

2024 -- H 7821

LC005140

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND OLMSTEAD  
PLAN COMMISSION ACT

Introduced By: Representatives Bennett, Baginski, Solomon, Noret, Casimiro, Edwards,  
Fenton-Fung, Newberry, McNamara, and Donovan

Date Introduced: March 01, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

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

3 CHAPTER 166

4 RHODE ISLAND OLMSTEAD PLAN COMMISSION ACT

5 **42-166-1. Short title.**

6 This chapter may be cited as the "Rhode Island Olmstead Plan Commission Act."

7 **42-166-2. Policy, findings, and purpose.**

8 (a) The goals of creating and sustaining an Olmstead plan to establish a permanent,  
9 renewable, and working five (5) year "integration for all" Olmstead plan ("the plan") for people  
10 vulnerable to unnecessary institutionalization in Rhode Island to establish, maintain and  
11 periodically update a continuum of care that allows all Rhode Islanders vulnerable to unnecessary  
12 institutionalization to receive adequate services and supports in the least restrictive environment.

13 (b) Rhode Island's Olmstead plan should be based on:

14 (1) A statewide assessment to identify the state's current resources, strengths, and unmet  
15 needs of persons vulnerable to unnecessary institutionalization; and

16 (2) Substantial community input.

17 (c) Data should drive the development of the plan, and it should include goals to develop  
18 specific permanent and temporary funding streams to support a wide array of housing options.

1 community services, and resources for persons living with disabilities.

2 (d) All departments and agencies of the state shall furnish such advice and information,  
3 documentary and otherwise, to the commission and its agents as is deemed necessary or desirable  
4 by the commission to facilitate the development of an Olmstead plan.

5 (e) The initial Rhode Island Olmstead plan shall be completed and delivered to the  
6 governor and the general assembly by January 15, 2025.

7 (f) To ensure that the plan is a "living" plan, there should be annual updates on regulatory,  
8 budgetary and legislative solutions or modifications, along with proposed recommendations for  
9 change. An annual report shall be submitted to the governor, speaker of the house of representatives  
10 and senate president by January 15 each year.

11 (g) Every fifth year, the commission should evaluate outcomes and conduct a new  
12 assessment in order that the Rhode Island Olmstead plan can be updated with new goals for the  
13 next five (5) years.

14 (h) The plan should include proposed staffing needed to implement, monitor and evaluate  
15 the plan, as well as a projected funding need in each of the five (5) years to meet the plan's goals  
16 and identify potential funding sources.

17 **42-166-3. Definitions.**

18 As used in this chapter:

19 (1) "Commission" means the Rhode Island Olmstead plan commission established by this  
20 chapter.

21 (2) "The plan" means the Rhode Island Olmstead plan.

22 **42-166-4. Creation of the Rhode Island Olmstead plan commission.**

23 (a) There is hereby authorized, created and established a body politic and corporate to be  
24 known as the "Rhode Island Olmstead plan commission" to carry out the provisions of this chapter.  
25 The commission is constituted a public instrumentality exercising public and essential  
26 governmental functions, and the exercise by the commission of the powers conferred by this chapter  
27 are deemed and held to be the performance of an essential governmental function of the state.

28 (b) The commission shall consist of nineteen (19) ex officio members and six (6) members  
29 of the general public.

30 (1) The nineteen (19) ex officio members shall include: the director of the department of  
31 children, youth, and families, or designee; the executive secretary of the governor's commission on  
32 disabilities, or designee; the executive director of the commission on the deaf and hard of hearing,  
33 or designee; the director of the department of health, or designee; the director of the department of  
34 behavioral health, developmental disabilities and hospitals, or designee; the director of the

1 department of corrections, or designee; the mental health advocate, or designee; the child advocate,  
2 or designee; the secretary of housing, or designee; the secretary of the executive office of health  
3 and human services, or designee; the executive director of senior agenda, or designee; the executive  
4 director of the RI coalition for children & families, or designee; the executive director of the RI  
5 parent information network, or designee; the president of the national federation of the blind of  
6 Rhode Island, or designee; the executive director of the mental health association of RI, or designee;  
7 the executive director of the RI developmental disabilities council, or designee; the executive  
8 director of the RI coalition to end homelessness, or designee; the executive director of the housing  
9 network of RI, or designee; the program manager of Rhode Island continuum of care, or designee.

10 (2) The governor, with the advice and consent of the senate, shall appoint six (6) members  
11 of the general public who live with disabilities. In making these appointments, the governor shall  
12 give due consideration to recommendations made by the nine (9) non-governmental ex officio  
13 members.

14 (3) Any person designated as ex officio by way of their position or office as specified in §  
15 42-166-4(b)(1), who elects to appoint a designee to the commission, shall only elect and appoint a  
16 subordinate member of the designator's respective department, office or organization to serve in  
17 the designator's place on the commission.

18 (4) No one shall be eligible for public appointment unless they are a resident of this state.

19 (c) Public members of the commission appointed by the governor shall be appointed for  
20 three (3) year terms and shall not serve more than two (2) consecutive terms.

21 (d) Annually, the commission shall elect from among its non-governmental and public  
22 members two (2) co-chairpersons. The commission may elect from its members any other officers  
23 it deems necessary. Meetings shall be held at the call of the co-chairpersons or at the request of  
24 nine (9) members. A majority of the sitting members shall constitute a quorum and action taken by  
25 the commission under the provisions of this chapter may be authorized by a majority of the  
26 members present and voting at any regular or special meeting.

27 (e) A majority of those present shall be required for action. No vacancy in the membership  
28 of the commission shall impair the right of a quorum to exercise all the rights and perform all the  
29 duties of the commission.

30 (f) Any vacancy which may occur in the commission shall be filled accordingly in the same  
31 manner as prescribed above.

32 (g) The commission may appoint and employ an executive director, and it shall be the  
33 executive director's duty to:

34 (1) Act as chief administrative officer having general charge of the office and records and

1 to employ temporarily, subject to approval of the commission, necessary personnel to serve at the  
2 executive director's pleasure and who shall be in the unclassified service and whose salaries shall  
3 be set by the commission;

4 (2) Act as executive secretary of the commission; and

5 (3) Perform other duties as determined by the commission which are in accordance with  
6 this chapter and with the rules and regulations of the commission.

7 (h) The commission shall use the office of the attorney general for legal services.

8 (i) Within ninety (90) days after the end of each fiscal year, the commission shall approve  
9 and submit an annual report to the governor, speaker of the house of representatives, president of  
10 the senate and secretary of state of its activities during that fiscal year. The report shall provide: an  
11 operating statement summarizing meetings or hearings held; meeting minutes, if requested;  
12 subjects addressed; decisions rendered; rules or regulations promulgated; studies conducted;  
13 policies and plans developed, approved, or modified; programs administered or initiated; a  
14 consolidated financial statement of all funds received and expended including the source of the  
15 funds; a listing of any staff supported by these funds; a summary of any clerical, administrative or  
16 technical support received; a summary of performance during the previous fiscal year including  
17 accomplishments; shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or  
18 other legal matters related to the authority of the board; a summary of any training courses held; a  
19 briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations  
20 for improvements. The report shall be posted electronically on the general assembly's and the  
21 secretary of state's websites.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND OLMSTEAD  
PLAN COMMISSION ACT

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1           This act would create an Olmstead plan commission to establish a permanent, renewable,  
2 and working five (5) year "Integration for all" plan for people vulnerable to unnecessary  
3 institutionalization in Rhode Island to establish, maintain and periodically update a continuum of  
4 care that allows all Rhode Islanders vulnerable to unnecessary institutionalization to receive  
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