



Governor's Commission on Disabilities' Executive Committee

Tuesday April 8, 2008 4 – 6:00 PM

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Attendees:	John MacDonald (Acting Chair); Rosemary Carmody; Binyamin Efreom; Timothy Flynn; Kate McCarthy-Barnett; Bill Nieranowski; & John Treat		
Excused:	Regina Connor; Judi Drew; Ronald McMinn; & Patricia Ryherd;		
----- Minutes -----			
Call to Order and Acceptance of the Minutes	John J. MacDonald Jr., Chairperson	5 min.	
Introductions: Chair called the meeting to order at			
MOTION: To accept the minutes of the previous meeting as presented BE/BN passed unanimously			
Action Items:	Discussion Leader:	Time:	
1. Review of Commission Operations	John MacDonald		
Discussion:			
The issue of transferring the Disability Parking Permit function and staff from the Division of Motor Vehicles to the Commission may be part of the planned reorganization of state government.			
<u>The decision concerning the Commission's accepting the transfer of the Disability Parking Permit Unit from the Division of Motor Vehicles was taken at the Dec. 12, 2005¹ Executive Committee meeting. From the minutes:</u>			
MOTION: To agree to support the transfer of the responsibilities, staff and operational budget to the Commission as of the start of FY 2007, if the transfer is			
1. acceptable to the current employees; and			
2. can be accomplished as part of the Budget Act and directs the Executive Secretary to prepare with the assistance of the Division of Motor Vehicles a modification to the Commission FY 07 Budget Request and the Budget Article transferring the disability parking unit (initial draft below).			
JMCD/RMcM passed unanimously			
MOTION: To direct the Chair & Executive Secretary to explore the efficacy of assuming the disability parking permit. JT/RC unanimously			
2. Recommendations for Reappointment of Commissioners	John MacDonald		

¹ At the Nov. 21, 2005 Commission meeting the Commissioners were briefed on the initial inquiry from DMV.

Discussion: The following Commissioners have indicated an interest in being reappointed to a new 3 year term: (1) Lisa McKay of North Kingstown; (2) Kate McCarthy Barnett of Coventry; (3) James Pitassi of Johnston; (4) Patricia Ryherd of Barrington; and (5) Judith Drew of Cumberland

The following commissioners indicate they do not want to be reappointed: (1) Binyamin Efreom of Warwick; (2) Karen O'Connell of Barrington; (3) Joseph Corrente of Cranston, remains in the Nursing Home.

MOTION: To recommend to the Governor the reappointment of the following Commissioners for a term expiring on May 1, 2011: (1) Lisa McKay of North Kingstown; (2) Kate McCarthy Barnett of Coventry; (3) James Pitassi of Johnston; (4) Patricia Ryherd of Barrington; and (5) Judith Drew of Cumberland TF/RC passed, KMcCB abstained

MOTION: To reconsider the previous BE/BN passed, KMCB abstained

MOTION: To recommend to the Governor the reappointment of the following Commissioners for a term expiring on May 1, 2011: (1) Lisa McKay of North Kingstown; (2) Kate McCarthy Barnett of Coventry; (3) James Pitassi of Johnston; (4) Patricia Ryherd of Barrington; (5) Judith Drew of Cumberland; and (6) Joseph Corrente of Cranston BN/BE passed, abstained TF, KMcCB

3. Recommendations for new Appointment of Commissioners

John MacDonald

Discussion: Should interviews be scheduled to meet these candidates, should the 2 individuals interviewed but not recommended last spring be considered again? Check to see if they are interested in being considered again. Plan to meet on a Monday, 21st or 5th.

4. Ratification of the FY 08 & 09 Election Assistance for Individuals with Disabilities Memorandum of Agreement

**Bob Cooper,
Executive
Secretary**

A PURPOSE:

WHEREAS, the RI Governor's Commission on Disabilities ("GCD") has been designated by the Chief State Election Official as the Rhode Island administrator of the 42 U.S.C. 15421, the Help America Vote Act of 2002 ("HAVA") – Payments to States and units of local government to assure access for individuals with disabilities funds;

WHEREAS, the act provides that an eligible State shall receive funds for making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities; and for outreach programs to inform individuals with disabilities about the availability of accessible polling places and for training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections;

WHEREAS, the RI Disability Law Center ("RIDLC"), as the state's designated protection and advocacy system pursuant to (42 U.S.C. 15002)) is the recipient of funds under 42 U.S.C. Sec. 15461 of the Help America Vote Act of 2002 – Payments for protection and advocacy systems

funds—to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places;

WHEREAS, the GCD and RIDLC believe that pooling a portion of HAVA grants funds with other disability community resources would provide the most effective outreach, awareness, voter registration and training on voting procedures including the use of the new direct recording electronic voting equipment to voter with disabilities;

WHEREAS, the GCD and RIDLC in the summer and fall of 2005 conducted an extensive outreach effort to identify organizations representing individuals with a full range of disabilities, including two mailings/emailings to over 160 organizations of people with disabilities and providers of services to people with disabilities, inviting them to attend informational meetings on establishing a disability vote project in Rhode Island;

WHEREAS, at the informational meetings there was a great deal of interest among the organizations and agencies; however, no one organization or association of agencies represents the full range of people with disabilities, a major condition of the HAVA funds;

WHEREAS, the consensus at both informational meetings was that:

- (1) all interested organizations and agencies would form a collaborative; and
- (2) The participating organizations and agencies would contribute funds to match the HAVA funding from the GCD and RIDLC; and

WHEREAS, the Community Provider Network of RI (CPN-RI) has offered to provide in-kind support including office space, telephones, internet access, a meeting room, and serve as the disability vote project's fiscal agent for the collaborative to be called the "RI Disability Vote Project".

THEREFORE, GCD, RIDLC, and CPN-RI, collectively referred to as the parties, have agreed to establish the Rhode Island Disability Vote Project ("RIDVP").

The RIDVP is a collaboration of organizations of people with disabilities and service providers and is affiliated with the National Disability Vote Alliance founded by the American Association of People with Disabilities.

The RIDVP Objective is to build a nonpartisan and powerful voting bloc of people with disabilities and providers of services in Rhode Island.

B IN ORDER TO FURTHER THESE JOINT GOALS, THE INDIVIDUAL AGENCIES HAVE AGREED AS FOLLOWS:

1. The Governor's Commission on Disabilities shall:

- (a) award a \$40,000 annual grant for Election Assistance to Individuals with Disabilities ("EAID") to the RIDVP, in state fiscal years 2008 & 2009;
- (b) be responsible for preparing and submitting all necessary reporting on the EAID funds in a timely fashion to the US Department of Health and Human Services, Administration on Developmental Disabilities;
- (c) assist the RIDVP to carryout the EAID activities;
- (d) The GCD will be responsible for preparing and submitting all necessary reporting for its EAID funds in a timely fashion; and
- (e) appoint a representative to the RIDVP's Governing Board.

2. The RI Disability Law Center shall:

- (a) award up to \$25,000 Grant for Election Assistance to Individuals with Disabilities to the RIDVP, in 2008;
- (b) be responsible for preparing and submitting all necessary reporting on the Section 15461 funds in a timely fashion to the US Department of Health and Human Services, Administration on Developmental Disabilities;
- (c) assist the RIDVP to carry out the EAID activities;
- (d) be responsible for preparing and submitting all necessary reporting for its HAVA grant; and
- (e) appoint a representative to the RIDVP's Governing Board.

3. The Community Provider Network of RI shall:

- (a) serve as the fiscal agent for the RI Disability Vote Project;
- (b) provide office space, telephones, internet access, meeting space as available;
- (c) engage the individual(s) identified as the project organizer-as RIDVP funds permit, and
- (d) appoint a representative to the RIDVP's Governing Board.

4. The RI Disability Vote Project shall:

- (a) Operate in accordance with the current by-laws of the organization;
- (b) Develop and implement an outreach program that assists disability consumer organizations and providers of services for people with disabilities improve their efforts to educate members/consumers on why it is important to register and vote as well as conduct voter registration, by:
 - (i) providing technical assistance and training to RIDVP collaborators in effective, nonpartisan Voter Registration and Get-Out-The-Vote (GOTV) campaigns;
 - (ii) providing each RIDVP partner with confidential mailing list enhancement of its contacts to assist in targeting efforts to educate members/consumers on the policy issues which enhance self sufficiency and independence and/or register them as voters; and
 - (iii) researching and developing issue papers related to state and federal policies that impact people with disabilities' voting rights including sample letters and testimony; and advise RIDVP collaborators on how to lobby policy makers and elected officials;
- (c) Conduct nonpartisan public awareness campaigns to promote voting awareness about polling place accessibility, availability, and opportunity to people with disabilities throughout the state;
- (d) Develop training modules to be used by consumer organizations and providers of services for people with disabilities to better prepare people with disabilities to vote independently and in secret including what to expect at the polling place and how to use the voting equipment;
- (e) Encourage voluntary non-partisan civic participation by people with disabilities including but not limited to:
 - (i) serving as trained poll workers;
 - (ii) attending local/state government legislative bodies public meetings;
 - (iii) testifying to local/state government legislative bodies; and
 - (iv) ensuring individuals with a full range of disabilities are provided the same opportunity for access and participation (including privacy and independence) accorded other voters.
- (f) Identify and pursue non-partisan funding opportunities for the RIDVP including grant applications, donations and grassroots fundraising;
- (g) Prepare and submit to both the GCD and the RIDLC an annual narrative and financial report on the use of HAVA funds;
- (h) Facilitate GCD & RIDLC's monitoring activities by submitting to GCD's Executive Secretary & RIDLC's Executive Director quarterly project performance reports based on the federal fiscal year (October 1 through September 30) detailing in narrative operational accomplishments. Project performance reports and quarterly reimbursement requests demonstrating HAVA fund expenses incurred and a summary of total Project expenses are due on or before the 15th day of April, July, October, and January; and
- (i) Establish a governing board responsible for:
 - (i) planning, implementing and making policy (including budgets); and
 - (ii) hiring /firing and supervising the project's staff; and
 - (iii) that at least: 50% of the board shall be persons who are representatives of the full range of disabilities.

C IN ADDITION TO THE ABOVE IT IS AGREED THAT THE FOLLOWING:

- (a) The parties acknowledge and agree that all HAVA grant funds must be expended in strict compliance with the terms of the Grant Application and all federal statutory and regulatory requirements;
- (b) All payouts of HAVA funds by the GCD and RIDLC will be based on reimbursement for Project expenses incurred by the RI Disability Vote Project;

(c) GCD and RIDLC agree to reimburse RIDVP quarterly for authorized expenses incurred by RIDVP on Project activities; and

(d) RIDVP shall allow GCD and RIDLC to monitor the activities related to the Project including but not limited to editing Project's written materials. The RIDVP will be responsible for preparing and submitting to both the GCD and the RIDLC an annual narrative and financial report on the use of HAVA funds.

The parties through their authorized representatives have executed this agreement by signing below on the dates indicated.

_____ Date	_____ Date
Bob Cooper, Executive Secretary RI Governor's Commission on Disabilities	Raymond Bandusky, Executive Director RI Disability Law Center
_____ Date	_____ Date
Donna Martin, Executive Director Community Provider Network of RI	Stephanie Booth, Moderator RI Disability Vote Project

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Changes from the prior Memorandum of Agreement:

1. GCD's contribution is reduced from \$50,000 to \$40,000 for FY 08 & 09;
2. American Association of People with Disabilities is not a party to the agreement;
3. Community Provider Network of RI's billing to GCD will be quarterly rather than monthly;
4. elimination of the duplication of the billing & fiscal reporting language.

MOTION: To ratify with the RIDLC modifications the FY 08 & 09 Election Assistance for Individuals with Disabilities Memorandum of Agreement BE/TF passed unanimously

5. Legislation Committee Recommendations for Action on Budget Articles & Legislation:

**Tim Flynn, Chair.
Legislation Committee &
Bob Cooper, Executive
Secretary**

08 H-7390 Art. 17 as Amended Title: AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT

Sponsors: Rep. Watson & Reps. Gorham, Story, Ehrhardt, and Mumford Requested by Governor
Description: This article outlines the structure for Medicaid Reform, a client-centered Medicaid delivery program to replace the current provider reimbursement-based payment model. The article instructs the Department of Human Services and the Executive Office of Health and Human Services to draft language for the new program, for substitution with this article as presented herein.
Governor's proposed Amendments would replace the entire original with 30 sections:

08 H-7390 Art. 17 Sec. 01-2, 30 as Amended Legislative Findings & Reporting on Medicaid Reform

SECTION 1. Relating to Legislative Findings

SECTION 2. Relating to Reporting on Medicaid Reform - The executive office of health and human services and/or the department of human services shall submit a report to general assembly annually commencing on a date no later than July 1, 2009.

SECTION 30. Unless otherwise specified, all Sections of the Article shall take effect upon passage.

The Executive Committee took no position

08 H-7390 Art. 17 Sec. 03 - 05 as Amended Family Court & the RI Training School

SECTION 3. Family Court & Training School - In the event a child is ordered to be detained at the training school, the family court shall conduct a probable cause hearing within seventy-two (72) hours

of the child's detention (exclusive of weekends and/or holidays). At the conclusion of the probable cause hearing, the court shall order the release of the child from the training school unless the court finds that the child:

- (1) Poses a substantial risk of harm to self; or
- (2) Poses a substantial risk of harm to others; or
- (3) Has demonstrated that he or she may leave the jurisdiction of the court.

{Current law a child who is detained is entitled to a probable cause hearing within 10 days of detention.}

If a child is in temporary detention, the family court shall commence the adjudicatory hearing within thirty (30) calendar days from whichever of the following events occurs latest: the date the petition is served on the child; or the date the child is placed in detention. In all such cases, the family court shall conclude the adjudicatory hearing within fifteen 15 calendar days of the commencement of the hearing.

The attorney general must file an application to waive and/or certify a youth, the juvenile may be detained at the training school for a period not to exceed ninety (90) days. Then the department shall present to the family court a waiver report within forty-five (45) calendar days. At the expiration of ninety (90) days, the attorney general's petition for waiver and/or certification shall be decided and the wayward/delinquent petition shall be adjudicated.

SECTION 4 relates to Release from the Training School. - The family court shall authorize the release of the child to his or her home and/or to the care and custody of the department of children, youth and families unless the court finds that the child:

- (1) Poses a substantial risk of harm to self: or
- (2) Poses a substantial risk of harm to others: or
- (3) Has demonstrated that he or she may leave the jurisdiction of the court.

SECTION 5. Relates to Delinquent and Dependent Children. - In the event the court assigns custody of a child to the director of the department of children, youth and families, the court shall authorize the provision of suitable treatment, rehabilitation and care for each child in the least restrictive and community based setting.

MOTION: To recommit for advice to Legislation Cmte. 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 3, 4, & 5. TF/BE passed unanimously

08 H-7390 Art. 17 Sec. 06 - 09 as Amended Public Assistance Act - Data matching & Medical Assistance

SECTION 6. Relating to Public Assistance Act - Data matching - Health care coverage, requiring all health insurers provide timely (accurate within fourteen (14) calendar days of the request) member information to the department to enable the medical assistance program to identify medical assistance program recipients, applicants and/or persons responsible for providing medical support for those recipients and applicants who are or could be enrollees or beneficiaries under any individual or group health insurance contract, plan or policy available or in force and effect in the state. {Current law does not have a time period for responding }

SECTION 7. Relating Medical Assistance. - Defines the term "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery~ provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary care. For purposes of Medical Assistance, managed care is also defined to include a primary care case management model in which ancillary services are provided under the

direction of a physician in a practice that meets standards established by the department of human services.

SECTION 8. Medical Assistance - Direct vendor payment plan. - Eliminates the cap on Hospice care days {Current law is up to a maximum of two hundred and ten (210) days as a lifetime benefit}.

The department of human services and/or the executive office of health and human services is authorized and directed to apply for and obtain any necessary waiver (s) and/or state plan amendments of the appropriate sections of law for the purpose of administering and implementing the goals of the Medicaid Reform 2009, specifically for the purpose of using competitive value based purchasing to maximize the available service options and to promote accountability and transparency in the delivery of services for all medical assistance recipients. Any approved medical assistance provider who declines to participate in contracting for benefits in any one of the department's medical assistance programs may be denied participation in all state operated medical assistance programs at the discretion of the department

SECTION 9. Relating to Medical Assistance - Waiver request - Formulation. - Authorizes the department of human services and/or the executive office of health and human services {deleting the department of elderly affairs} to apply for and obtain any necessary waiver (s) and/or state plan amendments to create a Medical Assistance Program that is a result oriented system of coordinated care that focuses on independence, personal responsibility and choice for all medical assistance recipients taking into account the best interests of all populations served by all five human service agencies.

The executive office of health and human services, the department of human services, the department of children youth and families, the department of children youth and families, the department of elderly affairs, the department of health, and the department of mental health, retardation and hospitals are authorized to adopt regulations to ensure the establishment and implementation of this section in accordance with any approved federal waivers and/or state plan amendments

The Executive Committee took no position

08 H-7390 Art. 17 Sec. 10 - 11 as Amended Katie Becket

SECTION 10 Relating to Health Care for Families - Eligibility. - Lowers the income eligibility limits for parents or relative caretakers whose income levels are equal to or up to one hundred thirty three (133%) below of the federal poverty level. {Current law is up to one hundred eighty five percent}.

The resource limit of \$10,000 section is repealed, including the exemption to that limit for children with disabilities who are otherwise eligible for medical assistance coverage as categorically needy, commonly known as Katie Beckett eligible. The 5% limit of annual income cost sharing is repealed. Katie Beckett eligible families would be required to take financial responsibility for a share of the cost of the medical assistance coverage based on the family's ability to pay.

The department would be authorized to require that eligible children/families contribute to the cost of the care by premium sharing, cost sharing, the establishment of consumer directed accounts or any other reasonable means in accordance with approved provisions of appropriate waivers and/or state plan amendments in accordance with rules and regulations promulgated by the department of human services.

Consumer Directed Health Care. The department of human services would be authorized to apply for and obtain appropriate waivers to create consumer directed health care accounts to increase and encourage personal responsibility, wellness and healthy decision-making.

SECTION 11. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's

filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 10 & 11, unless amended delete Section 11 and require the normal rule making procedures be followed. BE/TF passed unanimously.

08 H-7390 Art. 17 Sec. 12 - 13 as Amended RItE Share Health Insurance Premium Assistance Program}

SECTION 12. Relating to RItE Share Health Insurance Premium Assistance Program. - Lowers the income eligibility for the Rhode Island health insurance premium assistance program for Rite Care eligible parents with incomes up to one hundred thirty three (133%) of the federal poverty level who have access to employer-based health insurance. {Current law is up to one hundred eighty five percent (185%)} The resource limit of \$10,000 section is repealed, including the exemption to that limit for children with disabilities who are otherwise eligible for medical assistance coverage as categorically needy, commonly known as Katie Beckett eligible. The 5% limit of annual income cost sharing is repealed.

Katie Beckett eligible families would be required to take financial responsibility for a share of the cost of the medical assistance coverage based on the family's ability to pay.

The department would be authorized to require that eligible children families contribute to the cost of the care by premium sharing, cost sharing, the establishment of consumer directed accounts or any other reasonable means in accordance with approved provisions of appropriate waivers and/or state plan amendments in accordance with rules and regulations promulgated by the department of human services.

Employers who are also approved Medicaid providers and all vendors doing business with the state of Rhode Island shall make available in a timely manner to the department at the department's request, documents describing the health insurance or health benefits offered by the employer, including but not limited to a Certificate of Coverage or a Summary of Benefits and employee obligations. The Employer shall accept the enrollment of the individual and/or the family in the employer based health insurance plan without regard to any seasonal enrollment restrictions, including open enrollment restrictions, without regard to the impact on the member's wages. This is known as "pay in lieu of benefits."

SECTION 13. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 12 & 13, unless amended delete Section 13 and require the normal rule making procedures be followed. TF/BN passed, abstained BE

08 H-7390 Art. 17 Sec. 14 - 16 as Amended Health Care for Elderly and Disabled Residents

SECTION 14. Relating to Health Care for Elderly and Disabled Residents Act - Categorically needy

medical assistance coverage. - The section providing for a voluntary (opt out) managed health care delivery system, including a primary care case management model would be repealed.

SECTION 15. Relating to Health Care for Elderly and Disabled Residents Act - Managed health care delivery systems. - Creates for all medical assistance recipients, including the elderly and all individuals with disabilities, a system of health care delivery for all medical assistance recipients, through a mandatory managed care health system. "Managed care" is defined as systems that: integrate an efficient financing mechanism with quality service delivery; provides a "medical home" to assure appropriate care and deter unnecessary and inappropriate care; and places emphasis on preventive and primary care. For purposes of Medical Assistance, managed care is also defined as to include a primary care case management model in which ancillary services are provided under the direction of a physician in a practice that meets standards established by the department of human services. Those medical assistance recipients who have third party medical coverage or insurance may be exempt from mandatory managed care in accordance with rules and regulations promulgated by the department of human services through the rule making process. The department is further authorized to redesign benefit packages for medical assistance recipients subject to the appropriate federal approval of all necessary waivers and state plan amendments.

SECTION 16. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 14, 15, & 16, unless amended delete Section 16 and require the normal rule making procedures be followed BN/TF passed

08 H-7390 Art. 17 Sec. 17 as Amended Long Term Home Health Care - Alternative to Placement in a Skilled Nursing or Intermediate Care Facility

SECTION 17. Relating to Long Term Home Health Care - Alternative to Placement in a Skilled Nursing or Intermediate Care Facility.

Eliminates the comprehensive assessment of the medical, social, and environmental needs assessment that currently must be performed at least every one hundred eighty-(180) days by the department of human services.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Section 17. TF/BN passed, unanimously

08 H-7390 Art. 17 Sec. 18 - 19 as Amended Medical Assistance- Antipsychotic Prescription Drugs

SECTION 18. Relates to Medical Assistance-Prescription Drugs - Prescription drug program. - Eliminates antipsychotic drugs from the preferred drug list.

SECTION 19. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and

welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 18 & 19, unless amended delete Section 19 and require the normal rule making procedures be followed BE/RC passed unanimously

08 H-7390 Art. 17 Sec. 20 as Amended Division of Developmental Disabilities - Medical-assistance Managed care system

SECTION 20. Relating to Division of Developmental Disabilities - Medical-assistance Managed care system. Repeals the CHOICES Medicaid Managed Care waiver authority for persons with developmental disabilities to maintain and expand the broad range of primary, preventive and continuing care community based service options under a single funding mechanism; integrates the single-funding mechanism with quality service-delivery; and provides a "managed care home" to assure appropriate services and deter unnecessary and-inappropriate services. Replaced by SECTION 15 Relating to Health Care for Elderly and Disabled Residents Act - Managed health care delivery systems. - Creates for all medical assistance recipients, including the elderly and all individuals with disabilities, a system of health care delivery for all medical assistance recipients, through a mandatory managed care health systems.

No position taken

08 H-7390 Art. 17 Sec. 21 as Amended Office of Health and Human Services - Medicaid program study & Human services call center study (211)

SECTION 21. Relating to Office of Health and Human Services - Medicaid program study & Human services call center study (211). Repeals the requirements to conduct a medicaid program study & a human services call center study (211).

The Executive Committee took no position

08 H-7390 Art. 17 Sec. 22 as Amended Health Care for Children and Pregnant Woman - Medical assistance expansion for pregnant women/Rlte Start

SECTION 22. Relating to Health Care for Children and Pregnant Woman - Medical assistance expansion for pregnant women/Rlte Start. - makes only technical changes to authorize the program by either Medicaid state plan amendment or waiver.

The Executive Committee took no position

08 H-7390 Art. 17 Sec. 23 - 24 as Amended Elderly Affairs Department - Duties of the department

SECTION 23. Relating to Elderly Affairs Department - Duties of the department. - (1) Expands the authority of the department to investigate reports of elder exploitation, or self-neglect {Current laws limits of abuse, and neglect} & (2) eliminates the requirement that rules and regulations to provide and coordinate the delivery of in-home services to the elderly, must be proposed by the in home services commission. (3) Authorizes the department to include a passenger cost sharing as part of the elderly/disabled transportation program.

SECTION 24. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and

welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 23 & 24, unless amended delete Section 24 and require the normal rule making procedures be followed. BE/TF passed, unanimously

08 H-7390 Art. 17 Sec. 25 - 28 as Amended Home and Community Services to the Elderly

SECTION 25. Relating to Home and Community Services to the Elderly - Definitions. - The Department of Health would license Adult day service providers {Current law it's the Department of Elderly Affairs}. The definitions of:

"Case management agency" would be changed to mean a community-based agency designated by the department of elderly affairs to provide care coordination for home and community care clients, rather than case management services;

"Home and community care services" would be changed to mean arranging for providing directly the client or providing through contract services such as home health aid/homemaker services and such other services that may required for a client to remain in the community and as defined by department regulation through the rulemaking process, rather than arranging for adult day services.

"Assisted living residences" would be changes to mean a publicly or privately operated residence that is a licensed Health care facility. {Current law to be repealed defines assistive living residences as providing personal assistance to meet the resident's changing-needs and preferences, lodging, and meals to two (2) or more adults who are unrelated to the licensee or administrator}.

"Respite care services" would be changes to remove the limitation to only services provided by an agency funded by the department of elderly affairs to provide respite care services.

"Shared living program" would be changed to mean a privately owned residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community, a program that is designed to respect the unique character of each individual, promotes self-reliance and the freedom to make choices, and fosters dignity, autonomy and personal safety. Services may be provided in-home or host home residence in which the family provides for or arranges for the needs of the client so that the client can remain in the community including but not limited to lodging and meals. This program is designed to provide the opportunity for the provision of an inter-generational multidisciplinary supports to preserve and strengthen families.

SECTION 26. Relating to Home and Community Services to the Elderly - Services available. - The term case-management is replaced by care coordination.

SECTION 27. Relating to Home and Community Services to the Elderly - Persons eligible. - The eligibility requirements would be changed to no longer require the person to meet an institutional level of care, instead the required level of care would be defined in department rules. The level of retain cash and/or liquid resources would be changed from not exceeding four thousand dollars (\$4,000) for an individual and six thousand dollars (\$6,000) for a married couple, to a level defined in department rules. The income level would be changed from not exceeding the income eligibility for the Rhode Island pharmaceutical assistance to the elderly-program, to a level defined in department rules.

SECTION 28. Would authorize any rules or regulations necessary or advisable to implement the provisions of Section 10 to be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state and exempt those rules from the requirements of sections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof.

MOTION: To oppose 08 H 7390 Article 17 as Amended AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Sections 25, 26, 27 & 28, unless amended delete Section 28 and require the normal rule making procedures be followed. TF/BE passed unanimously

08 H-7390 Art. 17 Sec. 29 as Amended Rhode Island Assisted Housing Living Waiver

SECTION 29. Rhode Island Assisted Housing Living Waiver - Additional assisted living waiver request. - The executive office of health and human services and/or the department of human services are authorized to obtain any necessary waivers and/or state plan amendments to bring medical assistance recipients who have been admitted to nursing homes back into the community and to help more medical assistance recipients remain in the community, as they require long-term care, thereby resulting in improved health, quality of life and more cost effective care.

The executive office of the health and human services and the human service agencies as defined in 42-7.2-2 are authorized and directed to adopt rules and regulations to ensure the establishment and implementation of this section.

The current Rhode Island Assisted Housing Living Waiver Act sections 42-66.8- 1 Legislative findings, 42-66.8-2 Purpose - Assisted living waiver request, 42-66.8-3 Definitions, 42-66.8-4 Provision of service, 42-66.8-5 Duties of director of human services, 42-66.8-6 Evaluation of assisted living waiver demonstration, and 42-66.7 Additional assisted living waiver request, would be repealed upon the approval of the necessary waivers and/or state plan amendments from the secretary of the United States Department of Health and Human Services.

MOTION: To oppose 08 H 7390 Article 17 AN ARTICLE RELATING TO RHODE ISLAND MEDICAID REFORM ACT Section 29. BE/TF passed unanimously.

08 H 7204 AN ARTICLE RELATING TO MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008

This article corrects a formatting issue in Section 42-72-5 of the Rhode Island General Laws, which ensures that language in the act relative to serious emotional disturbance children and developmentally delayed children was properly inserted under the correct paragraphs and revises Section 14-1-6, which pertains to children that are no longer under the jurisdiction of the Family Court, to include those children pending before the court prior to July 1, 2007. The language being inserted states that "Funding for these clients shall include funds that are transferred to the Department of Human Services as part of the Managed Health Care program transfer. However, the expenditures relating to these clients shall not be part of the Department of Human Services' Caseload estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be accounted for separately." This article shall take effect upon passage.

The Legislation Committee recommended the Commission/Executive Committee find harmful

08 H 7204 Article 17 RELATING TO PROCEEDINGS IN FAMILY COURT

The Executive Committee took no position

08 H-7390 Art. 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS

This article eliminates the function of issuing state identification cards to elderly and disabled persons 55 and over for a nominal fee charged for cost recovery, and recognizes general revenue cost savings in community services objective grant funding under the aegis of the Legislature through the department of elderly affairs and advocacy, but still requires public and private elderly housing complexes to submit satisfactory evidence of a safety and security plan for its residents to the department. It also alters the income criterion for all three tiers of the Rhode Island Pharmaceutical

<p>Assistance to the Elderly program and mandates enrollment in the federal Medicare Part D benefit program, as provided for in the Medicare Prescription Drug Improvement and modernization Act of 2003. Finally, it also mandates the use of generic drugs in place of brand name ones when such generic variations are available.</p>		
<p>The Legislation Committee recommended the Commission/Executive Committee monitor and authorize the Executive Secretary to craft a position 08 H 7390 Article 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS PROJECTED COST SAVINGS: \$190,533</p>		
<p>MOTION: To oppose 08 H 7390 Article 42 AN ARTICLE RELATING TO ELDERLY AFFAIRS PROGRAMS, on the grounds that DEA doesn't have staff to implement the changes required by the article BE/RC passed unanimously.</p>		
<p>6. Future Home of the Disability Business Enterprise Program</p>	<p>Bill Nieranowski, Chair Disability Business Enterprise Program</p>	<p>15 min.</p>
<p><u>Initial decision on DBE taken at the July 16, 2007 Commission meeting. From the minutes:</u> “MOTION: To retain in the [Creation of the Department of Advocacy: Recommendations for Governor Donald L. Carcieri] report issue # 5² the centralizing all purchasing preference programs at the Division of Purchasing. PR/BE MOTION: To move the previous question BE/JMacD; Motion prevails Yes = SB, SL, PR, JB, AP, KMcCB, BE. No = TF, JD, RMcM, BN. Previous Question Prevails Yes = SB, PR, AP, BE, SL, JB, KMcC-B No = JD, BN, RMcM Abstained = JMacD, TF”</p>		
<p><u>Draft legislative language to accomplish the transfer submitted to the House Finance Committee Chairperson, upon his request:</u> New SECTION ? Sections 37-2.2-3, 37-2.2-4 of the General Laws in Chapter 37-2.2 entitled “disability business enterprises” is hereby amended to read as follows: 37-2.2-3. Preference for products and services produced by persons with disabilities. (a) Whenever any products made, manufactured by, or services provided by nonprofit rehabilitation facilities, or in profit making facilities where sixty percent (60%) of the work hours or direct labor is performed by employees who are disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers. (b) All departments, institutions, and agencies supported, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies. (c) A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those</p>		

² The Commissioners suggest the Governor as he develops the “necessary legislation to create a department of advocacy” consider the following 5 issues:

5. Centralize all Purchasing Preference Programs at the Division of Purchasing

- (a) The state has two programs to assist small disadvantaged businesses secure state government contracts, the Minority/Women Business Enterprise and the Disability Business Enterprises. The first program is housed in the Division of Purchasing and the second is within the Governor’s Commission on Disabilities.
- (b) Should both programs operate from within the Division of Purchasing?

persons shall be prepared by the ~~governor's commission on disabilities~~, disability business enterprise committee in cooperation with the state office of rehabilitation services. The ~~governor's commission on disabilities~~ committee shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.

37-2.2-3.1. Policy and applicability.

It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of procurements and projects as outlined in this chapter. This chapter shall apply to any and all state purchasing, including, but not limited to, the procurement of goods and services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract. The director of administration, ~~in consultation with the governor's commission on disabilities~~, is authorized and directed to establish rules and regulations for awarding contracts to small disadvantaged businesses owned and controlled by persons with disabilities in the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, in accordance with 37-2-9(b)(14).

37-2.2-4. Disability business enterprise committee - Membership - Duties.

(a) There is hereby established within the ~~governor's commission on disabilities~~ department of administration a committee, consisting of nine (9) persons, to be known as the disability business enterprise committee.

(b) The committee, shall consist of the director of the department of human services or his or her designee; the director of the department of mental health, retardation, and hospitals or his or her designee; the director of the economic development corporation or his or her designee; the state purchasing agent or his or her designee; and two (2) persons with disabilities and three (3) representatives of rehabilitation facilities in the state of Rhode Island appointed by the chairperson of the governor's commission on disabilities. All members of the committee shall serve without compensation. Of the number appointed originally under this chapter, one-third (1/3) shall be appointed for a term of one year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3) shall be appointed for a term of three (3) years. Thereafter, vacancies created by expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves. ~~The chairperson of the governor's commission on disabilities or his or her designee shall serve as chairperson of the committee.~~ The members of the committee shall elect a ~~vice~~ chairperson and other officers as are necessary from amongst themselves annually.

(c) The ~~governor's commission on disabilities~~ department of administration shall promulgate such rules and regulations, in accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and proper to ensure responsible management, operation, oversight of the committee, and ensure that all facilities, both nonprofit and profit-making, referred to in 37-2.2-3 and 37-2.2-3.1 meet all applicable government regulations and standards, including those of the United States department of labor, the state department of human services, and the chief purchasing officer with regard to developing a program which involves small disadvantaged businesses as contractors, 37-2-9(b)(14).

(d) The committee shall establish a procedure to certify small disadvantaged disability businesses and rehabilitation facilities that qualify under their regulation for a preference under 37-2.2-3 or 37-2.2-3.1 and submit a list of the certified small disadvantaged disability businesses and rehabilitation facilities and the products and services provided by them to the chief purchasing officer at least once a year. The chief purchasing officer shall utilize that list in the program which involves small

disadvantaged businesses as contractors established by 37-2-9(b)(14).

New Section ? Upon the transfer of the disability business enterprise committee from the governor's commission on disabilities to the department of administration , any proceedings or other business or matters undertaken or commenced, prior to the effective date of this act by the committee and pending on the effective date of this act, may be conducted and completed by the committee. Members of the committee, at the time of the transfer from the governor's commission on disabilities to the department of administration shall continue to serve until the expiration of their term of office. All of the personnel of the "governor's commission on disabilities' disability business enterprise program" shall be transferred to the "department of administration's disability business enterprise program" upon enactment of this article.

The chair will place on the Commission's agenda for discuss the future home of the Disability Business Enterprise Program. Should the Commission reconsider the suggestions made to the Governor on July 16, 2008?

7. Future Responsibilities of the Governor's Commission on Disabilities	Bill Nieranowski	15 min.
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The decision concerning the Commission's responsibilities, in priority order was taken at the Oct 10, 2007 Commission meeting. From the minutes:

MOTION: To adopt the response to the Budget Officer's request for information regarding the Department of Advocacy as revised BN/LR passed unanimously

Goal	Function	Description
I	0	To ensure full participation in all aspects of society for people with disabilities through legislative activities, public awareness and in concert with the following:
I	A	Approve all state and state funded construction and renovation design plans to ensure compliance with state/federal accessibility codes
I	B	Provide technical assistance to agencies, businesses, and citizens in complying with federal & state laws protecting the rights of individuals with disabilities
I	C	Resolve disability discrimination complaints relating to physical barriers in government, public accommodations and commercial facilities, through technical assistance to encourage voluntary compliance and when necessary by hearing and corrective action orders
I	D	Election assistance to individuals with disabilities; by inspecting polling places and funding renovations to boards of canvassers to remove any physical barriers, training election officials and educating adults with disabilities on how to vote and why it's important to register and vote
I	E	Ensure all state agencies comply with state/federal disability rights laws and people with disabilities have an equal opportunity for employment and the benefit of services, programs, or activities, through training, removal of physical barriers at state owned facilities and when needed legal action to ensure compliance
I	F	Ensure access to and the opportunity to participate in state and local government "public bodies" i.e.. open meetings by inspecting meeting locations and granting waivers to the ban on members of public bodies using telephone / telecommunication devices as reasonable accommodations
II	0	To expand economic opportunities for people with disabilities
II	A	Assist disability business enterprises and rehabilitation facilities successfully bid on government contracts and encourage entrepreneurship
II	B	Promote work as the lifestyle amongst the disability community and the use of work incentives rather than dependence on government support
II	C	Provide assistive technology accommodations in state government facilities to ensure equal opportunity for employment and the benefit of services, programs, or activities
II	D	Provide college students with disabilities work experience through the Mary Brennan Fellowship program

Goal	Function	Description
III	0	To ensure the Commission's goals and objectives are accomplished
III	A	Coordination of Operations (General operating expenses)
III	B	Financial management
III	C	Personnel management
Discussion: Members spoke about undertaking a review of Commission's operating rules after the General Assembly session is over.		
Announcements and Scheduling of Meetings		John MacDonald 5 min.
Applicants for the Summer fellowship will be interviewed at the next regularly scheduled Executive Committee meeting.		
Next meeting will be on:	May 13, 2008	Starting at: 4 PM
Adjournment:	Chairperson adjourned the meeting at 6:43 PM.	
Resource persons:	Bob Cooper, Secretary	