section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
18 range goals, policies, plans, and implementation activities related thereto. State agencies concerned with specific
19 subject areas, local governments, and the public shall participate in the state guide planning process, which shall
20 be closely coordinated with the budgeting process. ^(insert>) Notwithstanding any term or provision in any statute or
21 the state guide plan established pursuant to §42-11-10, no provision of §42-128-8.1 requiring the adoption of a
22 five (5) year strategic plan for housing as an element of the state guide plan shall require any city or town to

enact or adopt an ordinance, rule or regulation which exceeds any zoning provision of any enactment of such city or town, nor shall any provision of the state guide plan regarding any affordable housing provision be deemed to subordinate or require compliance by any such zoning ordinance to federal law or regulation, provided, however, nothing herein shall limit the provisions established for state review of local comprehensive plans as set forth in §45-22.2-9.^(insert)

- (e) Membership of state planning council. - The state planning council shall consist of the following members:
- (1) The director of the department of administration as chairperson;
 - (2) The director, policy office, in the office of the governor, as vice-chairperson;
 - (3) The governor, or his or her designee;
 - (4) The budget officer;
 - (5) The chairperson of the housing resources commission;
 - (6) The highest-ranking administrative officer of the division of planning, as secretary;
 - (7) The president of the Rhode Island League of Cities and Towns or his or her designee and one official of local government who shall be appointed by the governor from a list of not less than three (3) submitted by the Rhode Island League Cities and Towns;
 - (8) The executive director of the Rhode Island League of Cities and Towns;
 - (9) One representative of a nonprofit community development or housing organization appointed by the governor;
 - (10) Six (6) public members, appointed by the governor, one of whom shall be an employer with fewer than fifty (50) employees and one of whom shall be an employer with greater than fifty (50) employees;
 - (11) Two (2) representatives of a private, nonprofit, environmental advocacy organization, both to be appointed by the governor;
 - (12) The director of planning and development for the city of Providence;
 - (13) The director of the department of transportation;
 - (14) The director of the department of environmental management;
 - (15) The director of the department of health;
 - (16) The executive director of the economic development corporation;
 - (17) The commissioner of the Rhode Island office of energy resources;
 - (18) The chief executive officer of the Rhode Island public transit authority;
 - (19) The executive director of Rhode Island housing; and
 - (20) The executive director of the coastal resources management council.

(f) Powers and duties of state planning council. - The state planning council shall have the following powers and duties:

(g) Division of planning.

SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find harmful 2016 S 2625 & H 7107 Acts Relating To State Affairs And Government - Department Of Administration Motion moved by MS, seconded by AP, passed unanimously</p>
	<p>Human Services Legislation</p>
	<p>16 S 2502 An Act Relating To State Affairs And Government - Department Of Children, Youth, And Families Sen. Miller in Senate Judiciary Committee This act would require the DCYF to transition from child placement in-group homes to child placement in foster care. It would also require the DCYF to submit to the house and senate finance committees, annual reports which would include such details as the number of children in foster care and those in group homes and the costs associated with those placements, as well as recommendations for placement and options to pay for certain services for children and families. This act would take effect upon passage.</p>

SECTION 1. Chapter 42-72 of the General Laws entitled "Department of Children, Youth and Families" is hereby amended by adding thereto the following sections:

^{insert>} **42-72-36.1. System reform and rebalancing goal.** -- On or before October 1, 2016, the department of children, youth, and families shall begin to implement a strategy to transition from reliance on congregate care placements to greater use of foster homes with community-based services for children and families. Said strategy shall assure quality outcomes, performance measures and incentives that promote service excellence and improve the system's overall stability by reinvesting the benefits that accrue from the more efficient and effective utilization of congregate care, foster homes and community-based services. Attaining system-wide reform of the magnitude set forth herein shall require rebalancing the system by making significant changes in the organization, financing and delivery of services that must be implemented incrementally.

42-72-36.2. Recommendations as to allocation of resources. -- On or before October 1, 2016, the department of children, youth, and families shall recommend the allocation of existing resources as needed to ensure that those children in need of residential care, including foster homes and support services receive them in the least restrictive setting appropriate to their needs and preferences. The department is hereby authorized to utilize screening criteria to avoid unnecessary congregate care placements of children.

42-72-36.3. Reporting. -- Annual reports showing progress in residential care system reform and rebalancing shall be submitted by April 1, 2017, and annually thereafter on or before April 1 of each year by the department to the finance committees of both the senate and the house of representatives and shall include:

- (1) The number of congregate care placements and associated funds;
- (2) The number of foster care placements and associate funds;
- (3) The percentage of screenings completed within thirty (30) days of placement;
- (4) Recommendations to promote the expansion of foster homes and community-based service capacity including payment methodology reforms that increase access to foster homes and community-based services;
- and
- (5) Recommendations for options to pay for certain services and supports necessary to transition or divert children from restrictive settings and optimize their health and safety when receiving care in a home or the community. ^{<insert>}

SECTION 2. This act shall take effect upon passage.

	<p>MOTION: To find beneficial if amended to include reporting on out-of-state placements and profiles identifying the lack of appropriate in-state services 2016 S 2502 An Act Relating To State Affairs And Government - Department Of Children, Youth, And Families Motion moved by LW, seconded by AP, passed unanimously</p>
	<p>16 H 7481 & S 2318 Acts Relating To State Affairs And Government - Humane Alternatives To Long-Term Solitary Confinement Rep. Regunberg in House Judiciary Committee Sen. Metts in Senate Judiciary Committee This act would limit the time an inmate can spend in segregated confinement, prohibit the segregated confinement of certain vulnerable persons, and create more humane and effective methods of instituting such confinement. This act would take effect upon passage.</p>

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

^{insert>} **CHAPTER 56.4 HUMANE ALTERNATIVES TO LONG-TERM SOLITARY CONFINEMENT**

42-56.4-1. Legislative findings. -- The general assembly finds and declares that:

- (1) Unlimited segregated confinement is inhumane and ineffective;
- (2) Subjecting people to segregated confinement without meaningful human contact, programming, services or therapy often causes deep and permanent psychological, physical, and developmental harm;
- (3) This harm not only violates common values of decency, but also is counterproductive because people often have more difficulty complying with prison rules after being placed in segregated confinement;
- (4) Segregated confinement can be particularly devastating for certain vulnerable people, including: young or elderly people, pregnant women, and people with disabilities, or histories including addiction and trauma; and

1 (5) The United Nations Special Rapporteur on Torture concluded that solitary confinement can amount to
2 torture and recommended abolishing its use beyond fifteen (15) days and prohibiting any use of solitary
3 confinement for vulnerable groups or for purpose of punishment.

4 **42-56.4-2. Definitions.** -- As used in this chapter:

5 (1) "Emergency Confinement" means confinement in any cell for no more than twenty-four (24) consecutive
6 hours and no more than forty-eight (48) total hours in any fifteen (15) day period, with at least one hour of out-
7 of-cell recreation for every twenty-four (24) hours.

8 (2) "Extended segregated confinement" means segregated confinement of no more than fifteen (15) consecutive
9 days and twenty (20) days total within any sixty (60) day period.

10 (3) "Residential rehabilitation unit" means secure and separate units used for therapy, treatment, and
11 rehabilitative programming of people who would be placed in segregated confinement for more than fifteen (15)
12 days. Such units are therapeutic and trauma-informed, and aim to address individual treatment and rehabilitation
13 needs and underlying causes of problematic behaviors.

14 (4) "Segregated confinement" means the confinement, other than for emergency confinement, or for documented
15 medical reasons or mental health emergencies, of an inmate in a special housing unit or in a separate housing
16 unit or any form of keeplock, or cell confinement for more than seventeen (17) hours a day other than in a
17 facility-wide lockdown.

18 (5) "Short-term segregated confinement" means segregated confinement of no more than three (3) consecutive
19 days and six (6) days total within any thirty (30) day period.

20 (6) "Special housing units and separate keeplock unit" means housing units that consist of cells grouped so as to
21 provide separation from the general population.

22 (7) "Special populations" means any person:

23 (i) Twenty-one (21) years of age or younger;

24 (ii) Fifty-five (55) years of age or older;

25 (iii) Suffering from mental illness or post-traumatic stress disorder;

26 (iv) Who is lesbian, gay, bisexual, transgender, queer, or intersex; or

27 (v) With a disability; including physical, mental, or developmental disability.

28 **42-56.4-3. Limitations.** -- (a) Persons in a special population, as defined in this chapter, shall not be placed in
29 segregated confinement for any length of time. Any such persons who would otherwise be placed in segregated
30 confinement shall remain in general population or be diverted to a residential rehabilitation unit. If a person in a
31 special population is placed in emergency confinement for more than sixteen (16) hours, they shall be allowed
32 out-of-cell at least four (4) hours.

33 (b) No person may be in segregated confinement for longer than necessary and never more than fifteen (15)
34 consecutive days nor twenty (20) total days within any sixty (60) day period. At these limits, persons must be
35 released from segregated confinement or diverted to a separate secure residential rehabilitation unit.

36 (c) All segregated confinement and residential rehabilitation units shall create the least restrictive environment
37 necessary for the safety of residents, staff, and the security of the facility.

38 (d) Persons in segregated confinement shall be allowed out-of-cell at least four (4) hours per day, including at
39 least one hour for recreation. Persons in residential rehabilitation units shall be allowed at least six (6) hours per
40 day out-of-cell for programming, services, treatment, and/or meals, and an additional minimum of one hour for
41 recreation.

42 (e) Recreation in all units shall take place in a congregate setting, unless exceptional circumstances mean doing
43 so would create a significant and unreasonable risk to the safety and security of other incarcerated persons, staff,
44 or the facility.

45 (f) Persons in segregated confinement and residential rehabilitation units shall:

46 (1) Receive at least comparable medical and mental health care to general population, including obstetrical and
47 gynecological services, in a setting ensuring privacy and confidentiality;

48 (2) Have their basic needs met in a manner comparable to general population, and never have restricted diets nor
49 any order restricting any basic need imposed as a form of punishment;

50 (3) If in a residential rehabilitation unit be able to retain all their property with them;

51 (4) Have comparable access to all services and materials as in general population; and

52 (5) Be able to retain program materials, complete program assignments, and continue upon return all
53 uncompleted programs they were in prior to placement in segregated confinement or a residential rehabilitation
54 unit. {<insert}

	<p>MOTION: To find beneficial 2016 H 7481 & S 2318 Acts Relating To State Affairs And Government - Humane Alternatives To Long-Term Solitary Confinement Motion moved by MS, seconded by JR passed, abstained, AP</p>
	<p>Medicaid Legislation</p>
	<p>16 H 7839 An Act Relating To State Affairs And Government -- Office Of Health And Human Services Rep. Fellela Requested by the Attorney General in House Corporations This act would require the Executive Office of Health and Human Services ("EOHHS") to create a critical prescription drug list where there is a substantial public interest in understanding the development of its pricing. If a prescription drug is placed on the critical prescription drug list, the manufacturer of such prescription drug must report certain information to EOHHS. This act would take effect on January 1, 2017.</p>

1 SECTION 1. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human Services" is hereby
 2 amended by adding thereto the following section:
 3 ^{(insert>} **42-7.2-21. Transparency and cost control of pharmaceutical drug prices.** -- (a) The executive office of
 4 health and human services ("EOHHS") shall develop a list of critical prescription drugs for which there is a
 5 substantial public interest in understanding the development of its pricing. In developing the list, the EOHHS
 6 shall consider the following factors:
 7 (1) The cost of the drug to public health care programs, including those administered by the EOHHS;
 8 (2) The current cost of the drug in the state;
 9 (3) The extent of utilization of the drug within the state; and
 10 (4) Potential impact of the cost of the drug on the state's achievement of cost-effective statewide health care.
 11 (b) For each prescription drug that the EOHHS places on the critical prescription drug list pursuant to subsection
 12 (a) of this section, the EOHHS shall require the manufacturers of said prescription drug to report the following
 13 information to the EOHHS:
 14 (1) Total cost of production and approximate cost of production per dose;
 15 (2) Research and development costs of the drug, including:
 16 (i) Research and development costs that are paid with public funds;
 17 (ii) After-tax research and development costs paid by the manufacturer; and
 18 (iii) Research and development costs paid by third parties.
 19 (3) Marketing and advertising costs for the drug, apportioned by marketing activities that directed to consumers,
 20 marketing activities that are directed to prescribers, and the total cost all marketing and advertising that is
 21 directed primarily to Rhode Island consumers and prescribers;
 22 (4) The prices for the drug that are charged to purchasers outside the United States, by a country or for a
 23 representative set of countries determined by the EOHHS;
 24 (5) Prices charged to typical Rhode Island purchasers, including, but not limited to, pharmacies, pharmacy
 25 chains, pharmacy wholesalers, or other direct purchasers;
 26 (6) True net typical prices charged to prescription drug benefit managers for distribution Rhode Island, net of
 27 any rebates or other payments from the manufacturer to the pharmacy benefit manager and the pharmacy benefit
 28 manager to the manufacturer.
 29 (c) The EOHHS shall promulgate regulations to further define and enforce the provisions this section, which
 30 may include monetary penalties for failure to comply with the requirements this section.
 31 (d) Information reported pursuant to subsection (b) of this section shall not be considered public record. Any and
 32 all public reporting of information submitted pursuant to subsection (b) this section shall be aggregated as to
 33 protect the financial, competitive, or proprietary nature of information.
 34 (e) The EOHHS shall prepare an annual report on prescription drug prices and their role overall health care
 35 spending in the state based on the data submitted to the EOHHS pursuant to subsection (b) of this section and in
 36 conformance with the provisions of subsection (d) of this section. As part of the report, the EOHHS may include

1 [recommendations for actions to lower prescription drug costs and spending across the state while maintaining](#)
 2 [access to and quality health care. The EOHHS's report shall be posted on the EOHHS's website and shall be](#)
 3 [filed with speaker of the house of representatives and the president of the senate.](#)
 4 [\(f\) The EOHHS shall identify, using the information submitted to the EOHHS, those prescription drugs that due](#)
 5 [to their cost, jeopardize the state's ability to meet the achievement of cost-effective statewide health care. In](#)
 6 [reviewing the data, the EOHHS shall review and consider data reported to the EOHHS and determine whether](#)
 7 [the price of the prescription drug is significantly high given:](#)
 8 [\(1\) The prescription drug's medical benefits;](#)
 9 [\(2\) The cost to develop and manufacture the prescription drug; and](#)
 10 [\(3\) The prices charged by the manufacturer in other countries.](#)
 11 [\(g\) If the EOHHS determines that a prescription drug is significantly high, then the EOHHS may set the](#)
 12 [maximum allowable price that the manufacturer can charge for that prescription drug that is sold for use in the](#)
 13 [state.](#) {<insert>

14 SECTION 2. This act shall take effect on January 1, 2017.

	Take no position on 2016 H 7839 An Act Relating To State Affairs And Government -- Office Of Health And Human Services
	Professional Standards Legislation
	<p>16 H 7816 An Act Relating To Businesses And Professions - Pharmacies</p> <p>Rep. Serpa, in House Health, Education, & Welfare Committee This act would add biological products and interchangeable biological products to the medications pharmacies may dispense, and would regulate the procedures for dispensing and substitution. This act would take effect upon passage.</p>

1 SECTION 1. Section 5-19.1-2 of the General Laws in Chapter 5-19.1 entitled "Pharmacies" is hereby amended
 2 to read as follows:

3 **5-19.1-2. Definitions.** – {insert>} [\(a\) "Biological product" means a "biological product" as defined in the "Public](#)
 4 [Health Service Act", 42 U.S.C. §262.](#) {<insert>}
 5 [\(1\) "Equivalent and interchangeable" means](#) {insert>} [a drug, excluding a biological product,](#) {insert>} [having the same](#)
 6 [generic name, dosage form, and labeled potency, meeting standards of the United States Pharmacopoeia or](#)
 7 [National Formulary, or their successors, if applicable, and not found in violation of the requirements of the](#)
 8 [United States Food and Drug Administration, or its successor agency, or the Rhode Island department of health.](#)
 9 {insert>} [\(m\) "Interchangeable biological product" means a biological product that the United States Food and](#)
 10 [Drug Administration has:](#)
 11 [\(1\) Licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C. §262\(k\)\(4\); or](#)
 12 [\(2\) Determined is therapeutically equivalent as set forth in the latest edition of or supplement to the United](#)
 13 [States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.](#)
 14 {<insert>}

15 SECTION 2. Chapter 5-19.1 of the General Laws entitled "Pharmacies" is hereby amended by adding thereto
 16 the following section:

17 {insert>} **5-19.1-19.1. Pharmacists - Substitution of biological products.** – [\(a\) Pharmacists when dispensing a](#)
 18 [prescription for any biological product shall, unless requested otherwise by the individual presenting the](#)
 19 [prescription in writing, substitute such product with an interchangeable biological product in accordance with](#)
 20 [the provisions of §21-31-16.1\(a\). No substitution under this section shall be allowed if the prescribing physician](#)
 21 [orders the pharmacist to dispense as brand name necessary on the prescription form, or if the prescriber gives](#)
 22 [oral direction to that effect to the dispensing pharmacist. The requirements of this section shall not apply to an](#)
 23 [order to dispense a biological product for immediate administration to a licensed hospital, nursing facility, or](#)
 24 [hospice facility in-patient. The pharmacist will make a biological product selection from approved](#)
 25 [interchangeable prescription biological products and shall pass the savings on to the ultimate consumer. When a](#)
 26 [biological product selection is made, the pharmacist shall inform the patient of the selection made and shall](#)

1 indicate the product dispensed on the written prescription or on the oral prescription, which has been reduced to
2 writing.

3 (b) Within five (5) business days following the dispensing of a biological product, the dispensing pharmacist or
4 the pharmacist's designee shall communicate to the prescriber the specific product provided to the patient,
5 including the name of the product and the manufacturer.

6 (c) The communication shall be conveyed by making an entry that is electronically accessible to the prescriber
7 through:

8 (1) An interoperable electronic medical records system;

9 (2) An electronic prescribing technology;

10 (3) A pharmacy benefit management system; or

11 (4) A pharmacy record.

12 (d) Entry into an electronic records system as described in this subsection is presumed to provide notice to the
13 prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using
14 facsimile, telephone, electronic transmission, or other prevailing means, provided that the communication shall
15 not be required where:

16 (1) There is no interchangeable biological product for the product prescribed approved by the United States
17 Food and Drug Administration; or

18 (2) A refill prescription is not changed from the product dispensed on the prior filling of the prescription. ^{<insert>}

19 SECTION 3. Section 21-31-16.1 of the General Laws in Chapter 21-31 entitled "Rhode Island Food, Drugs, and
20 Cosmetics Act" is hereby amended to read as follows:

21 ~~21-31-16.1. ^{<delete>}Substitution of generic drugs.~~ ~~Substitution of generic drugs and biological~~
22 ~~products.~~ -- (a) ~~Product selection.~~ ^{<insert>}Drug product selection. ^{<insert>} - The director shall permit

23 substitution of less expensive generic, chemical, or brand name drugs and pharmaceuticals, ^{<insert>}excluding
24 biological products, ^{<insert>} considered by the director as therapeutically equivalent and interchangeable with
25 specific brand name drugs and pharmaceuticals, if they are found to be in compliance with § 21-31-16 and
26 standards set forth by the United States Food and Drug Administration under §§ 505 and 507 of the Federal
27 Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 355 and 357. The director shall consider, but not be limited to, the
28 determination of the United States Food and Drug Administration, or its successor agency, as published under
29 §§ 505 and 507 of the Federal Food, Drug, and Cosmetic Act. The director shall provide for the distribution of
30 copies of lists of prescription drug products that the director deems after evaluation not to be therapeutically
31 equivalent, and revisions to the lists, among physicians and pharmacists licensed and actively engaged in
32 practice within the state, and other appropriate individuals, and shall supply a copy to any person on request.
33 The list shall be revised from time to time so as to include new pertinent information on approved prescription
34 drug products, reflecting current information as to standards for quality, safety, effectiveness, and therapeutic
35 equivalence.

36 (b) Appropriations. - The director shall provide necessary space, personnel, and material to carry out the
37 provisions of this section.

38 (c) Liability. - There shall be no civil liability incurred and no cause of action of any nature shall arise against
39 the director, designated agents, or employees, as a result of the listing or omission of drugs or pharmaceuticals
40 ^{<insert>}or biological products ^{<insert>} for product selection.

41 (d) Annual reports. - The director shall make annual reports to the general assembly by February 10 of each year
42 showing a list of approved prescription drug products with therapeutic equivalence ^{<insert>}and approved
43 prescription interchangeable biological products, ^{<insert>} and an estimate of the average savings to the general
44 public.

45 (e) Pharmacists. - When a pharmacist dispenses a therapeutically equivalent drug product ^{<insert>}or
46 interchangeable biological product ^{<insert>}, there shall be no additional liability imposed on the prescriber who
47 authorizes that product selection, or on the pharmacist dispensing the product selection from a physician's oral
48 or written order.

49 (f) Enforcement provisions. - It is made the duty of the department of health, its agents designated by the
50 director of health, and of all peace officers within the state to enforce all provisions of this section and of §§ 5-
51 19.1-19, 5-37-18 -- 5-37-18.2, and 21-31-3.

52 ^{<insert>} (g) Biological product selection. The director shall permit substitution of a less expensive biological
53 product, as defined in §5-19.1-2, for a prescribed biological product only if said less expensive biological
54 product is an interchangeable biological product as defined in §5-19.1-2. The director shall maintain on the

1 [Rhode Island state department of health website, a link to the current list of each biological product determined](#)
 2 [by the United States Food and Drug Administration to be an interchangeable biological product.](#) {<insert>
 3

SECTION 4. This act shall take effect upon passage.

	Tabled 16 H 7816 An Act Relating To Businesses And Professions - Pharmacies for more information on what a "biological product" as defined in the "Public Health Service Act", 42 U.S.C. §262 is.
	Special Education Legislation
	<p>16 H 7177 An Act Relating To Towns And Cities - State Aid Rep. Edwards in House Finance Committee 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, in an amount not greater than fifty percent (50%) of the value of the reimbursement shortfall. This act would take effect upon passage.</p>
<p><i>In 2015 the Legislation Committee found this bill Harmful for the following reasons "The permanent foundation education aid no longer earmarks funds for career and technical education, general education, or most special education. It would be impossible to determine whether the cost of any specific state mandate was insufficiently funded or not. A school system could decide to allocate all the state school aid to one or more mandated programs, or use it for non-mandated activities. Mandates were established to ensure equal educational opportunities for all students."</i></p>	

1 SECTION 1. Section 45-13-9 of the General Laws in Chapter 45-13 entitled "State Aid" is hereby amended to
 2 read as follows:

3 **45-13-9. Reimbursement to cities and towns and school districts for the costs of state mandates.** -- (a) (1)
 4 The department of revenue shall submit to the budget office by October 1 of each year, a report by each city and
 5 town, of the cost of state mandates established after January 1, 1979, to be reimbursed for the next preceding
 6 July 1 -- June 30 period.

7 (2) The budget office shall annually include the statewide total of the statement of costs of state mandates
 8 eligible to be reimbursed in the state budget for the next fiscal year for consideration by the governor in
 9 preparing a final budget proposal for submission to the general assembly in accordance with § 35-3-7 of the
 10 General Laws; provided, that any costs resulting from the rules and regulations of state departments or agencies
 11 shall be allocated to the budgets of those departments or agencies.

12 (b) The state treasurer shall in July of each year distribute to cities and towns the reimbursements for state
 13 mandated costs as may be appropriated by the general assembly.

14 {insert> (c) [If during any fiscal year the state reimbursement to cities and towns and school districts is insufficient](#)
 15 [to cover the costs of state mandates as reported by the department of revenue, the affected cities, towns, and](#)
 16 [school districts may cease implementation of the state mandates at their discretion, in an amount not greater than](#)
 17 [fifty percent \(50%\) of the value of the reimbursement shortfall, provided that:](#)

18 (1) [Existing personnel contracts are honored in their entirety or renegotiated to the satisfaction of both parties;](#)
 19 [and](#)

20 (2) [Implementation of state mandates is restored upon the full restoration of state reimbursements.](#) {<insert}

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

	<p>MOTION: To find harmful 2016 H 7177 An Act Relating To Towns And Cities - State Aid Motion moved by LW, seconded by MS, passed unanimously</p>
	<p>16 S 2495 An Act Relating To Education - Social Services Sen. Picard in Senate Education Committee</p>

This act would define and declare the purpose of child opportunity zones and would provide for annual reporting from the commissioner of elementary and secondary education to the general assembly on each zone. The purpose of the zones is to provide: early childhood initiatives; before-school, after-school, and summer enrichment programs; health and mental health services; parent engagement, adult education, workforce development training; or any combination of these programs based upon the students and the community's needs.
This act would take effect upon passage.

1 SECTION 1. PREAMBLE

2 WHEREAS, Child Opportunity Zones benefit students and operate in urban, suburban and rural communities;
3 WHEREAS, Using a school as a hub for a community, child opportunity zones (COZs) integrate academic,
4 health, and social services to offer a range of support and opportunities that lead to improved school learning;
5 WHEREAS, The COZs address the needs of the whole child, ensuring that they are healthy, safe, engaged,
6 supported and challenged, and are aligned with the Rhode Island and national whole child initiatives and federal
7 education laws; and
8 WHEREAS, By providing learning opportunities outside of normal school hours, including, but not limited to,
9 before and after school programs and summer programs and evening programs, students and their families can
10 be more engaged in their communities.

11 SECTION 2. Sections 16-73-1 and 16-73-2 of the General Laws in Chapter 16-73 entitled "Education - Social
12 Services [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" are hereby amended to read as
13 follows:

14 **16-73-1. Legislative findings.** -- It is found and declared that:

15 (1) ^{insert>}All children are capable of success and schools are the centers of vibrant communities. ^{<insert>} The
16 growing social needs of children directly affect their ability to perform successfully in school because health,
17 emotional, social, and family problems can impede learning.

18 (2) Schools are ^{insert>}most effective when families take active roles in the education of children. Community
19 schools are ^{<insert>} in a unique position to provide the vital links between education, social services, and health
20 care to children and their families.

21 (3) It is important that schools be assisted in fulfilling the critical function of coordinating the delivery of
22 comprehensive social services at or near the site of public schools to address the particular needs of each school
23 community.

24 **16-73-2. Creation of plan.** -- ~~The commissioner of elementary and secondary education, under the~~
25 ~~direction of the board of regents for elementary and secondary education, and in cooperation with directors of~~
26 ~~the departments of health, administration, children, youth, and families, mental health, retardation, and hospitals,~~
27 ~~and the office of higher education (after this referred to as the~~ ^{<delete>} ^{insert>} The ^{<insert>} ~~children's cabinet) shall~~
28 ~~develop a~~ ^{insert>} incorporate into its ^{<insert>} strategic plan ~~for creating~~ ^{<delete>} "child opportunity zones" as a
29 means to deliver comprehensive and coordinated social services at or near public school sites. ^{<delete>} ~~and~~
30 ~~pursuant to this,~~ ^{<delete>} ^{insert>} The commissioner of elementary and secondary education shall ^{<insert>} undertake
31 activities including but not limited to the award of ^{<delete>} ~~demonstration, planning, and training~~ ^{<delete>} ^{insert>} and
32 administration of grants to further the purpose set forth in this chapter ^{<insert>}.

33 SECTION 3. Chapter 16-73 of the General Laws entitled "Education - Social Services [See Title 16 Chapter 97
34 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto the following sections:

35 ^{insert>} **16-73-1.1. Definition.** -- "Child Opportunity Zone" is a site at or near a school that provides: early
36 childhood initiatives; before-school, after-school, and summer enrichment programs; health and mental health
37 services; parent engagement, adult education, workforce development training; or any combination of these
38 programs based upon the students and the community's needs.

39 **16-73-5. Purpose.** -- The purpose of child opportunity zones is to implement programs related to the specific
40 community needs that ultimately increase student performance in school. The child opportunity zone shall
41 provide a means to integrate education, health, and social services into schools and link families to the school
42 and community resources. The child opportunity zone may operate programs, including, but not limited to: early
43 childhood initiatives; before-school, after-school and summer enrichment; family engagement initiatives; adult
44 education and family literacy programs based upon community needs.

45 **16-73-6. Reporting.** -- The department of elementary and secondary education shall provide an annual report by
46 August 1 of each year to the president of the senate and speaker of the house of representatives regarding the

1 [number of children and families served, and appropriate outcome data for each program operated by a child](#)
2 [opportunity zone.](#) {<insert>
3 SECTION 4. This act shall take effect upon passage.

	MOTION: To find beneficial 2016 S 2495 An Act Relating To Education - Social Services Motion moved by AP, seconded by JR, passed unanimously
	16 S 2572 An Act Relating To Education Sen. DiPalma in Senate Education Committee This act would require the department of elementary and secondary education to promulgate rules and regulations regarding graduation requirements for public school students fourteen (14) years of age or older who are under the care and control of the state. This act would take effect upon passage.

4 SECTION 1. Chapter 16-64 of the General Laws entitled "Residence of Children for School Purposes" is hereby
5 amended by adding thereto the following section:

6 {<insert> **16-64-1.4. Graduation requirements for students in state care.** -- [The department of elementary and](#)
7 [secondary education, in consultation with local school districts, shall promulgate rules and regulations regarding](#)
8 [graduation requirements for public school students who are under the care and control of the state at any time on](#)
9 [or after the student's fourteenth birthday. The rules and regulations shall consider the requirements for admission](#)
10 [into post-secondary institutions and shall take effect no later than January 2, 2017. Local school districts shall](#)
11 [award the diplomas if all state graduation requirements are met.](#) {<insert>

12 SECTION 2. Section 42-72.4-1 of the General Laws in Chapter 42-72.4 entitled "Compulsory School
13 Attendance - Children Under State Care" is hereby amended to read as follows:

14 **42-72.4-1. Children under state care -- Admission to public schools -- Intra-state education identification**
15 **card.** -- (a) It is the duty of the director of the department of children, youth, and families to ensure that all
16 children in the care of the state are allowed immediate admission, subject to the provisions of § 16-64-1 -- § 16-
17 64-8, to a public school in the city or town in which they are residing in an authorized placement. To facilitate
18 the discharge of this duty, the director shall issue to every child in the state's care who has completed three (3)
19 years of life and has not completed eighteen (18) years of life and to every other child in the state's care who is
20 eligible to be enrolled in a public school, an intra-state education identification card. The intra-state education
21 identification card shall include evidence of immunization as provided in § 16-38-2.

22 (b) It is the duty of the director to update the intra-state education identification card for each child in order to
23 provide current information regarding the residence of the parent or guardian and evidence of immunization as
24 provided in § 16-38-2 on an annual basis prior to and each time the child transfers to another school district.
25 This card shall provide that each city or town be required to immediately enroll the child in its school system
26 and for purposes of determining the school district financially responsible for the child's education in accordance
27 with § 16-64-1.1, the parent's residence designated on the intra-state education identification card shall
28 constitute prima facie evidence of the parent's residence in that district.

29 (c) It is the duty of both the receiving and sending school system to effect the immediate transfer of the child's
30 school records without any additional documentation except as provided by the department of elementary and
31 secondary education. The requirements of this section are in addition to the provisions of § 16-64-7, which
32 empowers the department of children, youth, and families to authorize the transfer of school records in certain
33 situations. The director of the department of children, youth, and families is authorized to promulgate rules and
34 regulations necessary to the implementation of this chapter. The director shall comply with the terms of this
35 chapter upon passage for all children in state care who are not then enrolled and/or registered in the school
36 district within which they reside and shall comply with the terms of the chapter for children who are currently so
37 enrolled or registered no later than the time of the children's next school transfer.

38 (d) All inmates in the training school, without regard to their age, must attend or participate in a school,
39 vocational, general equivalency diploma program, or other training program, located on the training school
40 grounds as part of the training school's programs while committed to the training school.

^{insert>}(e) [Beginning no later than January 2, 2017, any child who is under the care and control of the state at any time on or after such child's fourteenth birthday may meet the state graduation requirements prescribed by the department of elementary and secondary education pursuant to §16-64-1.4.](#)^{<insert}

SECTION 3. This act shall take effect upon passage.

	MOTION: To find harmful 2016 S 2572 An Act Relating To Education Motion moved by AP, seconded by LW, passed unanimously
	16 H 7658 An Act Relating To Education -- Board Of Regents For Elementary And Secondary Education Rep. Fogarty in House Health, Education, & Welfare Committee This act would require that the council of elementary and secondary education take into consideration the time and cost of transporting students and other programs that impact the education of students. This act would take effect upon passage.

SECTION 1. Section 16-60-4 of the General Laws in Chapter 16-60 entitled "Board of Regents for Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

16-60-4. Council on elementary and secondary education -- Powers and duties. -- The Council on Elementary and Secondary Education shall have in addition to those enumerated in § 16-60-1, the following powers and duties:

- (1) To approve a systematic program of information gathering, processing, and analysis addressed to every aspect of elementary and secondary education in this state especially as that information relates to current and future educational needs so that current needs may be met with reasonable promptness and plans formulated to meet future needs as they arise in the most efficient and economical manner possible.
- (2) To approve a master plan implementing the broad goals and objectives for elementary and secondary education in the state that have been established by the board of education. These goals and objectives shall be expressed in terms of what men and women should know and be able to do as a result of their educational experience. The council on elementary and secondary education shall continually evaluate the efforts and results of education in the light of these objectives.
- (3) To adopt standards and require enforcement and to exercise general supervision over elementary and secondary public and nonpublic education in the state as provided in subdivision (8) of this section. The council on elementary and secondary education shall not engage in the operation or administration of any subordinate committee, local school district, school, school service, or school program, except its own department of elementary and secondary education, and except as specifically authorized by an act of the general assembly. The adoption and submittal of the budget and the allocation of appropriations, the acquisition, holding, disposition, and general management of property shall not be construed to come within purview of the preceding prohibition. The council on elementary and secondary education shall communicate with and seek the advice of the commissioner of elementary and secondary education and all those concerned with and affected by its determinations as a regular procedure arriving at its conclusions and in setting its policy.
- (4) To allocate and coordinate the various educational functions among the educational agencies of the state and local school districts and to promote cooperation among them so that maximum efficiency and economy shall be achieved.
- (5) (i) To prepare with the assistance of the commissioner of elementary and secondary education and to present annually to the state budget officer, in accordance with § 35-3-4, a total educational budget for the elementary and secondary sector which shall include, but not be limited to, the budgets of the department of elementary and secondary education, subordinate boards and agencies, and state aid to local school districts. Prior to submitting the budget as required by the budget office instructions and this subsection the council shall present the budget the board of education for review and approval.
(ii) In the preparation of the budget, the council on elementary and secondary education shall implement the priorities established by the board of education of expenditures for elementary and secondary education purposes of state revenues and other public resources made available for the support of public elementary and secondary education among the various education agencies of the state. Nothing contained in this section shall

1 authorize any individual or group of individuals to reallocate resources in a manner other than that prescribed in
2 the budget as appropriations by the general assembly.

3 (6) To maintain a department of elementary and secondary education, to provide for its staffing and organization
4 and to appoint a commissioner of elementary and secondary education pursuant to § 16-60-6 who shall serve at
5 its pleasure. The commissioner of elementary and secondary education and the department of elementary and
6 secondary education shall have any duties and responsibilities as defined in §§ 16-60-6 and 16-60-7.

7 (7) To establish other educational agencies or subcommittees necessary or desirable for the conduct of any or all
8 aspects of elementary and secondary education and to determine all powers, functions, and composition of any
9 agencies or subcommittees and to dissolve them when their purpose shall have been fulfilled; provided that
10 nothing contained in this subdivision shall be construed to grant the council the power to establish
11 subcommittees or agencies performing the duties and functions of local school committees except as provided in
12 § 16-1-10.

13 (8) To exercise the authority previously vested in the board of regents for education with relation to secondary
14 nonpublic educational institutions within the state under the terms of chapter 40 of this title and other laws
15 affecting nonpublic education in the state, and to cause the department of elementary and secondary education to
16 administer the provisions of that section.

17 (9) To exercise all the functions, powers and duties which previously were vested in the board of regents for
18 education, under the provisions of former § 16-49-4(9), including but not limited to the following specific
19 functions:

20 (i) To approve the basic subjects and courses of study to be taught and instructional standards required to be
21 maintained in the public elementary and secondary schools of the state.

22 (ii) To adopt standards and qualifications for the certification of teachers and to provide for the issuance of
23 certificates, and to establish fees for the certification of teachers. The fees collected for the certification of
24 teachers along with various education licensing and testing fees shall be deposited by the council on elementary
25 and secondary education as general revenues. The funds appropriated by the general assembly shall be utilized
26 by the department of elementary and secondary education to establish and support programs which enhance the
27 quality and diversity of the teaching profession. The commissioner of elementary and secondary education shall
28 regularly make recommendations to the board about specific programs and projects to be supported by those
29 funds. The commissioner shall oversee the funds, assess the effectiveness of its programs and projects, and
30 make recommendations about the general use and operation of the funds to the board.

31 (iii) To be responsible for the distribution of state school funds.

32 (iv) To determine the necessity of school construction and to approve standards for design and construction of
33 school buildings throughout the state.

34 (v) To set standards for school libraries and school library services.

35 (vi)(A) To make recommendations relative to transportation of pupils to school, school bus routes, time
36 schedules, and other matters relating to pupil transportation. ;

37 ^{insert>}(B) To adopt standards for the intrastate transportation of students across municipal boundaries and
38 maximizing the efficiencies of time and cost of each sending district; and

39 (C) To utilize already existing and available state or quasi-state programs necessary to achieve its goals. ^{<insert}}

40 (vii) To enforce the provisions of all laws relating to elementary and secondary education.

41 (viii) To decide and determine appeals from decisions of the commissioner.

42 (ix) To prescribe forms for the use of local school committees and local officers when reporting to the
43 department of elementary and secondary education.

44 (x) To adopt and require standard accounting procedures for local school districts, except as provided for in
45 subdivision (3) of § 16-24-2.

46 (xi) To adopt and require standard uniform operating and capital budgeting procedures for local school districts.

47 (10) To establish rules for the approval and accrediting of elementary and secondary schools.

48 (11) To recommend to the general assembly changes in the size and number of the school districts within the
49 state; and to make any further and other recommendations to the general assembly as the council on elementary
50 and secondary education may determine to be necessary or desirable, including, but not limited to, proposals for
51 incentives for the coordination of services and facilities of certain school districts and the feasibility of granting
52 taxing authority to local school committees upon their request, and the impact upon the quality of education
53 within that particular community by granting the request. In carrying out this duty, the council on elementary

1 and secondary education shall periodically issue reports in school district organizations for selected regions and
2 school districts.

3 (12) To exercise all other powers with relation to the field of elementary and secondary education within this
4 state not specifically granted to any other department, board, or agency, and not incompatible with law, which
5 the council on elementary and secondary education may deem advisable.

6 (13) To exercise the authority previously vested in the board of regents for education with relation to adult
7 education as defined in § 16-58-2 and to establish definitive goals for and operate a comprehensive delivery
8 system for adult education programs and services, including the counseling and testing of persons interested in
9 obtaining high school equivalency diplomas, the issuance of diplomas, and the maintenance of a permanent
10 record of applications, tests, and equivalency diplomas.

11 (14) To promote maximum efficiency and economy in the delivery of elementary and secondary educational
12 services in the state ^{insert>} and those ancillary services and programs that are equally fundamental to the
13 education of our students. _{<insert}

14 (15) To approve a training program for school committee members to enhance their individual skills and their
15 effectiveness as a corporate body. The training program should include, but not be limited to, the following roles
16 and responsibilities of school committees: strategic planning, human and community relations, and school
17 finance and budgeting.

18 (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an annual report to the
19 governor, the speaker of the house of representatives, and the president of the senate of its activities during that
20 fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, subjects
21 addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and plans
22 developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of
23 all funds received and expended including the source of the funds, a listing of any staff supported by these
24 funds, and a summary of any clerical, administrative or technical support received; a summary of performance
25 during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,
26 complaints, suspensions, or other legal matters related to the authority of the council; a briefing on anticipated
27 activities in the upcoming fiscal year; and findings and recommendations for improvements. The director of the
28 department of administration shall be responsible for the enforcement of the provisions of this subsection.

29 (17) To prepare with the assistance of the commissioner a multi-year plan of priority educational goals and
30 objectives. This plan should recommend policy objectives, implementation strategies, and a timetable for major
31 policy initiatives.

32 (18) Each year the governor shall by writing notify the council on elementary and secondary education
33 concerning broad economic, cultural, and social needs that the education system needs to consider which the
34 board shall address in developing educational plans and programs.

35 (19) Appoint a standing committee that will develop a schedule to systematically review all council policies
36 over a three (3) year period.

37 (20) To prepare with the assistance of the commissioner a statement of regulatory policy. This policy should set
38 forth the goals and objectives of state regulations which are expressed in terms of what educational inputs and
39 outputs the board expects regulations to address.

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

43 (A) Expulsions by district, including duration and the reason for each action.

44 (B) Suspensions by district, including duration and the reason for each action.

45 (C) Placements to alternative programs for disciplinary reasons.

46 (D) Assaults of teachers, students, and school staff by students.

47 (E) Incidents involving possession of weapons on school property. For the purpose of this section, a weapon
48 shall be considered any of those weapons described in §§ 11-47-2 and 11-47-42.

49 (F) Incidents of the sale of controlled substances by students.

50 (G) Incidents of the possession with the intent to sell controlled substances by students.

51 (H) Additional demographic information including, but not limited to, the ethnic and racial classifications, age,
52 and gender, as prescribed by the commissioner, of each of the students involved in the incidents, events or
53 actions described in subparagraphs (A) through (G) of this subdivision.

- 1 (I) A description of the education program provided to each student suspended for over ten (10) consecutive
 2 school days in a school year.
 3 (ii) All school superintendents shall supply the necessary information on forms established by the commissioner
 4 of elementary and secondary education to the council on elementary and secondary education to assist in the
 5 preparation of the council's report on school discipline.
 6 (22) To prepare and promulgate a uniform statewide school reporting system which would provide information
 7 including, but not limited to, the following:
 8 (i) Student and teacher attendance rates;
 9 (ii) Standardized test scores;
 10 (iii) Demographic profiles;
 11 (iv) Results of polls of students, parents, and teachers;
 12 (v) Descriptions of goals, initiatives, and achievements;
 13 (vi) Best teaching practices;
 14 (vii) Alternative student assessments;
 15 (viii) Special programs;
 16 (ix) Number of student suspensions and teacher grievances and the amount of parental involvement.
 17 (23) [Deleted by P.L. 2014, ch. 145, art. 20, § 7].
 18 SECTION 3. This act shall take effect upon passage.

	Tabled 16 H 7658 An Act Relating To Education -- Board Of Regents For Elementary And Secondary Education for more information from the RI Department of Elementary and Secondary Education
	<p>16 H 7864 An Act Relating To Education -- Board Of Governors For Higher Education</p> <p>This act would require all public colleges, as defined in §16-59-13, to establish and maintain an office that assists students with disabilities in aspects of academic, social, living, and career-planning in the postsecondary education setting. The act also requires that Rhode Island residents who are or were in foster care would be able to access the services of these offices.</p> <p>This act would take effect upon passage.</p>

2
 3 SECTION 1. Chapter 16-59 of the General Laws entitled "Board of Governors for Higher Education [See
 4 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto the
 5 following section:
 6 **16-59-29. Services for students with disabilities and who were in foster placement. -- (a) The council**
 7 **on postsecondary education shall require that all public colleges, as defined in §16-59-13, establish and**
 8 **maintain an office that assists students with disabilities in aspects of academic, social, living, and career-**
 9 **planning in the postsecondary education setting.**
 10 **(b) The offices established shall consider the needs of all persons with disabilities and shall adopt**
 11 **reasonable accommodations and practices necessary to achieve equal participation and success in**
 12 **educational opportunities by all students.**
 13 **(c) The offices shall provide services to students consistent with the provisions of Section 504 of the**
 14 **Rehabilitation Act of 1973, as amended (29 U.S.C. §794), and Title II of the Americans with Disabilities**
 15 **Act of 1990, as amended (42 U.S.C. § 12101 et seq.)**
 16 **(d) Students who are residents of this state and who are or at any time were in foster care in this state shall**
 17 **also be eligible to access the services of these offices. The offices shall make efforts to reach out to**
 18 **students who might qualify for their services but shall not require or compel any student to self-identify as**
 19 **a student requiring assistance, accommodations, or as having been in foster care.**
 20 SECTION 2. This act shall take effect upon passage.



MOTION: To find beneficial 2016 H 7864 An Act Relating To Education -- Board Of Governors For Higher Education Motion moved by LW, seconded by AP, passed unanimously

Tabled at the Last Meeting

For more information from CODAC & Anchor Recovery
16 H 7130 An Act Relating To Businesses And Professions - License Procedure Chemical Dependency Professionals

Rep. Regunberg referred to the House Health, Education, & Welfare Committee

This act would allow licensed chemical dependency professionals with the proper training to utilize a treatment known as auricular acudetox in their practice. This practice would involve the insertion of disposable needles in consistent, predetermined locations on the ear, in accordance with the protocol established by the National Acupuncture Detoxification Association. This act would take effect on January 1, 2017.

1 SECTION 1. Section 5-69-2 of the General Laws in Chapter 5-69 entitled "License
 2 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

3 **5-69-2. Definitions.** -- As used in this chapter:

4 (1) "ACDP" means an advanced chemical dependency professional certification as per
 5 the Rhode Island board for certification of chemical dependency professionals requirements.

6 (2) "ACDP II" means an advanced chemical dependency professional II certification as
 7 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.
 8 "ICRC/AODA".

9 {add} (3) "Acudetox Specialist (ADS)" means an individual licensed as a chemical
 10 dependency
 11 professional or clinical supervisor who holds a certificate of training that meets or exceeds the
 12 NADA training from a recognized agency. {add}

13 {delete} (3) {delete} {add} (4) {add} "Advertise" includes, but is not limited to, the issuing or
 14 causing to be distributed
 15 any card, sign, or device to any person; or the causing, permitting, or allowing any sign or
 16 marking on or in any building or structure, or in any newspaper or magazine or in any directory,
 17 or on radio or television, or by the use of any other means designed to secure public attention.

18 {delete} (4) {delete} {add} (5) {add} "Approved continuing education" means research and
 19 training programs, college
 20 and university courses, in-service training programs, seminars and conferences designed to
 21 maintain and enhance the skills of substance abuse counselors or clinical supervisors and which

1 re recognized by the ICRC/AODA member board.

2 {add} (6) "Auricular acudetox" means the subcutaneous insertion of sterile,
 3 disposable
 4 acupuncture needles in consistent, predetermined bilateral locations on the ear in accordance with
 5 the NADA protocol. {add}

6 {delete} (5) {delete} {add} (7) {add} "CDCS" means chemical dependency clinical supervisor.

7 {delete} (6) {delete} {add} (8) {add} "Clergy" includes any minister, priest, rabbi, Christian
 8 Science practitioner, or any

9 other similar religious counselor.

8 ~~(7)~~⁽⁹⁾ "Continuum of care network" means public and private
substance abuse care
9 agencies such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient
10 and day treatment clinics, and community residences for substance abusers. The services employs
11 or refers to medical, psychological, health, and counseling professions that treat substance abuse
12 and related concerns.
13 ~~(8)~~⁽¹⁰⁾ "Department" means the Rhode Island department of
health.
14 ~~(9)~~⁽¹¹⁾ "Director" means the director of the Rhode Island
department of health.
15 ~~(10)~~⁽¹²⁾ "Documented professional work experience" means the
ICRC/AODA member
16 board approved form completed by employer or approved supervisor verifying dates of
17 employment and responsibilities.
18 ~~(11)~~⁽¹³⁾ "Experience" means six thousand (6,000) hours of
supervised practice of
19 chemical dependency counseling in a department of mental health, retardation, and hospitals
20 licensed or ICRC/AODA member board approved facility during a sixty (60) month period of
21 time immediately preceding the date of application for licensure.
22 ⁽¹⁴⁾ "General supervision" means available by telephone, cellphone or electronic
means
23 during business hours.^{ add }
24 ~~(12)~~⁽¹⁵⁾ "ICRC/AODA" means International
Certification and Reciprocity
25 Consortium/Alcohol and Other Drug Abuse.
26 ~~(13)~~⁽¹⁶⁾ "Licensed chemical dependency clinical supervisor"
means an individual
27 licensed by the department of health to practice and supervise substance abuse counseling and
28 who meets the qualification established in this section.
29 ~~(14)~~⁽¹⁷⁾ "Licensed chemical dependency professional" means an
individual licensed by
30 the department of health to practice substance abuse counseling and who meets the qualifications
31 established in this section.
32 ~~(15)~~⁽¹⁸⁾ "Licensing board" or "board" means the board of
licensing for chemical
33 dependency professionals.
34 ~~(16)~~⁽¹⁹⁾ "Member Board" means the Rhode Island Board for
Certification of Chemical

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1 Dependency Professionals.
2 ⁽²⁰⁾ "National Acupuncture Detoxification Association" ("NADA") means a
not-for-
3 profit organization that provides a certificate of acudetox training.^{ add }
4 ~~(17)~~⁽²¹⁾ "Practice of substance abuse counseling" means
rendering or offering to render
5 professional service for any fee, monetary or otherwise, documented to individuals, families or
6 groups. Those professional services include the application of the ICRC/AODA specific
7 knowledge, skills, counseling theory, and application of techniques to define goals and develop a
8 treatment plan of action aimed toward the prevention, education, or treatment in the recovery
9 process of substance abuse within the continuum of care service network. The practice further
10 includes, but is not limited to, networking and making referrals to medical, social services,

11 psychological, psychiatric, and/or legal resources when indicated.
 12 ~~(18)~~ (22) "Recognized education institution" means any
 educational institution, which
 13 grants an associate, bachelor, masters, or doctoral degree and which is recognized by the board,
 14 or by a nationally or regionally recognized educational or professional accrediting organization.
 15 ~~(19)~~ (23) "Substance abuse" means addictive (chronic or
 habitual) consumption,
 16 injection, inhalation, or behavior of/with substance (such as alcohol and drugs), progressively
 17 injuring and afflicting the user's psychological, physical, social, economical, and/or spiritual
 18 functioning.
 19 ~~(20)~~ (24) "Supervision" means no less than one hour per week
 and consists of individual
 20 or group supervision with a clinician licensed or certified in substance abuse counseling with
 21 education, supervisory experience, and ethics approved by the ICRC/AODA member.
 22 SECTION 2. Chapter 5-69 of the General Laws entitled "License Procedure for Chemical
 23 Dependency Professionals" is hereby amended by adding thereto the following section:
 24 ~~(21)~~ (25) **5-69-3.1. Auricular acudetox practice regulation. – (a) Any individual licensed**
under
 25 this chapter and trained to perform auricular acudetox may perform said procedure within that
 26 individual's current scope of practice; provided that the individual obtains a certificate of training
 27 from a recognized organization or agency that meets or exceeds NADA training and is under the
 28 general supervision of a licensed acupuncturist pursuant to chapter 37.2 of this title.
 29 (b) Acudetox may be performed by acudetox specialists working in or in collaboration
 30 with behavioral health and healthcare agencies, or other state approved programs or agencies.
 31 (c) Any individual performing auricular acudetox shall not use the title "acupuncturist",
 32 as defined in chapter 37.2 of this title or otherwise represent themselves as an acupuncture
 33 professional and shall not perform acupuncture outside of the scope of the auricular acudetox
 34 procedure as defined in §5-69-2.

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1 (d) Any complaints filed against an ADS specialist relating to the performance of any
 2 auricular acudetox procedure shall be handled by the licensing board in conformance with the
 3 disciplinary procedure set forth in this chapter. ~~(22)~~
 4 SECTION 3. This act shall take effect on January 1, 2017.

	Remain on the table pending response from the Providence Center.
	<i>4:20 PM Status of the Legislative Package, Bob Cooper, Executive Secretary</i>
	<p align="center">Commission Supports this bill</p> <p>Held for Further Study, Continued, or Heard 16 S 2294 AN ACT RELATING TO INSURANCE -- DRUG COVERAGE {60 day prior notification of formulary changes}ⁱ Sen. Crowley Bob Testified: 3 /4/16 to Senate Health and Human Services Committee</p> <p align="center">Commission Supports if amended this bill</p> <p>Referred to Committee 16 S 2623 AN ACT RELATING TO TAXATION -- RHODE ISLAND LIVABLE HOME TAX CREDIT ACT Sen. Nesselbush Letter sent on 3/4/16 to Senate Finance Committee</p> <p align="center">Commission Opposes these bills</p> <p>Referred to Committee</p>

16 H 7361 AN ACT RELATING TO HEALTH AND SAFETY - PERSONAL CARE ASSISTANT SERVICES (national criminal background check)
Rep. Naughton Requested by Attorney General Identical to S 2643 Letter sent 3/4/16 to House Health, Education, & Welfare Committee
16 S 2643 AN ACT RELATING TO HEALTH AND SAFETY - PERSONAL CARE ASSISTANT SERVICES
Sen. Lombardi Requested by Attorney General Identical to H 7361 Letter sent 3/4/16 to Senate Judiciary Committee.

Legislation Committee finds these bills Beneficial

Passed and Referred to

16 H 7054 AN ACT RELATING TO EDUCATION - SCREENING FOR READING DISABILITIES
Rep. Lombardi Identical to S 2238 Letters sent 2/3/16 to House Health, Education & Welfare 3/4/16 to Senate Education Committee

Held for Further Study, Continued, or Heard

16 H 7162 AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES (Temporomandibular joint and muscle disorders)
Rep. Casey House letter sent 2/3/16 to House Corporations Committee
16 H 7274 AN ACT RELATING TO FOOD AND DRUGS -- GENETICALLY ENGINEERED RAW AND PACKAGED FOOD LABELING ACT
Rep. Canario House letter sent 2/3/16 to House Health, Education, & Welfare Committee

Referred to Committee

16 H 7283 AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS
Rep. Amore House letter sent 2/3/16 to House Judiciary Committee (guns & domestic violence)
16 S 2091 AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT
Sen. Lombardi Senate letter sent 2/3/16 to Senate Education Committee
16 S 2338 AN ACT RELATING TO EDUCATION - SCREENING FOR READING DISABILITIES
Sen. Lombardi Identical to H 7054 Senate letter sent 3/5/16 to Senate Education Committee
16 S 2050 AN ACT RELATING TO HEALTH AND SAFETY - THE NATUROPATHIC PHYSICIANS ACT OF 2016
Sen. Picard Letter sent 2/3/16 to Senate Health and Human Services Committee
16 S 2101 AN ACT RELATING TO HEALTH AND SAFETY - RIGHTS OF NURSING HOME PATIENTS (law suits - attorneys' fees)
Sen. Lombardi Letter sent 2/3/16 to Senate Judiciary Committee

Legislation Committee finds these bills Beneficial if amended

Held for Further Study, Continued, or Heard

16 H 7056 AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (school discipline data)
Rep. Diaz Identical to S 2168 & H 7057 Letter sent 1/26/2016 to House Health, Education, & Welfare Committee
16 H 7057 AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS
Rep. Lombardi Identical to H 7056 & @ 2168 Letter sent 1/26/2016 to House Health, Education, & Welfare Committee
16 H 7059 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING (police training - DD)
Rep. Lombardi Letter sent 1/27/2016 House Health, Education, & Welfare Committee
16 H 7060 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COMMISSION ON STANDARDS AND TRAINING (police training - BH)
Rep. Lombardi Testified: 1/27/2016 to House Health, Education, & Welfare Committee.
16 H 7154 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- FREEDOM FROM PRONE RESTRAINT ACT
Rep. Canario Identical to S 2426 Letter sent 2/3/16 to House Health, Education, & Welfare Committee

Referred to Committee

16 H 7008 AN ACT RELATING TO HIGHWAYS - SIDEWALKS
Rep. Blasejewski Identical to S 2005 Letter sent 1/26/2016 to House Finance Committee
16 H 7076 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING RESOURCES -- HOMELESS SHELTERS (shelter standards)

	<p>Rep. Lombardi Letter 1/26/2016 16 H 7117 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS (certify recovery housing facilities) Rep. McNamara Identical to S 2579 Letter sent 2/3/16 to House Finance Committee 16 H 7329 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RHODE ISLAND PUBLIC TRANSIT AUTHORITY (adding member with disabilities) Rep. Naughton Letter sent 2/3/16 House Health, Education, & Welfare Committee 16 S 2168 AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (School discipline data) Sen. Pichardo Identical to H 7056 & H 7057 Letter sent 3/5/16 to Senate Education Committee 16 S 2005 AN ACT RELATING TO HIGHWAYS - SIDEWALKS (snow removal) Sen. Goodwin Identical to H 7008 Letter sent 1/26/2016 Senate Housing and Municipal Government Committee 16 S 2426 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- FREEDOM FROM PRONE RESTRAINT ACT Sen. Goldin Identical to H 7154 Letter sent 3/5/16 to Senate Judiciary Committee</p> <p style="text-align: center;">Legislation Committee finds these bills Harmful</p> <p>Held for Further Study, Continued, or Heard 16 S 2210 AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE ACCESSIBILITY AND QUALITY ASSURANCE Sen. Goodwin Letter sent 2/3/16 Senate Health and Human Services Committee 16 S 2376 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES-- MEDICAL INFORMATION INCLUDED ON LICENSE Sen. Metts Identical to H 7227 Letter 3/5/16 to Senate Judiciary Committee</p> <p>Referred to Committee 16 H 7227 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES-- MEDICAL INFORMATION Rep. Diaz Identical to S 2376 Letter sent 2/3/16 to House Finance Committee 16 S 2116 AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT (EBT card & photo id) Sen. Kettle Letter sent 2/3/16 to Senate Judiciary Committee</p> <p style="text-align: center;">Tabled for more information</p> <p>Referred to Committee <u>House Health, Education, & Welfare Committee</u> 16 H 7130 AN ACT RELATING TO BUSINESSES AND PROFESSIONS - LICENSE PROCEDURE CHEMICAL DEPENDENCY PROFESSIONALS Rep. Regunberg</p> <p style="text-align: center;">Beneficial if Proposed Amendment is Adopted</p> <p>Referred to Committee 16 S 2579 AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS (certify recovery housing facilities) Sen. Lynch Prata Identical to H 7117 Letter sent 3/4/16 to Senate Health and Human Services Committee</p>
	<p style="text-align: center;">General Assembly Deadlines</p> <ul style="list-style-type: none"> • All bills and resolutions shall be filed no later than February 12, 2015 • No public bill that originated in the House/Senate shall be considered by a House/Senate committee unless the committee has held a hearing on that bill by April 9th¹.
	<p><i>4:25 Agenda for the Next Meeting, Linda Ward</i></p> <p>Purpose/Goal: To set the agenda for the next meeting: Budget Articles.</p> <p>Discussion: The Legislation Committee meetings in 2015 will be on the 1st</p>

¹ Dates tentative

Monday 3 - 4:30 PM: 01/05th; 02/02nd; 03/02nd; 04/06th; 05/4th; 06/01st; 07/06th; 08/10th; 09/21st; 11/02nd; and 12/07th.

Potential joint Legislation & Executive Committees meeting on the Disability Related Budget Articles:

Rep. Gallison Requested by Governor in House Finance Committee

16 H 7454 Art. 07 An Article Relating To Medicaid Reform Act Of 2008 Resolution

This article establishes the legal authority for the Secretary of the Executive Office of Health and Human Services to review and coordinate any Medicaid section 1115-demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or III changes as described in the demonstration. The changes include: Nursing Facility Payment Rates; Beneficiary Liability Collection Enhancements; Medicaid Managed Care Organizations (MCO) - Administrative Rate-Setting; Managed Care Plan Re-procurement; Increase in Long Term Services and Supports (LTSS) Home Care Provider Wages; Integrated Care Initiative (ICI) - Enrollment; Alternative Payment Arrangements; Implementation of Approved Authorities: Section 1115 Waiver Demonstration Extension and Amendments; and Federal Financing Opportunities.

16 H 7454 Art. 09 An Article Relating To Medical Assistance And Hospital Uncompensated Care

This article implements several changes to the organization, financing and delivery of the Medicaid program that build on the foundation of the Reinventing Medicaid Act including leveraging funds from all available sources to ensure access to coordinated health care services and promotion of better health outcomes through performance-based payment incentives and reforms. The changes include: § 27-18-64. Coverage for early intervention services; § 40-8-13.4. Rate methodology for payment for in state and out of state hospital services; § 40-8-19. Rates of payment to nursing facilities; Chapter 40-8.3 13 Uncompensated Care; Chapter 40-8.4 19 Health Care for Families; Chapter 40-8.5 Health Care for Elderly and Disabled Residents Act; Chapter 40-8.9 Medical Assistance - Long-Term Care Service and Finance Reform; Chapter 40-8.13 Long-Term Managed Care Arrangements; Chapter 42-7.2 Office of Health and Human Services; § 42-12-29. Children's health account.

16 H 7454 Art. 11 An Article Relating To Strengthening Neighborhood Schools

This article amends several sections of law relating to school district accounting and the education funding formula, including review of the formula on a regular interval, change to the weight for high-cost special education and adjusting per pupil funding for charter school students. Also, new accounting standards for greater transparency at the local level are proposed.

16 H 7454 Art. 14 An Article Relating To Caregivers/Compassion Centers

This article restructures and expands regulation of Rhode Island's medical marijuana system. The Department of Business Regulation (DBR) will regulate primary caregivers, compassion centers, cooperative cultivations, and a new class of cultivator licenses for people and businesses who wish to operate as wholesale suppliers of marijuana to compassion centers. The Department of Health will continue to regulate patients and a new group called authorized purchasers. This article implements a system requiring every medical marijuana

	<p>plant in the state to be tagged, and tag holders will be charged an annual fee for each tag. This article also lowers the number of plants a qualifying patient or primary caregiver can grow, and decreases the surcharge on compassion centers from 4% to 3%.</p> <p>16 H 7454 Art. 21 An Article Relating To Department Of Behavioral Healthcare, Developmental Disabilities And Hospitals This article co-designates the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals and the Executive Office of Health and Human Services as the single state authority for the purposes of calculating the Maintenance of Effort for the Substance Abuse Block Grant.</p> <p>16 H 7454 Art. 23 An Article Relating To Safe Harbor For Sexually Exploited Children This article would create the Rhode Island Safe Harbor Act to insure protection of the public and a safe environment for those sexually exploited minors, who are charged with prostitution or who are alleged to be victims of human trafficking; and provide these minors with the access to appropriate services.</p> <p>16 H 7454 Art. 04 An Article Relating To Government Organization This article will formalize and streamline several important areas of state government, which is intended to improve government efficiency, protect against fraud, waste and abuse, and to better serve the citizens of Rhode Island. Included within this article is the establishment of the Office of Diversity, Equity and Opportunity, the Office of Internal Audit, an Independent Office of Veterans Affairs, the Division of Enterprise Technology Strategy and Service, and the Division of Capital Asset Management and Maintenance. In addition, the Women, Infants, and Children program is transferred to the Department of Health from the Department of Human Services.</p>
	<p>MOTION: To place on the agenda of a joint Legislation & Executive Committees meeting on Budget Articles the following:</p> <p>16 H 7454 Art. 07 An Article Relating To Medicaid Reform Act Of 2008 Resolution</p> <p>16 H 7454 Art. 09 An Article Relating To Medical Assistance And Hospital Uncompensated Care</p> <p>16 H 7454 Art. 11 An Article Relating To Strengthening Neighborhood Schools</p> <p>16 H 7454 Art. 14 An Article Relating To Caregivers/Compassion Centers</p> <p>16 H 7454 Art. 21 An Article Relating To Department Of Behavioral Healthcare, Developmental Disabilities And Hospitals</p> <p>16 H 7454 Art. 23 An Article Relating To Safe Harbor For Sexually Exploited Children</p> <p>Motion moved by JR, seconded by LW, passed unanimously</p>
	<p>4:30 Adjournment, Linda Ward</p> <p>MOTION: To adjourn at 5 PM.</p> <p>Motion moved by JR, seconded by JR, passed unanimously</p>

ⁱ Office of the Health Insurance Commissioner's February 29, 2016

Re: 15R421 (S 1016) Senate Resolution Respectfully requesting the Office of the Health Insurance Commissioner to Study the Notification Requirements for changes to Prescription Drug Plan Formularies and Assess the Impact on Persons with Chronic Medical Conditions

Dear Senate President Paiva Weed:

On June 24, 2015, the Senate passed a Resolution requesting the Office of the Health Insurance Commissioner (OHIC) to study and analyze prescription drug formulary changes and the impact these changes may have on consumers with chronic medical conditions. As the resolution stated, providing consumers with proper notification in a timely fashion can assist the provider and consumer in making financial decisions based on necessary medications.

Prior to the resolution, OHIC has had the opportunity to analyze federal policies, as well as statutory and regulatory policies in other states surrounding notification requirements for changes to prescription drug plan formularies. To meet the requirements of the Resolution, it would be necessary for OHIC to further analyze the impact these changes would have on patients with chronic medical conditions. Analyzing the impact of changes to formularies only for patients suffering from chronic medical conditions would be a much more extensive type of study than what OHIC can feasibly conduct.

OHIC has engaged in discussion with the commercial carriers to analyze what protocol the carriers implement in regards to notifying patients of modifications to prescription drug plan formularies. OHIC has received responses from all of the major commercial carriers. OHIC discovered that: (1) all carriers provide written notification to the patients and providers, via mail, of any formulary changes; and (2) timing of when to inform the patients and providers of the changes differs amongst carriers. Notification can range from a 30 day notice to a 90 day notice.

OHIC knows that consistency around notifications is necessary, but each carrier would need the flexibility to adapt their systems to an approach that would ensure minimal disruption to consumers and providers.

Therefore, OHIC included language about modification notices for formularies in the annual Form Instructions. The exact language states:

1. *Prescription drug formularies shall not be substantially modified unless the Issuer uses a reasonable process to notify the affected members of such modification. Notices to members and providers shall include information on the issuer's process that permits either of these parties to request a medical necessity exception to receive coverage if adverse to the formulary modification. A substantial modification means a discontinuation of a prescription drug, an increase of the tier category for a prescription drug, or an increase in consumer cost sharing for the prescription drug.*

In addition, OHIC also included the necessary federal requirement in the annual Form Instructions. The federal requirement states:

2. *The issuer must submit inform the enrollee and the enrollees prescribing provider of its process to request a standard review of a decision that a drug is not covered by the plan. This process must adhere to the following:*
 - a. *A health plan must make its determination on a standard exception and notify the enrollee or the enrollee's designee and the prescribing physician (or other prescriber, as appropriate) of its coverage determination no later than 72 hours following receipt of the request.*
 - b. *A health plan that grants a standard exception request must provide coverage of the non-formulary drug for the duration of the prescription, including refills*
 - c. *An Expedited exception request. Must have a process for an enrollee, the enrollee's designee, or the enrollee's prescribing physician (other prescriber) to request an expedited review based on exigent circumstances.*
 - d. *A health plan must make its coverage determination on an expedited review request based on exigent circumstances and notify the enrollee or the enrollee's designee and the prescribing physician (or other prescriber, as appropriate) of its coverage determination no later than 24 hours following receipt of the request.*

OHIC still has more work to do in this area and will be continuing conversations with the commercial carriers on this topic to better understand the process.

It is important for OHIC to protect the consumer, ensure adequate access to medications that patients need and to do so in a way that would keep premium costs down. OHIC's goal is to pursue the best solution possible to address the problem.

OHIC believes that it is necessary for our office to continue research in this area and to work towards a feasible formulary notification schedule that would be beneficial for the consumers and operationally feasible for the carriers.

Please feel free to contact me at any time if you have any questions regarding our efforts. I may be reached at 401-462-9638 or Kathleen.hittner@ohic.ri.gov.