

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ARTICLE 4

RELATING TO GOVERNMENT REORGANIZATION

SECTION 1. In any General or Special Law of the State of Rhode Island, and specifically in Title 28, Chapters 39, 40, 42 and 43 of the General Laws of Rhode Island, 1956, as amended, reference to the collection of temporary disability insurance, employment security taxes or job development fund by the tax administrator and/or the division of taxation within the department of administration or the department of revenue shall be construed to refer to the department of labor and training. In ~~any reference in~~ Title 28, Chapters 39, 40, 42, and 43, any reference to the tax administrator and/or the division of taxation within the department of administration or department of revenue concerning ~~with reference to~~ the collection of revenues or any other duties shall be construed to refer to the director of the department of labor and training. Any revenue collection or any other duties conferred upon the tax administrator and/or division of taxation within the department of administration or the department of revenue ~~and/or~~ by said Title 28, Chapters 39, 40, 42 and 43 shall be construed to refer to the department of labor and training or the director of the department of labor and training. The tax administrator within the department of revenue division of taxation and the director of the department of labor and training shall be authorized to share information under Title 28, Chapter 39, 40, 42, 43 and Title 44 for purposes of tax administration and shall enter into a written memorandum of understanding to facilitate tax administration.

SECTION 2. The law revision director of the joint committee on legislative services is authorized and empowered to make appropriate changes in said Title 28, Chapters 39, 40, 42 and 43 and any other section of the laws to carry out the intent of this act.

SECTION 3. Chapter 30-17.1 of the General Laws entitled "Veterans' Affairs" is hereby amended by adding thereto the following sections:

30-17.1-14. Assistance on veterans claims.

The office shall prepare and present before the veterans benefit administration of the United States all legal claims of veterans for compensation, disability allowance, insurance, and pensions of veterans of World War I, and all other veterans to whom benefits have been extended pursuant to the provisions of chapter 22 of title 30, entitled "Extension of Veterans Benefits," who had a legal residence in this state at the time of entrance into the service or who have been qualified electors in this state for two (2) years preceding the application for aid, and their personal

1 [representatives or dependents, or both, and shall render to such persons reasonable assistance in the](#)
2 [preparation and presentation of any of those claims and shall perform such other duties as may be](#)
3 [required by law. The office shall render such assistance without charge to the claimant.](#)

4 **30-17.1-15. Special veterans' funds.**

5 [The director of the office shall have control and supervision over any special funds](#)
6 [provided for decorating and installing metal markers on the graves of soldiers, sailors, airmen, and](#)
7 [marines, for the burial of honorably discharged soldiers, for the assistance of World War I veterans,](#)
8 [and other expenditures relating to veteran soldiers, sailors, airmen, and marines.](#)

9 SECTION 4. Sections 30-17.1-1, 30-17.1-4, 30-17.1-6, 30-17.1-7, 30-17.1-9, 30-17.1-10,
10 30-17.1-11 and 30-17.1-13 of the General Laws in Chapter 30-17.1 entitled "Veterans' Affairs" are
11 hereby amended to read as follows:

12 **30-17.1-6. Establishment of the office of veterans' affairs; director.**

13 (a) There is hereby established within the executive branch of government an office of
14 veterans' affairs. The director of the office of veterans' affairs shall be a person qualified through
15 experience and training and shall be an honorably discharged war veteran of the United States
16 armed forces. The director of the office of veterans' affairs shall be appointed by and report directly
17 to the governor, but the office shall reside within the ~~department of human services~~ [executive office](#)
18 [of health and human services](#) for administrative purposes.

19 (b) The director of veterans' affairs shall have all such powers, consistent with law, as are
20 necessary and/or convenient to effectuate the purposes of this chapter and to administer its
21 functions, including, but, not limited to, the power to promulgate and adopt regulations. The
22 director shall have authority to apply for, receive, and administer grants and funds from the federal
23 government and all other public and private entities to accomplish the purposes of the office.

24 **30-17.1-7. Annual report to general assembly.**

25 The director of veterans' affairs shall report annually, no later than January 31st of each
26 year, to the governor, speaker of the house of representatives, the senate president, and house and
27 senate finance committees, setting forth, in detail, the condition of the veterans' home, any veterans'
28 cemetery authorized and established by the general assembly, and in general the character of the
29 work of veterans' affairs [the office](#), and shall render in the report a faithful account of all moneys
30 received and expended by the director of human services [secretary of the office of health and human](#)
31 [services](#) and by the office of veterans' affairs in the execution of the provisions of this chapter and
32 chapter 24 of this title, excepting the names of persons to whom they have furnished assistance
33 which shall be omitted.

34 **30-17.1-10. Veterans' services strategic plan advisory committee established.**

1 (a) There is hereby created a veterans' services strategic plan advisory committee known
2 as "the Rhode Island veterans' services strategic plan advisory committee" consisting of fourteen
3 (14) members as follows:

4 (1) One of whom shall be the director of the office of veterans' affairs, or his or her
5 designee, who shall serve as chairperson;

6 (2) One of whom shall be the ~~director of the department of human services~~ [secretary of the](#)
7 [executive office of health and human services](#), or his or her designee;

8 (3) One of whom shall be the executive director of the public transit authority, or his or her
9 designee;

10 (4) One of whom shall be the postsecondary education commissioner, or his or her
11 designee;

12 (5) One of whom shall be the director of the department of behavioral healthcare,
13 developmental disabilities and hospitals, or his or her designee;

14 (6) One of whom shall be the director of the department of health, or his or her designee;

15 (7) One of whom shall be the director of the ~~division~~ [office](#) of elderly affairs, or his or her
16 designee;

17 (8) One of whom shall be the director of the department of business regulation, or his or
18 her designee;

19 (9) One of whom shall be the chief judge of the district court, or his or her designee;

20 (10) One of whom shall be the director of the department of labor and training, or his or
21 her designee;

22 (11) One of whom shall be the director of the Rhode Island commerce corporation, or his
23 or her designee;

24 (12) One of whom shall be the secretary of state, or his or her designee;

25 (13) One of whom shall be the adjutant general of the Rhode Island national guard, or his
26 or her designee; and

27 (14) One of whom shall be a representative for Rhode Island municipal governments.

28 (b) Forthwith upon the passage of this chapter, the members of the advisory committee
29 shall meet at the call of the chairperson and organize. Thereafter, the committee shall meet at the
30 call of the chairperson or three (3) members of the advisory committee.

31 (c) All departments and agencies of the state shall furnish such advice and information,
32 documentation, and otherwise to the committee and its agents as is deemed necessary or desirable
33 by the advisory committee to facilitate the purposes of this chapter.

34 (d) The office of veterans' affairs is hereby directed to provide suitable quarters and staff

1 for the advisory committee.

2 (e) [Deleted by P.L. 2017, ch. 131, § 1 and P.L. 2017, ch. 152, § 1].

3 (f) The members of the advisory committee shall receive no compensation for their
4 services.

5 **30-17.1-11. The duties of the committee.**

6 (a) The advisory committee, acting through the office of veterans' affairs, shall work in
7 conjunction with ~~the department of human services~~ executive office of health and human services
8 to develop, maintain, and annually update a five-year (5) statewide veterans' services strategic plan
9 ("VSSP") that includes goals and measurable outcomes to ensure that all departments deliver
10 comprehensive services and supports for veterans and their families.

11 (b) The advisory committee shall conduct an analysis of study toward the development of
12 the "VSSP" that shall include, but not be limited to, the following veterans' issues:

- 13 (1) Living in poverty;
- 14 (2) Disability benefits;
- 15 (3) Employment and training;
- 16 (4) Education;
- 17 (5) Family members and caregivers;
- 18 (6) Financial planning;
- 19 (7) Homelessness;
- 20 (8) Legal services;
- 21 (9) Long-term care;
- 22 (10) Mortuary affairs;
- 23 (11) Healthcare;
- 24 (12) Transitional assistance; and
- 25 (13) Transportation.

26 (c) The chairperson of the committee shall consult regularly with veterans and community
27 groups that represent diverse interests and viewpoints and the federal department of veterans'
28 affairs, to receive input on all matters pertaining to the preparation or implementation of the
29 veterans' services strategic plan.

30 (d) The "VSSP" shall:

- 31 (1) Be based upon comprehensive data gained through open and transparent engagement
32 of veterans' stakeholders;
- 33 (2) Produce veteran-centric policies and procedures informed by forward looking planning;
- 34 (3) Realistically assess resource adequacy and capabilities delivered;

- 1 (4) Ensure that existing resources are aligned to mission critical objectives;
- 2 (5) Complement, as well as leverage, existing U.S. Veterans' Administration programs and
3 best practices;
- 4 (6) Foster state, federal, and private partnerships that seamlessly deliver exceptional
5 services to the state's veteran population; and
- 6 (7) More effectively coordinate the delivery of veterans' services to all current and future
7 veterans in Rhode Island.

8 SECTION 5. Sections 30-24-1, 30-24-2, 30-24-5, 30-24-6, 30-24-9 and 30-24-10 of the
9 General Laws in Chapter 30-24 entitled "Rhode Island Veterans' Home" are hereby amended to
10 read as follows:

11 **30-24-1. Management and control.**

12 The management and control of the Rhode Island veterans' home, established in this state
13 for those who served in the army, navy, marine corps, coast guard, merchant marines, or air force
14 of the United States in any war or conflict and were honorably discharged therefrom, who shall be
15 in need of such care as is provided at the home, shall be the responsibility of the ~~director of human~~
16 ~~services~~ [secretary of the executive office of health and human services](#), or his or her designee.

17 **30-24-2. Bylaws and regulations -- Supervision by director.**

18 (a) The ~~director of human services~~ [secretary of the executive office of health and human](#)
19 [services](#), or his or her designee, shall have the general supervision over, and shall prescribe rules
20 for, the government and management of the Rhode Island veterans' home. He or she shall make all
21 needful bylaws and regulations governing the admission, maintenance, and discharge of the
22 residents of the home, which shall not be inconsistent with the spirit and intent of this chapter, and
23 generally may do all things necessary to successfully carry into effect the purposes of this chapter.

24 (b) The director ~~director of human services~~ [secretary of the executive office of health and](#)
25 [human services](#) shall appoint and employ all subordinate officials and persons needed for the proper
26 management of the home.

27 **30-24-6. Acceptance of gifts -- Veterans' home restricted account.**

28 (a) The ~~director of human services~~ [secretary of the executive office of health and human](#)
29 [services](#) is hereby authorized and empowered to take and receive in the name of the state any grant,
30 devise, gift, or bequest of real or personal property that may be made for the use and benefit of the
31 Rhode Island veterans' home or the residents or purposes thereof. All money so received, and all
32 money received under the provisions of §§ 30-24-9 and 30-24-10, shall be paid over to the general
33 treasurer and shall be kept by him or her as a restricted account to be known as the "veterans' home
34 restricted account". Use of the "veterans' home restricted account" funds may only be made upon

1 prior approval of the house of representatives' finance committee and senate finance committee.
2 The ~~director~~, [secretary of the executive office of health and human services](#) may sell and dispose
3 of any real or personal property received under this section, and any property received under § 30-
4 24-9, and the proceeds of the sale shall be paid over to the general treasurer to be made a part of
5 the restricted account. The restricted account shall be used for the improvement of social,
6 recreational, and educational programs, including the purchase of educational and recreational
7 supplies and equipment for the welfare of members and for operational expenses and capital
8 improvements at the veterans' home and veterans' cemetery, as deemed necessary by the ~~director~~
9 ~~of human services~~ [secretary of the executive office of health and human services](#).

10 (b) [Deleted by P.L. 1999, ch. 11, section 5.]

11 (c) Notwithstanding the provisions of subsection (a) of this section, there is hereby
12 established a restricted receipt account within the general fund of the state for the sole purpose of
13 the collection and disbursement of any grant, devise, gift, or bequest of real or personal property
14 that may be made for the use and benefit of the design, construction, and furnishing of a new Rhode
15 Island veterans home in Bristol. This account shall be known as "donations -- new veterans' home
16 construction".

17 **30-24-9. Property of deceased residents.**

18 All goods, chattels, property, money, and effects of a deceased resident of the Rhode Island
19 veterans' home that have not been disposed of by him or her by a completed inter vivos conveyance
20 or gift, or by a valid will, after payment therefrom of the funeral expenses, which shall not exceed
21 ten thousand dollars (\$10,000), and after payment therefrom of the reasonable debts and expenses
22 of the deceased resident to be determined by rules and regulations as shall be adopted by the
23 director, shall upon his or her decease become the property of the state, and shall be applied by the
24 ~~director of human services~~ [secretary of the executive office of health and human services](#), or his or
25 her designee, to the uses and purposes of the veterans' restricted account; provided, however, that
26 the director may, in his or her discretion, deliver to any surviving relative of the deceased resident
27 any of the property or effects as may serve as a memento of the deceased resident. For purposes of
28 this section, the provisions of chapter 24 of title 33 shall be applicable.

29 **30-24-10. Admissible to home -- Fees.**

30 (a) Any person who has served in the army, navy, marine corps, coast guard, or air force
31 of the United States for a period of ninety (90) days or more and that period began or ended during
32 any foreign war in which the United States shall have been engaged or in any expedition or
33 campaign for which the United States government issues a campaign medal, and who was
34 honorably discharged from it, and who shall be deemed to be in need of care provided at the Rhode

1 Island veterans' home, may be admitted to that facility subject to such rules and regulations as shall
2 be adopted by the ~~director of human services~~ secretary of the executive office of health and human
3 services to govern the admission of applicants to the facility. Any person who has served in the
4 armed forces of the United States designated herein and otherwise qualified, who has served less
5 than the ninety-day (90) period described in this section, and who was honorably discharged from
6 service, and who, as a result of the service, acquired a service-connected disability or disease, may
7 be admitted. No person shall be admitted to the facility unless the person has been accredited to the
8 enlistment or induction quota of the state or has resided in the state for at least two (2) consecutive
9 years next prior to the date of the application for admission to the facility.

10 (b)(1) The ~~director~~ secretary of the executive office of health and human services shall, at
11 the end of each fiscal year, determine the net, per-diem expenses of maintenance of residents in the
12 facility and shall assess against each resident who has "net income", as defined in this section, a fee
13 equal to eighty percent (80%) of the resident's net income, provided that fee shall not exceed the
14 actual cost of care and maintenance for the resident; and provided that an amount equal to twenty
15 percent (20%) of the maintenance fee assessed shall be allocated to, and deposited in, the veterans'
16 restricted account. For the purposes of this section, "net income" is defined as gross income minus
17 applicable federal and state taxes and minus:

18 (i) An amount equal to one hundred fifty dollars (\$150) per month of residency and fifty
19 percent (50%) of any sum received due to wounds incurred under battle conditions for which the
20 resident received the purple heart; and

21 (ii) The amount paid by a resident for the support and maintenance of his or her spouse,
22 parent(s), minor child(ren), or child(ren) who is/are blind or permanently and totally disabled as
23 defined in title XVI of the Federal Social Security Act, 42 U.S.C. §§ 1381 -- 1383d, subject to a
24 maximum amount to be determined by rules and regulations as shall be adopted by the director.

25 (2) The fees shall be paid monthly to the home and any failure to make payment when due
26 shall be cause for dismissal from the facility. Prior to dismissal, the resident shall be afforded
27 administrative due process.

28 (c) Admissions to the veterans' home shall be made without discrimination as to race, color,
29 national origin, religion, sex, disability, marital status, age, sexual orientation, gender identity or
30 expression, assets, or income.

31 (d) Laundry services shall be provided to the residents of the Rhode Island veterans' home
32 at no charge to the residents, with such funds to cover the cost of providing laundry services for
33 residents of the Rhode Island veterans' home derived from monies appropriated to the ~~department~~
34 ~~of human services~~ executive office of health and human services.

1 SECTION 6. Sections 30-25-8, 30-25-9, 30-25-10, 30-25-11, 30-25-12, 30-25-13 and 30-
2 25-14 of the General Laws in Chapter 30-25 entitled "Burial of Veterans" are hereby amended to
3 read as follows:

4 **30-25-8. Maintenance of north cemetery.**

5 The director of human services [secretary of the executive office of health and human](#)
6 [services](#) shall be custodian of the Rhode Island soldiers' burial lots, and the monument and grave
7 markers thereon, located in the north cemetery in the town of Bristol. He or she shall, from time to
8 time, cause such work to be done as may be necessary in keeping the lots, monuments, and markers
9 in good condition and repair.

10 **30-25-9. Expenses of north cemetery.**

11 The director of human services [secretary of the executive office of health and human](#)
12 [services](#), is authorized to make such expenditures as may be necessary in carrying out the purposes
13 of § 30-25-8, and the state controller is hereby authorized and directed upon receipt of proper
14 vouchers approved by the state ~~director of human services~~ [secretary of the executive office of health](#)
15 [and human services](#), to draw orders upon the general treasurer for the payment of such sums as may
16 be required, from the funds under the control of the ~~director of human services~~ [secretary of the](#)
17 [executive office of health and human services](#), known as the veterans' home, restricted account.

18 **30-25-10. Care of neglected graves.**

19 The ~~director of human services~~ [secretary of the executive office of health and human](#)
20 [services](#) is authorized and empowered to undertake the care of any grave of any soldier or sailor
21 who fought in the war of the revolution, or who at any time served the United States in any war,
22 when the grave appears to have been neglected or abandoned. For that purpose, the ~~director~~
23 [secretary](#), and the agents or employees of the ~~division~~ [office](#), when duly authorized thereunto by
24 the ~~director~~ [secretary](#), may enter into and upon any public or private cemetery or burial place to
25 clear any grave of grass, weeds, brush, briars, or rubbish; to erect, replace, repair, or renovate
26 fences, memorial stones, or markers; and to perform the other tasks as may be necessary to restore
27 and maintain the grave and its surroundings in a decent and orderly condition.

28 **30-25-11. Consent of custodian of neglected grave.**

29 When any cemetery or burial place containing a neglected grave is found by the ~~director~~
30 ~~of human services~~ [secretary of the executive office of health and human services](#), or the agents or
31 employees of the division ~~division~~ [executive office](#), to be under the custody or control of some
32 private owner or public authority, then the ~~director~~ [secretary](#) shall obtain permission, in writing,
33 from the person or persons having custody or control before entering into and upon the cemetery
34 or burial place; provided, that if no person or persons can be found having the custody or control

1 of the cemetery or burial place, the ~~director~~ secretary shall assume the right of entry and shall
2 perform the duties specified in § 30-25-10, without further notice.

3 **30-25-12. Appropriations for care of graves.**

4 The general assembly shall, from time to time, appropriate such sums as it may deem
5 necessary to be expended by the ~~director of human services~~ secretary of the executive office of
6 health and human services in carrying out the purposes of §§ 30-25-10 and 30-25-11, and the state
7 controller is hereby authorized and directed, upon the receipt of the proper vouchers approved by
8 the director ~~director~~ secretary, to draw orders upon the general treasurer for the payment of such
9 sums as may be required, within the amount appropriated therefor.

10 **30-25-13. Acceptance and administration of gifts.**

11 The ~~director of human services~~ secretary of the executive office of health and humans
12 services may accept in the name of the state, and may administer, any devise, bequest, or gift that
13 is to be expended for the general purposes of this chapter. All sums received by devise, bequest, or
14 gift from any person or corporation shall be deposited with the general treasurer, and by him or her
15 kept in a special fund, to be known as "the veterans' cemetery fund", and held subject to the order
16 of the director.

17 **30-25-14. Rhode Island veterans' memorial cemetery.**

18 (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph
19 H. Ladd school in the town of Exeter, shall be under the management and control of the director of
20 the department of human services ~~director of the department of human services~~ secretary of the
21 executive office of health and human services. The ~~director of the department of human services~~
22 secretary of the executive office of health and human services shall appoint an administrator for
23 the Rhode Island veterans' memorial cemetery who shall be an honorably discharged veteran of the
24 United States Armed Forces and shall have the general supervision over, and shall prescribe rules
25 for, the government and management of the cemetery. He or she shall make all needful rules and
26 regulations governing the operation of the cemetery and generally may do all things necessary to
27 ensure the successful operation thereof. The ~~director~~ secretary shall promulgate rules and
28 regulations, not inconsistent with the provisions of 38 U.S.C. § 2402, to govern the eligibility for
29 burial in the Rhode Island veterans' memorial cemetery. In addition to all persons eligible for burial
30 pursuant to rules and regulations established by the director, any person who served in the army,
31 navy, air force, or marine corps of the United States for a period of not less than two (2) years and
32 whose service was terminated honorably, shall be eligible for burial in the Rhode Island veterans'
33 memorial cemetery. The ~~director~~ secretary shall appoint and employ all subordinate officials and
34 persons needed for the proper management of the cemetery. National guard members who are killed

1 in the line of duty or who are honorably discharged after completion of at least twenty (20) years'
2 of service in the Rhode Island national guard and their spouse shall be eligible for interment in the
3 Rhode Island veterans' memorial cemetery. For the purpose of computing service under this
4 section, honorable service in the active forces or reserves shall be considered toward the twenty
5 (20) years of national guard service. The general assembly shall make an annual appropriation to
6 the ~~department of human services~~ executive office of health and human services to provide for the
7 operation and maintenance for the cemetery. The ~~director~~ secretary shall charge and collect a grave
8 liner fee per interment of the eligible spouse and/or eligible dependents of the qualified veteran
9 equal to the department's cost for the grave liner.

10 (b) No domestic animal shall be allowed on the grounds of the Rhode Island veterans'
11 memorial cemetery, whether at large or under restraint, except for seeing eye guide dogs, hearing
12 ear signal dogs or any other service animal, as required by federal law or any personal assistance
13 animal, as required by chapter 9.1 of title 40. Any person who violates the provisions of this section
14 shall be subject to a fine of not less than five hundred dollars (\$500).

15 (c) The state of Rhode Island office of veterans' affairs shall bear the cost of all tolls
16 incurred by any motor vehicles that are part of a veteran's funeral procession, originating from
17 Aquidneck Island ending at the veterans' memorial cemetery, for burial or internment. The
18 executive director of the turnpike and bridge authority shall assist in the administration and
19 coordination of this toll reimbursement program.

20 SECTION 7. Section 30-27-1 of the General Laws in Chapter 30-27 entitled "Veterans'
21 Organizations" is hereby repealed as follows.

22 ~~**30-27-1. Appropriations for annual encampment of Spanish war veterans.**~~
23 ~~The general assembly shall annually appropriate such sum as it may deem necessary to~~
24 ~~defray the expenses of the annual encampment of the united spanish war veterans, department of~~
25 ~~Rhode Island, to be expended under the direction of the department of human services or of any~~
26 ~~other department as the general assembly shall indicate and direct at any future time; and the~~
27 ~~controller is hereby authorized and directed to draw orders upon the general treasurer for the~~
28 ~~payment of that sum, or so much thereof as may be necessary from time to time, upon the receipt~~
29 ~~by the controller of proper vouchers approved by the director of human services, or such other~~
30 ~~approving authority as the general assembly may direct.~~

31 SECTION 8. Section 30-28-10 of the General Laws in Chapter 30-28 entitled "Monuments
32 and Memorials" is hereby amended to read as follows:

33 **30-28-10. Rhode Island veterans memorial chapel.**
34 The Rhode Island Veterans Memorial Chapel Building Fund, Inc. is hereby authorized to

1 construct a nonsectarian memorial chapel in the Rhode Island veterans cemetery located in Exeter,
2 Rhode Island; provided, however, that the plans for the memorial chapel shall be approved by the
3 director of administration; provided further that the Rhode Island Veterans Memorial Chapel
4 Building Fund, Inc. grant to the state all of its right, title, and interest in the chapel; and provided
5 further that the management and control of the chapel shall be with the ~~director of the department~~
6 ~~of human services~~ [secretary of the executive office of health and human services](#).

7 SECTION 9. Sections 31-38-7 and 31-38-18 of the General Laws in Chapter 31-38 entitled
8 "Inspection of Motor Vehicles" are hereby amended to read as follows:

9 **31-38-7. Operation of official stations.**

10 (a) No permit for an official station shall be assigned or transferred or used at any location
11 other than designated in it, and the permit shall be posted in a conspicuous place at the designated
12 location.

13 (b) The state certified person operating an official inspection station shall issue a certificate
14 of inspection and approval upon an official form to the owner of a vehicle upon inspection of the
15 vehicle and determining that its equipment required under the provisions of this chapter is in good
16 condition and proper adjustment, otherwise, no certificate shall be issued. A record and report shall
17 be made of every inspection and every certificate issued. The records shall be kept available for
18 review by ~~the motor vehicle inspection station commission or~~ those employees of the department
19 of revenue that the director may designate.

20 (c) The following fees shall be charged for inspection and issuance of certificate of
21 inspection and approval:

22 (1) For every vehicle with a registered gross weight of not more than eight thousand five
23 hundred pounds (8,500 lbs.), the fee shall be included with the fee charged pursuant to § 31-47.1-
24 11;

25 (2) For every vehicle of a registered gross weight of more than eight thousand five hundred
26 pounds (8,500 lbs.) or more, except trailers, fifteen dollars (\$15.00);

27 (3) For every motorcycle and electrically powered vehicle, eleven dollars (\$11.00);

28 (4) For every trailer or semi-trailer with a registered gross weight of more than one
29 thousand pounds (1,000 lbs.), eleven dollars (\$11.00); and

30 (5) Provided that for the inspection of vehicles used for the transportation of persons for
31 hire, as provided in § 31-22-12, and subject to an inspection pursuant to chapter 47.1 of this title,
32 the fee shall be included with the fee charged pursuant to § 31-47.1-11.

33 (d) The director of the department of revenue may establish a state inspection facility at
34 which any motor vehicle may be reinspected at no cost to the owner. The state inspection facility

1 may inspect all public conveyance vehicles or these inspections may be otherwise provided for by
2 the director, or any other vehicles which in the opinion of the director of revenue, or his or her
3 designee, require specific testing to ensure for the health and safety of the general public.

4 (e) Any other inspections or activities which may be required to be performed at a state
5 inspection facility may be performed at any official inspection station if determined by the director.

6 **31-38-18. Conduct of hearings.**

7 The director of the department of revenue~~commission~~ shall hold and conduct hearings in
8 accordance with § 31-38-17. These hearings shall be governed by rules to be adopted by the director
9 of the department of revenue~~commission~~, and the director of the department of revenue~~commission~~
10 shall not be bound by technical rules of evidence. The director of the department of
11 revenue~~commission~~ may subpoena witnesses and require the producing of documental evidence;
12 ~~and shall sit as an impartial independent body~~ in order to make decisions affecting the interest of
13 the motor vehicle inspection owner and/or operator. ~~The concurrence of a majority of the members~~
14 ~~present and voting of the commission is required for a decision.~~

15 SECTION 10. Sections 31-38-15 and 31-38-16 of the General Laws in Chapter 31-38
16 entitled "Inspection of Motor Vehicles" are hereby repealed.

17 **~~31-38-15. Motor vehicle inspection commission.~~**

18 ~~(a) Within the department of revenue there shall be a motor vehicle inspection commission,~~
19 ~~referred to in this chapter as the "commission", which shall function as a unit in the department.~~
20 ~~The commission shall consist of seven (7) members who shall be appointed by the governor, with~~
21 ~~the advice and consent of the senate. In making said appointments, the governor shall give due~~
22 ~~consideration to including in the commission's membership one or more garage keeper(s) and/or~~
23 ~~inspection station owner(s).~~

24 ~~(b) The tenure of all members of the commission as of the effective date of this act [March~~
25 ~~29, 2006] shall expire on the effective date of this act [March 29, 2006], and the governor shall~~
26 ~~nominate seven (7) new members as follows:~~

27 ~~(1) The governor shall appoint seven (7) members of the commission; three (3) of whom~~
28 ~~shall serve initial terms of three (3) years; two (2) of whom shall serve an initial term of two (2)~~
29 ~~years; and two (2) of whom shall serve an initial term of one year.~~

30 ~~(2) Thereafter, all members of the commission shall be appointed to serve three (3) year~~
31 ~~terms.~~

32 ~~(c) The governor shall designate one member of the commission to serve as chairperson.~~
33 ~~The commission may elect from among its members such other officers as they deem necessary.~~

34 ~~(d) No person shall be eligible for appointment to the commission after the effective date~~

1 of this act [March 29, 2006] unless he or she is a resident of this state.

2 (e) ~~Four (4) members of the commission shall constitute a quorum.~~

3 (f) ~~Members of the commission shall be removable by the governor pursuant to the~~
4 ~~provisions of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or~~
5 ~~personal reasons unrelated to capacity of fitness for the office shall be unlawful.~~

6 (g) ~~Within ninety (90) days after the end of each fiscal year, the commission shall approve~~
7 ~~and submit an annual report to the governor, the speaker of the house of representatives, the~~
8 ~~president of the senate, and the secretary of state of its activities during that fiscal year. The report~~
9 ~~shall provide: an operating statement summarizing meetings or hearings held, including meeting~~
10 ~~minutes, subjects addressed, decisions rendered, licenses considered and their disposition, rules or~~
11 ~~regulations promulgated, studies conducted, policies and plans developed, approved or modified~~
12 ~~and programs administered or initiated; a consolidated financial statement of all funds received and~~
13 ~~expended including the source of the funds, a listing of any staff supported by these funds and a~~
14 ~~summary of any clerical, administrative or technical support received; a summary of performance~~
15 ~~during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis~~
16 ~~of hearings, complaints, suspensions or other legal matters related to the authority of the~~
17 ~~commission; a summary of any training courses held pursuant to the provisions of this section; a~~
18 ~~briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations~~
19 ~~for improvements. The report shall be posted electronically on the general assembly and secretary~~
20 ~~of state's websites as prescribed in § 42-20-8.2. The director of the department of revenue shall be~~
21 ~~responsible for the enforcement of the provisions of this subsection.~~

22 (h) ~~To conduct a training course for newly appointed and qualified members within six (6)~~
23 ~~months of their qualification or designation. The course shall be developed by the chair of the~~
24 ~~commission, approved by the commission, and conducted by the chair of the commission. The~~
25 ~~commission may approve the use of any commission or staff members or other individuals to assist~~
26 ~~with training. The training course shall include instruction in the following areas: the provisions of~~
27 ~~chapters 42-46, 36-14, and 38-2; and the commission's rules and regulations. The director of the~~
28 ~~department of revenue shall, within ninety (90) days of the effective date of this act [March 29,~~
29 ~~2006], prepare and disseminate training material relating to the provisions of chapters 42-46, 36-~~
30 ~~14, and 38-2.~~

31 **31-38-16. Meetings -- Compensation.**

32 The commission shall meet at least once a month to consider any matters that may be proper
33 before it. ~~The members of the commission shall receive no compensation for their services, but~~
34 ~~each member shall be reimbursed for traveling or other expenses that are actually incurred in the~~

1 ~~discharge of the member's duties.~~

2 SECTION 11. Sections 35-1.1-1 through 35-1.1-5 of the General Laws in Chapter 35-1.1
3 entitled "Office of Management and Budget" are hereby amended to read as follows:

4 **35-1.1-1. Statement of intent.**

5 The purpose of this chapter is to establish a comprehensive public finance and management
6 system for the State of Rhode Island that manages a data-driven budget process, monitors state
7 departments' and agencies' performance, ~~maximizes the application for and use of federal grants~~
8 improves the regulatory climate and ensures accountability and transparency regarding the use of
9 public funds and regulatory impact.

10 **35-1.1-2. Establishment of the office of management and budget.**

11 There is hereby established within the department of administration an office of
12 management and budget. This office shall serve as the principal agency of the executive branch of
13 state government for managing budgetary functions, regulatory review, performance management,
14 internal audit, and federal grants management. In this capacity, the office shall:

15 (1) Establish an in-depth form of data analysis within and between departments and
16 agencies, creating a more informed process for resource allocation to best meet the needs of Rhode
17 Island citizens;

18 ~~(2) Identify federal grant funding opportunities to support the governor's and general
19 assembly's major policy initiatives and provide technical assistance with the application process
20 and post-award grants management;~~

21 (2) Analyze the impact of proposed regulations on the public and state as required by
22 chapters 42-64.13 and 42-35;

23 (3) Analyze federal budgetary issues and report on potential impacts to the state;

24 (4) Coordinate the budget functions of the state with performance management objectives;

25 (5) Maximize efficiencies in departments, agencies, advisory councils, and
26 instrumentalities of the state by improving processes and prioritizing programs;

27 (6) Be responsible for the internal audit function of state government and conduct audits of
28 any state department, state agency, or private entity that is a recipient of state funding or state
29 grants; provide management advisory and consulting services; or conduct investigations relative to
30 the financial affairs or the efficiency of management, or both, of any state department or agency.

31 **35-1.1-3. Director of management and budget -- Appointment and responsibilities.**

32 (a) Within the department of administration there shall be a director of management and
33 budget who shall be appointed by the director of administration with the approval of the governor.

34 The director shall be responsible to the governor and director of administration for supervising the

1 office of management and budget and for managing and providing strategic leadership and direction
2 to the budget officer, the performance management office, and the federal grants management
3 office.

4 (b) The director of management and budget shall be responsible to:

5 (1) Oversee, coordinate, and manage the functions of the budget officer as set forth by
6 chapter 3 of this title; program performance management as set forth by § 35-3-24.1; approval of
7 agreements with federal agencies defined by § 35-3-25; and budgeting, appropriation, and receipt
8 of federal monies as set forth by chapter 41 of title 42;

9 [\(2\) Oversee the director of regulatory reform as set forth by § 42-64.13-6;](#)

10 ~~(2) Manage federal fiscal proposals and guidelines and serve as the state clearinghouse for~~
11 ~~the application of federal grants;~~

12 (3) Maximize the indirect cost recoveries by state agencies set forth by § 35-4-23.1; and

13 (4) Undertake a comprehensive review and inventory of all reports filed by the executive
14 office and agencies of the state with the general assembly. The inventory should include, but not
15 be limited to: the type, title, and summary of reports; the author(s) of the reports; the specific
16 audience of the reports; and a schedule of the reports' release. The inventory shall be presented to
17 the general assembly as part of the budget submission on a yearly basis. The office of management
18 and budget shall also make recommendations to consolidate, modernize the reports, and to make
19 recommendations for elimination or expansion of each report.

20 **35-1.1-4. Offices and functions assigned to the office of management and budget --**
21 **Powers and duties.**

22 (a) The offices assigned to the office of management and budget include the budget office,
23 [the office of regulatory reform](#), the performance management office, [and the](#) office of internal audit;
24 ~~and the federal grants management office.~~

25 (b) The offices assigned to the office of management and budget shall:

26 (1) Exercise their respective powers and duties in accordance with their statutory authority
27 and the general policy established by the governor or by the director acting on behalf of the
28 governor or in accordance with the powers and authorities conferred upon the director by this
29 chapter;

30 (2) Provide such assistance or resources as may be requested or required by the governor
31 and/or the director;

32 (3) Provide such records and information as may be requested or required by the governor
33 and/or the director, to the extent allowed under the provisions of any applicable general or public
34 law, regulation, or agreement relating to the confidentiality, privacy, or disclosure of such records

1 or information; and

2 (c) Except as provided herein, no provision of this chapter or application thereof shall be
3 construed to limit or otherwise restrict the budget officer from fulfilling any statutory requirement
4 or complying with any valid rule or regulation.

5 **35-1.1-5. Federal grants management.**

6 (a) The ~~office of management and budget~~ controller shall be responsible for managing
7 federal grant applications, providing administrative assistance to agencies regarding reporting
8 requirements, providing technical assistance and approving agreements with federal agencies
9 pursuant to § 35-1-1. The ~~director~~ controller shall:

10 (1) Establish state goals and objectives for maximizing the utilization of federal aid
11 programs;

12 (2) Ensure that the state establishes and maintains statewide federally-mandated grants
13 management processes and procedures as mandated by the federal Office of Management and
14 Budget;

15 (3) Promulgate procedures and guidelines for all state departments, agencies, advisory
16 councils, instrumentalities of the state and public higher education institutions covering
17 applications for federal grants;

18 (4) Require, upon request, any state department, agency, advisory council, instrumentality
19 of the state or public higher education institution receiving a grant of money from the federal
20 government to submit a report to the ~~director~~ controller of expenditures and program measures for
21 the fiscal period in question;

22 (5) Ensure state departments and agencies adhere to the requirements of § 42-41-5
23 regarding Legislative appropriation authority and delegation thereof;

24 (6) ~~Assist the state controller in managing and overseeing~~ overseeing ~~Manage and~~
25 oversee the disbursements of federal funds in accordance with § 35-6-42;

26 (7) ~~Assist the state controller in the preparation of~~ Prepare the statewide cost allocation
27 plan and serve as the monitoring agency to ensure that state departments and agencies are working
28 within the guidelines contained in the plan; and,

29 (8) Provide technical assistance to agencies to ensure resolution and closure of all single
30 state audit findings and recommendations made by the Auditor General related to Federal funding.

31 (b) ~~The office of management and budget~~ Accounts and control shall serve as the ~~S~~state
32 ~~C~~clearinghouse for purposes of coordinating federal grants, aid and assistance applied for and/or
33 received by any state department, agency, advisory council or instrumentality of the state. Any state
34 department, agency, advisory council, or instrumentality of the state applying for federal funds,

1 aids, loans, or grants shall file a summary notification of the intended application with the ~~director~~
2 [controller](#).

3 (1) When as a condition to receiving federal funds, the state is required to match the federal
4 funds, a statement shall be filed with the notice of intent or summary of the application stating:

5 (i) The amount and source of state funds needed for matching purposes;

6 (ii) The length of time the matching funds shall be required;

7 (iii) The growth of the program;

8 (iv) How the program will be evaluated;

9 (v) What action will be necessary should the federal funds be canceled, curtailed, or
10 restricted; and,

11 (vi) Any other financial and program management data required by the office or by law.

12 (2) Except as otherwise required, any application submitted by an executive agency for
13 federal funds, aids, loans, or grants which will require state matching or replacement funds at the
14 time of application or at any time in the future, must be approved by the director [of the office of](#)
15 [management and budget](#) or their designated agents prior to its filing with the appropriate federal
16 agency. Any application submitted by an executive agency for federal funds, aids, loans, or grants
17 which will require state matching or replacement funds at the time of application or at any time in
18 the future, when funds have not been appropriated for that express purpose, must be approved by
19 the General Assembly in accordance with § 42-41-5. When the general assembly is not in session,
20 the application shall be reported to and reviewed by the Director pursuant to rules and regulations
21 promulgated by the Director.

22 (3) When any federal funds, aids, loans, or grants are received by any state department,
23 agency, advisory council or instrumentality of the state, a report of the amount of funds received
24 shall be filed with the office; and this report shall specify the amount of funds which would
25 reimburse an agency for indirect costs, as provided for under federal ~~OMB Circular A-~~
26 [87 requirements](#).

27 (4) The ~~director~~ [controller](#) may refuse to issue approval for the disbursement of any state
28 or federal funds from the State Treasury as the result of any application which is not approved as
29 provided by this section, or in regard to which the statement or reports required by this section were
30 not filed.

31 (5) The ~~director~~ [controller](#) shall be responsible for the orderly administration of this section
32 and for issuing the appropriate guidelines and regulations from each source of funds used.

33 SECTION 12. Section 35-6-1 of the General Laws in Chapter 35-6 entitled "Accounts and
34 Control" is hereby amended to read as follows:

1 **35-6-1. Controller -- Duties in general.**

2 (a) Within the department of administration there shall be a controller who shall be
3 appointed by the director of administration pursuant to chapter 4 of title 36. The controller shall be
4 responsible for accounting and expenditure control and shall be required to:

5 (1) Administer a comprehensive accounting and recording system which will classify the
6 transactions of the state departments and agencies in accordance with the budget plan;

7 (2) Maintain control accounts for all supplies, materials, and equipment for all departments
8 and agencies except as otherwise provided by law;

9 (3) Prescribe a financial, accounting, and cost accounting system for state departments and
10 agencies;

11 (4) Identify federal grant funding opportunities to support the governor's and general
12 assembly's major policy initiatives and provide technical assistance with the application process
13 and post-award grants management;

14 (5) Manage federal fiscal proposals and guidelines and serve as the state clearinghouse for
15 the application of federal grants;

16 ~~(4)~~(6) Preaudit all state receipts and expenditures;

17 ~~(5)~~(7) Prepare financial statements required by the several departments and agencies, by
18 the governor, or by the general assembly;

19 ~~(6)~~ (8) Approve the orders drawn on the general treasurer; provided, that the preaudit of all
20 expenditures under authority of the legislative department and the judicial department by the state
21 controller shall be purely ministerial, concerned only with the legality of the expenditure and
22 availability of the funds, and in no event shall the state controller interpose his or her judgment
23 regarding the wisdom or expediency of any item or items of expenditure;

24 ~~(7)~~(9) Prepare and timely file, on behalf of the state, any and all reports required by the
25 United States, including, but not limited to, the internal revenue service, or required by any
26 department or agency of the state, with respect to the state payroll; and

27 ~~(8)~~(10) Prepare a preliminary closing statement for each fiscal year. The controller shall
28 forward the statement to the chairpersons of the house finance committee and the senate finance
29 committee, with copies to the house fiscal advisor and the senate fiscal and policy advisor, by
30 September 1 following the fiscal year ending the prior June 30 or thirty (30) days after enactment
31 of the appropriations act, whichever is later. The report shall include but is not limited to:

32 (i) A report of all revenues received by the state in the completed fiscal year, together with
33 the estimates adopted for that year as contained in the final enacted budget, and together with all
34 deviations between estimated revenues and actual collections. The report shall also include cash

1 collections and accrual adjustments;

2 (ii) A comparison of actual expenditures with each of the actual appropriations, including
3 supplemental appropriations and other adjustments provided for in the Rhode Island General Laws;

4 (iii) A statement of the opening and closing surplus in the general revenue account; and

5 (iv) A statement of the opening surplus, activity, and closing surplus in the state budget
6 reserve and cash stabilization account and the state bond capital fund.

7 (b) The controller shall provide supporting information on revenues, expenditures, capital
8 projects, and debt service upon request of the house finance committee chairperson, senate finance
9 committee chairperson, house fiscal advisor, or senate fiscal and policy advisor.

10 (c) Upon issuance of the audited annual financial statement, the controller shall provide a
11 report of the differences between the preliminary financial report and the final report as contained
12 in the audited annual financial statement.

13 (d) The controller shall create a special fund not part of the general fund and shall deposit
14 amounts equivalent to all deferred contributions under this act into that fund. Any amounts
15 remaining in the fund on June 15, 2010, shall be transferred to the general treasurer who shall
16 transfer such amounts into the retirement system as appropriate.

17 (e) The controller shall implement a direct deposit payroll system for state employees.

18 (i) There shall be no service charge of any type paid by the state employee at any time
19 which shall decrease the net amount of the employee's salary deposited to the financial institution
20 of the personal choice of the employee as a result of the use of direct deposit.

21 (ii) Employees hired after September 30, 2014, shall participate in the direct deposit
22 system. At the time the employee is hired, the employee shall identify a financial institution that
23 will serve as a personal depository agent for the employee.

24 (iii) No later than June 30, 2016, each employee hired before September 30, 2014, who is
25 not a participant in the direct deposit system, shall identify a financial institution that will serve as
26 a personal depository agent for the employee.

27 (iv) The controller shall promulgate rules and regulations as necessary for implementation
28 and administration of the direct deposit system, which shall include limited exceptions to required
29 participation.

30 SECTION 13. Chapter 39-3 of the General Laws entitled "Regulatory Powers of
31 Administration" is hereby amended by adding thereto the following section:

32 **39-3-45. Transfer of powers, functions and resources from the water resources board.**

33 (a) There are hereby transferred to the division of public utilities and carriers those powers and
34 duties formerly administered by the department of administration and/or the employees of the water

1 [resources board as provided for in chapter 46-15 \(“Water Resources Management”\) through 46-](#)
2 [15.8 \(“Water Use and Efficiency Act”\), inclusive, and any other applicable provisions of the](#)
3 [general laws.](#)

4 [\(b\) Unless otherwise specified by statute, all resources of the water resources board,](#)
5 [including, but not limited to, property, employees and accounts, are hereby transferred to the](#)
6 [division of public utilities and carriers effective July 1, 2019.](#)

7 [\(c\) As part of the above transfer, except for the general manager, all employees of the water](#)
8 [resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be](#)
9 [subject to those provisions.](#)

10 SECTION 14. Sections 40-1-4 and 40-1-6 of the General Laws in Chapter 40-1 entitled
11 "Department of Human Services" are hereby amended to read as follows:

12 **40-1-4. Organization of department.**

13 All functions, services, and duties of the department of human services shall be organized
14 by the director with the approval of the governor as to:

15 (1) Community services to include generally and specifically the administration of all
16 forms of human services excluding child welfare services, which are the responsibility of the
17 department of children, youth, and families.

18 (2) Management services to include generally and specifically all central management,
19 financial, forms of relief, and other services concerned with the business and servicing operations
20 of the department.

21 ~~(3) Veterans' affairs to include all forms of services to veterans of the armed forces. There~~
22 ~~shall be within the department of human services a division of veterans' affairs.~~

23 **40-1-6. Officers required to be veterans.**

24 The respective officers appointed by the ~~director of human services~~ [secretary of the](#)
25 [executive office of health and human services](#) to be in charge of the state's administration of
26 veterans' relief, of graves' registration, and the commandant and the assistant commandant of the
27 Rhode Island veterans' home, in addition to any other qualifications required for their respective
28 positions as already provided in law, shall each be an honorably discharged war veteran of any war
29 in which the United States has been engaged.

30 SECTION 15. Sections 42-6-1, 42-6-2 and 42-6-3 of the General Laws in Chapter 42-6
31 entitled "Departments of State Government" are hereby amended to read as follows:

32 **42-6-1. Enumeration of departments.**

33 All the administrative powers and duties heretofore vested by law in the several state
34 departments, boards, divisions, bureaus, commissions, and other agencies shall be vested in the

1 following departments and other agencies which are specified in this title:

- 2 (a) Executive department (chapter 7 of this title);
- 3 (b) Department of state (chapter 8 of this title);
- 4 (c) Department of the attorney general (chapter 9 of this title);
- 5 (d) Treasury department (chapter 10 of this title);
- 6 (e) Department of administration (chapter 11 of this title);
- 7 (f) Department of business regulation (chapter 14 of this title);
- 8 (g) Department of children, youth and families (chapter 72 of this title);
- 9 (h) Department of corrections (chapter 56 of this title);
- 10 ~~(i) Department of elderly affairs (chapter 66 of this title);~~
- 11 (j) Department of elementary and secondary education (chapter 60 of title 16);
- 12 ~~(k) Department of environmental management (chapter 17.1 of this title);~~
- 13 (l) Department of health (chapter 18 of this title);
- 14 ~~(m) Board of governors for higher education (chapter 59 of title 16);~~
- 15 ~~(n) Department of labor and training (chapter 16.1 of this title);~~
- 16 (o) Department of behavioral healthcare, developmental disabilities and hospitals (chapter
- 17 12.1 of this title);
- 18 (p) Department of human services (chapter 12 of this title);
- 19 (q) Department of transportation (chapter 13 of this title);
- 20 (r) Public utilities commission (chapter 14.3 of this title);
- 21 (s) Department of revenue (chapter 142 of title 42);
- 22 (t) Department of public safety (chapter 7.3 of this title).

23 **42-6-2. Heads of departments.**

24 The governor, secretary of state, attorney general, and general treasurer, hereinafter called
25 general officers, shall each be in charge of a department. There shall also be a director of
26 administration, a director of revenue, a director of public safety, a director of human services, a
27 director of behavioral healthcare, developmental disabilities and hospitals, a director of
28 transportation, a director of business regulation, a director of labor and training, a director of
29 environmental management, a director for children, youth and families, ~~a director of elderly affairs,~~
30 and a director of corrections. Each director shall hold office at the pleasure of the governor and he
31 or she shall serve until his or her successor is duly appointed and qualified unless the director is
32 removed from office by special order of the governor.

33 **42-6-3. Appointment of directors.**

- 34 (a) At the January session following his or her election to office, the governor shall appoint

1 a director of administration, a director of revenue, a director of public safety, a director of human
2 services, a director of behavioral healthcare, developmental disabilities and hospitals, a director of
3 transportation, a director of business regulation, a director of labor and training, a director of
4 environmental management, a director for children, youth and families, ~~a director of elderly affairs,~~
5 and a director of corrections. The governor shall, in all cases of appointment of a director while the
6 senate is in session, notify the senate of his or her appointment and the senate shall, within sixty
7 (60) legislative days after receipt of the notice, act upon the appointment. If the senate shall, within
8 sixty (60) legislative days, vote to disapprove the appointment it shall so notify the governor, who
9 shall forthwith appoint and notify the senate of the appointment of a different person as director
10 and so on in like manner until the senate shall fail to so vote disapproval of the governor's
11 appointment. If the senate shall fail, for sixty (60) legislative days next after notice, to act upon any
12 appointment of which it has been notified by the governor, the person so appointed shall be the
13 director. The governor may withdraw any appointment of which he or she has given notice to the
14 senate, at any time within sixty (60) legislative days thereafter and before action has been taken
15 thereon by the senate.

16 (b) Except as expressly provided in § 42-6-9, no director of any department shall be
17 appointed or employed pursuant to any contract of employment for a period of time greater than
18 the remainder of the governor's current term of office. Any contract entered into in violation of this
19 section after July 1, 1994 is hereby declared null and void.

20 SECTION 16. Sections 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6, 42-7.2-6.1, 42-7.2-9, 42-
21 7.2-15 and 42-7.2-17 of the General Laws in Chapter 42-7.2 entitled "Office of Health and Human
22 Services" are hereby amended to read as follows:

23 **42-7.2-2. Executive office of health and human services.**

24 There is hereby established within the executive branch of state government an executive
25 office of health and human services to serve as the principal agency of the executive branch of state
26 government for managing the departments of children, youth and families, health, human services,
27 and behavioral healthcare, developmental disabilities and hospitals and offices of elder and
28 veterans' affairs. In this capacity, the office shall:

29 (a) Lead the state's four (4) health and human services departments and the offices of elder
30 and veterans' affairs in order to:

31 (1) Improve the economy, efficiency, coordination, and quality of health and human
32 services policy and planning, budgeting, and financing.

33 (2) Design strategies and implement best practices that foster service access, consumer
34 safety, and positive outcomes.

1 (3) Maximize and leverage funds from all available public and private sources, including
2 federal financial participation, grants, and awards.

3 (4) Increase public confidence by conducting independent reviews of health and human
4 services issues in order to promote accountability and coordination across departments.

5 (5) Ensure that state health and human services policies and programs are responsive to
6 changing consumer needs and to the network of community providers that deliver assistive services
7 and supports on their behalf.

8 (6) Administer Rhode Island Medicaid in the capacity of the single state agency authorized
9 under title XIX of the U.S. Social Security Act, 42 U.S.C. § 1396a et seq., and exercise such single
10 state agency authority for such other federal and state programs as may be designated by the
11 governor. Except as provided for herein, nothing in this chapter shall be construed as transferring
12 to the secretary the powers, duties, or functions conferred upon the departments [or offices](#) by Rhode
13 Island general laws for the management and operations of programs or services approved for
14 federal financial participation under the authority of the Medicaid state agency.

15 (7) To act in conjunction with the department of behavioral healthcare, developmental
16 disabilities and hospitals as the state's co-designated agency (42 U.S.C. § 300x-30(a)) for
17 administering federal aid and for the purposes of the calculation of expenditures relative to the
18 substance-abuse block grant and federal funding maintenance of effort.

19 **42-7.2-4. Responsibilities of the secretary.**

20 (a) The secretary shall be responsible to the governor for supervising the executive office
21 of health and human services and for managing and providing strategic leadership and direction to
22 the four (4) departments [and two \(2\) offices](#).

23 (b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint the
24 directors of the departments within the executive office of health and human services. Directors
25 appointed to those departments shall continue to be subject to the advice and consent of the senate
26 and shall continue to hold office as set forth in §§ 42-6-1 et seq. and 42-72-1(c).

27 **42-7.2-5. Duties of the secretary.**

28 The secretary shall be subject to the direction and supervision of the governor for the
29 oversight, coordination and cohesive direction of state administered health and human services and
30 in ensuring the laws are faithfully executed, notwithstanding any law to the contrary. In this
31 capacity, the Secretary of Health and Human Services shall be authorized to:

32 (1) Coordinate the administration and financing of health-care benefits, human services
33 and programs including those authorized by the state's Medicaid section 1115 demonstration waiver
34 and, as applicable, the Medicaid State Plan under Title XIX of the U.S. Social Security Act.

1 However, nothing in this section shall be construed as transferring to the secretary the powers,
2 duties or functions conferred upon the departments by Rhode Island public and general laws for
3 the administration of federal/state programs financed in whole or in part with Medicaid funds or
4 the administrative responsibility for the preparation and submission of any state plans, state plan
5 amendments, or authorized federal waiver applications, once approved by the secretary.

6 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
7 reform issues as well as the principal point of contact in the state on any such related matters.

8 (3)(a) Review and ensure the coordination of the state's Medicaid section 1115
9 demonstration waiver requests and renewals as well as any initiatives and proposals requiring
10 amendments to the Medicaid state plan or category two (II) or three (III) changes, as described in
11 the special terms and conditions of the state's Medicaid section 1115 demonstration waiver with
12 the potential to affect the scope, amount or duration of publicly-funded health-care services,
13 provider payments or reimbursements, or access to or the availability of benefits and services as
14 provided by Rhode Island general and public laws. The secretary shall consider whether any such
15 changes are legally and fiscally sound and consistent with the state's policy and budget priorities.
16 The secretary shall also assess whether a proposed change is capable of obtaining the necessary
17 approvals from federal officials and achieving the expected positive consumer outcomes.
18 Department [and office](#) directors shall, within the timelines specified, provide any information and
19 resources the secretary deems necessary in order to perform the reviews authorized in this section;

20 (b) Direct the development and implementation of any Medicaid policies, procedures, or
21 systems that may be required to assure successful operation of the state's health and human services
22 integrated eligibility system and coordination with HealthSource RI, the state's health insurance
23 marketplace.

24 (c) Beginning in 2015, conduct on a biennial basis a comprehensive review of the Medicaid
25 eligibility criteria for one or more of the populations covered under the state plan or a waiver to
26 ensure consistency with federal and state laws and policies, coordinate and align systems, and
27 identify areas for improving quality assurance, fair and equitable access to services, and
28 opportunities for additional financial participation.

29 (d) Implement service organization and delivery reforms that facilitate service integration,
30 increase value, and improve quality and health outcomes.

31 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
32 and senate finance committees, the caseload estimating conference, and to the joint legislative
33 committee for health-care oversight, by no later than March 15 of each year, a comprehensive
34 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall include,

1 but not be limited to, the following information:

2 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

3 (ii) Expenditures, outcomes and utilization rates by population and sub-population served
4 (e.g. families with children, persons with disabilities, children in foster care, children receiving
5 adoption assistance, adults ages nineteen (19) to sixty-four (64), and elders);

6 (iii) Expenditures, outcomes and utilization rates by each state department or other
7 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the Social
8 Security Act, as amended; and

9 (iv) Expenditures, outcomes and utilization rates by type of service and/or service provider.

10 The directors of the departments or offices, as well as local governments and school
11 departments, shall assist and cooperate with the secretary in fulfilling this responsibility by
12 providing whatever resources, information and support shall be necessary.

13 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts among
14 departments and offices and their executive staffs and make necessary recommendations to the
15 governor.

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

19 (i) Direct implementation of reforms in the human resources practices of the executive
20 office and the departments and offices that streamline and upgrade services, achieve greater
21 economies of scale and establish the coordinated system of the staff education, cross-training, and
22 career development services necessary to recruit and retain a highly-skilled, responsive, and
23 engaged health and human services workforce;

24 (ii) Encourage EOHHS-wide consumer-centered approaches to service design and delivery
25 that expand their capacity to respond efficiently and responsibly to the diverse and changing needs
26 of the people and communities they serve;

27 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
28 power, centralizing fiscal service functions related to budget, finance, and procurement,
29 centralizing communication, policy analysis and planning, and information systems and data
30 management, pursuing alternative funding sources through grants, awards and partnerships and
31 securing all available federal financial participation for programs and services provided EOHHS-
32 wide;

33 (iv) Improve the coordination and efficiency of health and human services legal functions
34 by centralizing adjudicative and legal services and overseeing their timely and judicious

1 administration;

2 (v) Facilitate the rebalancing of the long term system by creating an assessment and
3 coordination organization or unit for the expressed purpose of developing and implementing
4 procedures EOHHS-wide that ensure that the appropriate publicly-funded health services are
5 provided at the right time and in the most appropriate and least restrictive setting;

6 (vi) Strengthen health and human services program integrity, quality control and
7 collections, and recovery activities by consolidating functions within the office in a single unit that
8 ensures all affected parties pay their fair share of the cost of services and are aware of alternative
9 financing.

10 (vii) Assure protective services are available to vulnerable elders and adults with
11 developmental and other disabilities by reorganizing existing services, establishing new services
12 where gaps exist and centralizing administrative responsibility for oversight of all related initiatives
13 and programs.

14 (7) Prepare and integrate comprehensive budgets for the health and human services
15 departments and offices and any other functions and duties assigned to the office. The budgets shall
16 be submitted to the state budget office by the secretary, for consideration by the governor, on behalf
17 of the state's health and human services agencies in accordance with the provisions set forth in §
18 35-3-4 of the Rhode Island general laws.

19 (8) Utilize objective data to evaluate health and human services policy goals, resource use
20 and outcome evaluation and to perform short and long-term policy planning and development.

21 (9) Establishment of an integrated approach to interdepartmental information and data
22 management that complements and furthers the goals of the unified health infrastructure project
23 initiative and that will facilitate the transition to consumer-centered integrated system of state
24 administered health and human services.

25 (10) At the direction of the governor or the general assembly, conduct independent reviews
26 of state-administered health and human services programs, policies and related agency actions and
27 activities and assist the department and office directors in identifying strategies to address any
28 issues or areas of concern that may emerge thereof. The office and department directors shall
29 provide any information and assistance deemed necessary by the secretary when undertaking such
30 independent reviews.

31 (11) Provide regular and timely reports to the governor and make recommendations with
32 respect to the state's health and human services agenda.

33 (12) Employ such personnel and contract for such consulting services as may be required
34 to perform the powers and duties lawfully conferred upon the secretary.

1 (13) Assume responsibility for complying with the provisions of any general or public law
2 or regulation related to the disclosure, confidentiality and privacy of any information or records, in
3 the possession or under the control of the executive office or the departments [and offices](#) assigned
4 to the executive office, that may be developed or acquired or transferred at the direction of the
5 governor or the secretary for purposes directly connected with the secretary's duties set forth herein.

6 (14) Hold the director of each health and human services department [and office](#) accountable
7 for their administrative, fiscal and program actions in the conduct of the respective powers and
8 duties of their agencies.

9 **42-7.2-6. Departments assigned to the executive office -- Powers and duties.**

10 (a) The departments [and offices](#) assigned to the secretary shall:

11 (1) Exercise their respective powers and duties in accordance with their statutory authority
12 and the general policy established by the governor or by the secretary acting on behalf of the
13 governor or in accordance with the powers and authorities conferred upon the secretary by this
14 chapter;

15 (2) Provide such assistance or resources as may be requested or required by the governor
16 and/or the secretary; and

17 (3) Provide such records and information as may be requested or required by the governor
18 and/or the secretary to perform the duties set forth in subsection 6 of this chapter. Upon developing,
19 acquiring or transferring such records and information, the secretary shall assume responsibility for
20 complying with the provisions of any applicable general or public law, regulation, or agreement
21 relating to the confidentiality, privacy or disclosure of such records or information.

22 (4) Forward to the secretary copies of all reports to the governor.

23 (b) Except as provided herein, no provision of this chapter or application thereof shall be
24 construed to limit or otherwise restrict the department of children, youth and families, the
25 department of health, the department of human services, and the department of behavioral
26 healthcare, developmental disabilities and hospitals [or the offices of elder and veterans' affairs](#) from
27 fulfilling any statutory requirement or complying with any valid rule or regulation.

28 **42-7.2-6.1. Transfer of powers and functions.**

29 (a) There are hereby transferred to the executive office of health and human services the
30 powers and functions of the departments with respect to the following:

31 (1) Fiscal services including budget preparation and review, financial management,
32 purchasing and accounting and any related functions and duties deemed necessary by the secretary;

33 (2) Legal services including applying and interpreting the law, oversight to the rule-making
34 process, and administrative adjudication duties and any related functions and duties deemed

1 necessary by the secretary;

2 (3) Communications including those functions and services related to government
3 relations, public education and outreach and media relations and any related functions and duties
4 deemed necessary by the secretary;

5 (4) Policy analysis and planning including those functions and services related to the policy
6 development, planning and evaluation and any related functions and duties deemed necessary by
7 the secretary;

8 (5) Information systems and data management including the financing, development and
9 maintenance of all data-bases and information systems and platforms as well as any related
10 operations deemed necessary by the secretary;

11 (6) Assessment and coordination for long-term care including those functions related to
12 determining level of care or need for services, development of individual service/care plans and
13 planning, identification of service options, the pricing of service options and choice counseling;
14 and

15 (7) Program integrity, quality control and collection and recovery functions including any
16 that detect fraud and abuse or assure that beneficiaries, providers, and third-parties pay their fair
17 share of the cost of services, as well as any that promote alternatives to publicly financed services,
18 such as the long-term care health insurance partnership.

19 (8) Protective services including any such services provided to children, elders and adults
20 with developmental and other disabilities;

21 (9) [Deleted by P.L. 2010, ch. 23, art. 7, § 1].

22 (10) The HIV/AIDS care and treatment programs.

23 [\(11\) The Office of Elder Affairs functions, formerly administered by the Department of](#)
24 [Human Services, and rules and regulations promulgated by the office.](#)

25 [\(12\) The Office of Veterans' Affairs functions, formerly administered by the Department](#)
26 [of Human Services, and rules and regulations promulgated by the office.](#)

27 (b) The secretary shall determine in collaboration with the department and office directors
28 whether the officers, employees, agencies, advisory councils, committees, commissions, and task
29 forces of the departments and offices who were performing such functions shall be transferred to
30 the office.

31 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

32 (1) Minimal disruption of services to consumers;

33 (2) Elimination of duplication of functions and operations;

34 (3) Services are coordinated and functions are consolidated where appropriate;

- 1 (4) Clear lines of authority are delineated and followed;
- 2 (5) Cost-savings are achieved whenever feasible;
- 3 (6) Program application and eligibility determination processes are coordinated and, where
4 feasible, integrated; and
- 5 (7) State and federal funds available to the office and the entities therein are allocated and
6 utilized for service delivery to the fullest extent possible.

7 (d) Except as provided herein, no provision of this chapter or application thereof shall be
8 construed to limit or otherwise restrict the departments of children, youth and families, human
9 services, health, and behavioral healthcare, developmental disabilities and hospitals [or offices of](#)
10 [elder and veterans' affairs](#) from fulfilling any statutory requirement or complying with any
11 regulation deemed otherwise valid.

12 (e) The secretary shall prepare and submit to the leadership of the house and senate finance
13 committees, by no later than January 1, 2010, a plan for restructuring functional responsibilities
14 across the departments to establish a consumer centered integrated system of health and human
15 services that provides high quality and cost-effective services at the right time and in the right
16 setting across the life-cycle.

17 **42-7.2-9. Appointment of employees.**

18 The secretary, subject to the provisions of applicable state law, shall be the appointing
19 authority for all employees of the executive office of health and human services. The secretary may
20 assign this function to such subordinate officers and employees of the executive office as may to
21 him or her seem feasible or desirable. The appointing authority of the secretary provided for herein
22 shall not affect, interfere with, limit, or otherwise restrict the appointing authority vested in the
23 directors for the employees of the departments [and offices](#) under applicable general and public
24 laws.

25 **42-7.2-15. Applicability.**

26 Nothing in this chapter shall change, transfer or interfere with, or limit or otherwise restrict
27 the general assembly's sole authority to appropriate and re-appropriate fiscal resources to the
28 departments [and offices](#); the statutory or regulatory duties of the directors of the departments [and](#)
29 [offices](#), or the appointing authority for the employees of the departments [and offices](#) vested in the
30 directors under applicable general and public laws.

31 **42-7.2-17. Statutory reference to the office of health and human services.**

32 Notwithstanding other statutory references to the department of human services, wherever
33 in the general or public laws, or any rule or regulation, any reference shall appear to the "department
34 of human services" or to "department" as it relates to any responsibilities for and/or to Medicaid,

1 [the office of elder affairs or the office of veterans' affairs](#) unless the context otherwise requires, it
2 shall be deemed to mean "the office of health and human services."

3 SECTION 17. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
4 "Department of Administration" is hereby amended to read as follows:

5 **42-11-10. Statewide planning program.**

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

14 (b) Establishment of statewide planning program.

15 (1) A statewide planning program is hereby established to prepare, adopt, and amend
16 strategic plans for the physical, economic, and social development of the state and to recommend
17 these to the governor, the general assembly, and all others concerned.

18 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all
19 departments and agencies of the executive branch unless specifically exempted, shall be conducted
20 by or under the supervision of the statewide planning program. The statewide planning program
21 shall consist of a state planning council, and the division of planning, which shall be a division
22 within the department of administration.

23 (c) Strategic planning. Strategic planning includes the following activities:

24 (1) Establishing or identifying general goals.

25 (2) Refining or detailing these goals and identifying relationships between them.

26 (3) Formulating, testing, and selecting policies and standards that will achieve desired
27 objectives.

28 (4) Preparing long-range or system plans or comprehensive programs that carry out the
29 policies and set time schedules, performance measures, and targets.

30 (5) Preparing functional, short-range plans or programs that are consistent with established
31 or desired goals, objectives, and policies, and with long-range or system plans or comprehensive
32 programs where applicable, and that establish measurable, intermediate steps toward their
33 accomplishment of the goals, objectives, policies, and/or long-range system plans.

34 (6) Monitoring the planning of specific projects and designing of specific programs of short

1 duration by the operating departments, other agencies of the executive branch, and political
2 subdivisions of the state to ensure that these are consistent with, and carry out the intent of,
3 applicable strategic plans.

4 (7) Reviewing the execution of strategic plans, and the results obtained, and making
5 revisions necessary to achieve established goals.

6 (d) State guide plan. Components of strategic plans prepared and adopted in accordance
7 with this section may be designated as elements of the state guide plan. The state guide plan shall
8 be comprised of functional elements or plans dealing with land use; physical development and
9 environmental concerns; economic development; housing production; energy supply, including the
10 development of renewable energy resources in Rhode Island, and energy access, use, and
11 conservation; human services; and other factors necessary to accomplish the objective of this
12 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
13 range goals, policies, plans, and implementation activities related thereto. State agencies concerned
14 with specific subject areas, local governments, and the public shall participate in the state guide
15 planning process, which shall be closely coordinated with the budgeting process.

16 (e) Membership of state planning council. The state planning council shall consist of the
17 following members:

- 18 (1) The director of the department of administration as chairperson;
- 19 (2) The director, policy office, in the office of the governor, as vice-chairperson;
- 20 (3) The governor, or his or her designee;
- 21 (4) The budget officer;
- 22 (5) The chairperson of the housing resources commission;
- 23 (6) The highest-ranking administrative officer of the division of planning, as secretary;
- 24 (7) The president of the Rhode Island League of Cities and Towns or his or her designee
25 and one official of local government who shall be appointed by the governor from a list of not less
26 than three (3) submitted by the Rhode Island League Cities and Towns;
- 27 (8) The executive director of the Rhode Island League of Cities and Towns;
- 28 (9) One representative of a nonprofit community development or housing organization
29 appointed by the governor;
- 30 (10) Six (6) public members, appointed by the governor, one of whom shall be an employer
31 with fewer than fifty (50) employees and one of whom shall be an employer with greater than fifty
32 (50) employees;
- 33 (11) Two (2) representatives of a private, nonprofit, environmental advocacy organization,
34 both to be appointed by the governor;

- 1 (12) The director of planning and development for the city of Providence;
- 2 (13) The director of the department of transportation;
- 3 (14) The director of the department of environmental management;
- 4 (15) The director of the department of health;
- 5 (16) The chief executive officer of the commerce corporation;
- 6 (17) The commissioner of the Rhode Island office of energy resources;
- 7 (18) The chief executive officer of the Rhode Island public transit authority;
- 8 (19) The executive director of Rhode Island housing; and
- 9 (20) The executive director of the coastal resources management council.

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

12 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
13 and to modify and amend any of these, following the procedures for notification and public hearing
14 set forth in § 42-35-3, and to recommend and encourage implementation of these goals to the
15 general assembly, state and federal agencies, and other public and private bodies; approval of
16 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
17 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island
18 Comprehensive Planning and Land Use Regulation Act";

19 (2) To coordinate the planning and development activities of all state agencies, in
20 accordance with strategic plans prepared and adopted as provided for by this section;

21 (3) To review and comment on the proposed annual work program of the statewide
22 planning program;

23 (4) To adopt rules and standards and issue orders concerning any matters within its
24 jurisdiction as established by this section and amendments to it;

25 (5) To establish advisory committees and appoint members thereto representing diverse
26 interests and viewpoints as required in the state planning process and in the preparation or
27 implementation of strategic plans. The state planning council shall appoint a permanent committee
28 comprised of:

29 (i) Public members from different geographic areas of the state representing diverse
30 interests; and

31 (ii) Officials of state, local, and federal government, who shall review all proposed
32 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
33 advise the state planning council thereon before the council acts on any such proposal. This
34 committee shall also advise the state planning council on any other matter referred to it by the

1 council; and

2 (6) To establish and appoint members to an executive committee consisting of major
3 participants of a Rhode Island geographic information system with oversight responsibility for its
4 activities.

5 (7) To adopt, amend, and maintain, as an element of the state guide plan or as an
6 amendment to an existing element of the state guide plan, standards and guidelines for the location
7 of eligible, renewable energy resources and renewable energy facilities in Rhode Island with due
8 consideration for the location of such resources and facilities in commercial and industrial areas,
9 agricultural areas, areas occupied by public and private institutions, and property of the state and
10 its agencies and corporations, provided such areas are of sufficient size, and in other areas of the
11 state as appropriate.

12 (8) To act as the single, statewide metropolitan planning organization for transportation
13 planning, and to promulgate all rules and regulations that are necessary thereto.

14 (g) Division of planning.

15 (1) The division of planning shall be the principal staff agency of the state planning council
16 for preparing and/or coordinating strategic plans for the comprehensive management of the state's
17 human, economic, and physical resources. The division of planning shall recommend to the state
18 planning council specific guidelines, standards, and programs to be adopted to implement strategic
19 planning and the state guide plan and shall undertake any other duties established by this section
20 and amendments thereto.

21 (2) The division of planning shall maintain records (which shall consist of files of complete
22 copies) of all plans, recommendations, rules, and modifications or amendments thereto adopted or
23 issued by the state planning council under this section. The records shall be open to the public.

24 (3) The division of planning shall manage and administer the Rhode Island geographic
25 information system of land-related resources, and shall coordinate these efforts with other state
26 departments and agencies, including the University of Rhode Island, which shall provide technical
27 support and assistance in the development and maintenance of the system and its associated data
28 base.

29 (4) The division of planning shall coordinate and oversee the provision of technical
30 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
31 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
32 plan and shall make available to cities and towns data and guidelines that may be used in preparing
33 comprehensive plans and elements thereof and in evaluating comprehensive plans and elements
34 thereby.

1 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4].

2 ~~(i) The division of planning shall be the principal staff agency of the water resources board~~
3 ~~established pursuant to chapter 15 of title 46 ("Water Resources Board") and the water resources~~
4 ~~board corporate established pursuant to chapter 15.1 of title 46 ("Water Supply Facilities").~~

5 SECTION 18. Section 42-11-10.1 of the General Laws in Chapter 42-11 entitled
6 "Department of Administration" is hereby repealed.

7 ~~**42-11-10.1. Transfer of powers, functions and resources from the water resources**~~
8 ~~**board.**~~

9 ~~(a) There are hereby transferred to the division of planning within the department of~~
10 ~~administration those powers and duties formerly administered by the employees of the water~~
11 ~~resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8~~
12 ~~("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general~~
13 ~~laws; provided, however, the governor shall submit to the 2012 assembly any recommended~~
14 ~~statutory changes necessary to facilitate the merger.~~

15 ~~(b) All resources of the water resources board, including, but not limited to, property,~~
16 ~~employees and accounts, are hereby transferred to the division of planning.~~

17 ~~(c) As part of the above transfer, except for the general manager, all employees of the water~~
18 ~~resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be~~
19 ~~subject to those provisions.~~

20 SECTION 19. Sections 42-12-1.3, 42-12-2, 42-12-5 and 42-12-7 of the General Laws in
21 Chapter 42-12 entitled "Department of Human Services" are hereby repealed.

22 ~~**42-12-1.3. Transfer of functions from the department of elderly affairs.**~~

23 ~~There is hereby transferred from the department of elderly affairs to the department of~~
24 ~~human services the following function: to provide and coordinate the "elderly/disabled~~
25 ~~transportation" program including a passenger cost sharing program as defined and provided for~~
26 ~~under rules and regulations promulgated by the department.~~

27 ~~**42-12-2. Management of institutions.**~~

28 ~~The department of human services shall have the management, supervision, and control of~~
29 ~~the adult correctional institutions, training school for boys, training school for girls, Doctor Patrick~~
30 ~~I. O'Rourke children's center, and Rhode Island veterans' home, and such other functions as have~~
31 ~~been or may be assigned. The department also shall operate, maintain and repair the buildings,~~
32 ~~grounds, and other physical property at the institutions, other than the roads and driveways thereof~~
33 ~~which shall be under the care and supervision of the department of transportation.~~

34 ~~**42-12-5. Assistance on veterans' claims.**~~

1 ~~The department of human services shall also prepare and present before the Veterans~~
2 ~~Administration of the United States all legal claims of veterans for compensation, disability~~
3 ~~allowance, insurance and pensions of veterans of World War I, and all other veterans to whom~~
4 ~~benefits have been extended pursuant to the provisions of chapter 22 of title 30 entitled "Extension~~
5 ~~of Veterans' Benefits" who had a legal residence in this state at the time of entrance into the service~~
6 ~~or who have been qualified electors in this state for two (2) years next preceding the application for~~
7 ~~aid, and their personal representatives or dependents, or both, and shall render to such persons~~
8 ~~reasonable assistance in the preparation and presentation of any of those claims and shall perform~~
9 ~~such other duties as may be by law required. The department shall render such assistance without~~
10 ~~charge to the claimant.~~

11 ~~**42-12-7. Special veterans' funds.**~~

12 ~~The director of the department of human services shall have control and supervision over~~
13 ~~any special funds provided for decorating and installing metal markers on the graves of soldiers,~~
14 ~~sailors, airmen, and marines, for the burial of honorably discharged soldiers, for the assistance of~~
15 ~~World War I veterans and other expenditures relating to veteran soldiers, sailors, airmen, and~~
16 ~~marines.~~

17 SECTION 20. Sections 42-12-23 and 42-12-23.1 of the General Laws in Chapter 42-12
18 entitled "Department of Human Services" are hereby amended to read as follows:

19 ~~**42-12-23. Child care -- Planning and coordinating.**~~

20 (a) The department of human services shall be the principal agency of the state for the
21 planning and coordination of state involvement in the area of child care. To accomplish this
22 purpose, the department's duties shall include submitting an annual report to the governor and the
23 general assembly on the status of child care in Rhode Island.

24 (b) The annual report of the department shall include, but not be limited to, the following
25 information:

26 (1) The amount of state and federal funds spent on child care in each of the two (2)
27 preceding years;

28 (2) The number of child care providers licensed; ~~pursuant to the provisions of chapter 72.1~~
29 ~~of this title;~~

30 (3) The number of children served in state subsidized programs;

31 (4) The number of taxpayers who have claimed the child care assistance and development
32 tax credit pursuant to chapter 47 of title 44;

33 (5) The average cost for both infant and preschool child care;

34 (6) An estimate of unmet needs for child care;

1 (7) Information on child care staff salaries and training and education programs, and

2 (8) Recommendations for any changes in child care public policy.

3 ~~(e) The department shall cooperate with the unit of the department of children, youth, and~~
4 ~~families which licenses and monitors child care providers pursuant to the terms of chapter 72.1 of~~
5 ~~this title.~~

6 ~~(d)~~(c) The department is hereby charged with the responsibility of assuring that a statewide
7 child care resource and referral system exists in this state to provide services and consumer
8 information to assist parents in locating and choosing licensed, approved and/or certified providers,
9 and to maintain data necessary for such referrals.

10 **42-12-23.1. Quality of early care and education and school-age child care through**
11 **voluntary quality rating system.**

12 (a) There is hereby established a voluntary quality rating system which will assess quality
13 in early care and education programs and school-age child care. For purposes of this section, early
14 care and education programs and school-age child care shall mean programs licensed under chapter
15 ~~72.1, title 42~~ 12.5, title 42 and approved under chapter 48, title 16, including without limitation
16 child care centers, family child care homes, group family child care homes, school-age child care
17 programs and preschools, but excluding child placement agencies. The voluntary quality rating
18 system is established to promote continuous quality improvement of programs and to further the
19 goals of Rhode Island's "starting right" initiative.

20 (b) The department of human services, the department of children, youth and families, the
21 department of health, the department of elementary and secondary education and other partners and
22 agencies shall share information and work cooperatively with the Rhode Island quality rating
23 system, a public-private partnership, to ensure that Rhode Island children have access to quality
24 early care and education programs and school-age child care.

25 (c) The voluntary quality rating system shall also provide a mechanism to gather data about
26 program quality, and shall report this information to parents, providers and other persons interested
27 in the quality of early care and education programs and school-age child care services in Rhode
28 Island.

29 SECTION 21. Title 42 of the General Laws entitled "STATE AFFAIRS AND
30 GOVERNMENT" is hereby amended by adding thereto the following chapter:

31 CHAPTER 42-12.5

32 LICENSING AND MONITORING OF CHILD DAY CARE PROVIDERS

33 **42-12.5-1. Statement of purpose.**

34 (a) The director of the department of human services shall establish within the department

1 a unit to license and monitor child day care service providers to protect the health, safety and
2 wellbeing of children while being cared for as a commercial service and are away from their homes.

3 (b) Services for children requiring licensure under this chapter shall include all child day
4 care providers which offer services within the state, except as defined in § 42-12.5-5

5 **42-12.5-2. Definitions.**

6 As used in this chapter:

7 (1) "Administrator of licensing" means the director of the licensing unit (or his/her
8 designee) that carries out the provisions of this chapter, hereafter referred to as the "administrator".

9 (2) "Applicant" means a child day care provider that applies for a license to operate.

10 (3) "Child" means any person less than eighteen (18) years of age;

11 (4) "Child day care" means daily care and/or supervision offered commercially to the
12 public for any part of a twenty-four (24) hour day to children away from their homes.

13 (5) "Child day care center" means any person, firm, corporation, association, or agency
14 who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the
15 purpose of care and/or supervision, not in a home or residence, apart from the child's parent or
16 guardian for any part of a twenty-four (24) hour day irrespective of compensation. It shall include
17 child day care programs that are offered to employees at the worksite. It does not include preschool
18 programs operating in schools approved by the commissioner of elementary and secondary
19 education.

20 (6) "Child day care provider" means a person or agency, which offers daily care and/or
21 supervision offered commercially to the public for any part of a twenty-four (24) hour day to
22 children away from their homes.

23 (7) "Department" means the department of human services (DHS).

24 (8) "Director" means the director of the department of human services, or the director's
25 designee.

26 (9) "Family day care home" means any home other than the child's home in which child
27 day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more
28 children who are not relatives of the care giver.

29 (10) "Group family day care home" means a residence occupied by an individual of at least
30 twenty-one (21) years of age who provides care for not less than nine (9) and not more than twelve
31 (12) children, with the assistance of one or more approved adults, for any part of a twenty-four (24)
32 hour day. These programs shall be subject to yearly licensing as addressed in this chapter and shall
33 comply with all applicable state and local fire, health, and zoning regulations.

34 (11) "Licensee" means any person, firm, corporation, association, or agency, which holds

1 a valid license under this chapter.

2 (12) "Regulation" means any requirement for licensure, promulgated pursuant to this
3 chapter having the force of law.

4 (13) "Related" means any of the following relationships, by marriage, blood or adoption,
5 even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt,
6 uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a defendant
7 who relies for a defense upon the relationship of any child to him or herself, the defendant shall
8 have the burden of proof as to the relationship.

9 **42-12.5-3. Powers and scope of activities.**

10 (a) The department shall issue, deny, suspend, and revoke licenses for, and monitor the
11 operation of, facilities and programs by child day care providers, as defined in § 42-12.5-2.

12 (b) The department is hereby authorized and directed to adopt, amend, and rescind
13 regulations in accordance with this chapter and implement its provisions. The regulations shall be
14 promulgated and become effective in accordance with the provisions of the Administrative
15 Procedures Act, chapter 35 of title 42 and shall address, but need not be limited to the following:

16 (1) Financial, administrative and organizational ability, and stability of the applicant;

17 (2) Compliance with specific fire and safety codes and health regulations;

18 (3) Character, health suitability, qualifications of child day care providers;

19 (4) Staff/child ratios and workload assignments of staff providing care or supervision to
20 children;

21 (5) Type and content of records or documents that must be maintained to collect and retain
22 information for the planning and caring for children;

23 (6) Procedures and practices regarding basic child day care to ensure protection to the child;

24 (7) Service to families of children in care;

25 (8) Program activities, including components related to physical growth, social, emotional,
26 educational, and recreational activities;

27 (9) Investigation of previous employment, criminal record check and department records
28 check; and

29 (10) Immunization and testing requirements for communicable diseases, including, but not
30 limited to, tuberculosis, of child day care providers and children at any child day-care center or
31 family day-care home as is specified in regulations promulgated by the director of the department
32 of health. Notwithstanding the foregoing, all licensing and monitoring authority shall remain with
33 the department of human services.

34 (c) The department through its licensing unit shall administer and manage the regulations

1 pertaining to the licensing and monitoring of child day care providers, and shall exercise all
2 statutory and administrative powers necessary to carry out its functions.

3 (d) The administrator shall investigate complaints of noncompliance, and shall take
4 licensing action as may be necessary pursuant to this chapter.

5 (e) The administrator may:

6 (1) Prescribe any forms for reports, statements, notices, and other documents deemed
7 necessary;

8 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to
9 facilitate compliance with and enforcement of the regulations;

10 (3) Prepare reports and studies to advance the purpose of this chapter;

11 (4) Provide consultation and technical assistance, as requested, to assist licensees in
12 maintaining compliance; and

13 (f) The department may promulgate rules and regulations for the establishment of child day
14 care centers located on the second floor.

15 (g) When the department is otherwise unsuccessful in remedying noncompliance with the
16 provisions of this chapter and the regulations promulgated thereunder it may petition the superior
17 court for an order enjoining the noncompliance or for any order that equity and justice may require.

18 (h) The department shall collaborate with the departments of children, youth, and families,
19 elementary and secondary education, and health to provide monitoring, mentoring, training,
20 technical assistance, and other services which are necessary and appropriate to improving the
21 quality of child day care offered by child day care providers who are certified, licensed, or approved
22 by the department or the department of elementary and secondary education or who are seeking
23 certification, licensure, or approval pursuant to § 42-12.5 or § 16-48-2, including non-English
24 speaking providers.

25 **42-12.5-4. License required.**

26 (a) No person shall receive or place children in child day care services, including day care
27 arrangements, without a license issued pursuant to this chapter. This requirement does not apply to
28 a person related by blood, marriage, guardianship or adoption to the child, unless that arrangement
29 is for the purposes of day care.

30 (b) The licensing requirement does not apply to shelter operations for parents with children,
31 boarding schools, recreation camps, nursing homes, hospitals, maternity residences, and centers for
32 developmentally disabled children.

33 (c) No person, firm, corporation, association, or agency shall operate a family day care
34 home without a registration certificate issued by the department, unless they hold an unexpired

1 registration certificate issued by the Department of Children, Youth, and Families prior to January
2 1, 2020.

3 (d) No state, county, city, or political subdivision shall operate a child day care agency or
4 center, program or facility without a license issued pursuant to this chapter.

5 (e) No person shall be exempt from a required license by reason of public or private,
6 sectarian, non-sectarian, child day care program, for profit or non-profit status, or by any other
7 reason of funding, sponsorship, or affiliation.

8 **42-12.5-5. General licensing provisions.**

9 The following general licensing provisions shall apply:

10 (1) A license issued under this chapter is not transferable and applies only to the licensee
11 and the location stated in the application and remains the property of the department. A license
12 shall be publicly displayed. A license shall be valid for one year from the date of issue and upon
13 continuing compliance with the regulations, except that a certificate issued to a family day care
14 home shall be valid for two (2) years from the date of issue.

15 (2) Every license application issued pursuant to § 42-12.5-4 shall be accompanied by a
16 nonrefundable application fee paid to the State of Rhode Island as follows:

17 (a) Child day care center license- five hundred dollars (\$500);

18 (b) Group family day care home license – two hundred and fifty dollars (\$250);

19 (c) Family day care home license- one hundred dollars (\$100).

20 (3) All fees collected by the State pursuant to paragraph (2) of this section shall be
21 deposited by the general treasurer as general revenues.

22 (4) A licensee shall comply with applicable state fire and health safety standards.

23 (5) The department may grant a provisional license to an applicant who is not able to
24 demonstrate compliance with all of the regulations because the program or residence is not in full
25 operation; however, the applicant must meet all regulations that can be met in the opinion of the
26 administrator before the program is fully operational. The provisional license shall be granted for
27 a limited period not to exceed six (6) months and shall be subject to review every three (3) months.

28 (6) The department may grant a probationary license to a licensee who is temporarily
29 unable to comply with a rule or rules when the noncompliance does not present an immediate threat
30 to the health and well-being of the children, and when the licensee has obtained a plan approved
31 by the administrator to correct the areas of noncompliance within the probationary period. A
32 probationary license shall be issued for up to twelve (12) months; it may be extended for an
33 additional six (6) months at the discretion of the administrator. A probationary license that states
34 the conditions of probation may be issued by the administrator at any time for due cause. Any prior

1 existing license is invalidated when a probationary license is issued. When the probationary license
2 expires, the administrator may reinstate the original license to the end of its term, issue a new
3 license, suspend, or revoke the license.

4 (7) The administrator will establish criteria and procedure for granting variances as part of
5 the regulations.

6 (8) The above exceptions (probationary and provisional licensing and variances) do not
7 apply to and shall not be deemed to constitute any variance from state fire and health safety
8 standards. However, if a request for a variance of fire inspection deficiencies has been submitted
9 to the fire safety code board of appeal and review, DHS may grant a provisional license to terminate
10 no later than thirty (30) days following the board's decision on said variance.

11 (9) A license under this chapter shall be granted to a child day care program without the
12 necessity for a separate fire, building, or radon inspection, when said child day care program is
13 conducted at a Rhode Island elementary or secondary school which has already been found in
14 compliance with said inspections, provided that an applicant complies with all other provisions of
15 DHS regulations, or has been granted appropriate variances by the department.

16 **42-12.5-6. Violations, suspensions and revocations of license.**

17 (a) When a licensee violates the terms of the license, the provisions of this chapter, or any
18 regulation thereunder, the department may pursue the administrative remedies herein provided, in
19 addition to other civil or criminal remedies according to the general laws.

20 (b) After notice and hearing, as provided by the Administrative Procedures Act, chapter 35
21 of title 42, the administrator may revoke the license, or suspend the license for a period not
22 exceeding six (6) months.

23 (c) During a suspension, the facility or program shall cease operation.

24 (d) To end a suspension, the licensee shall, within thirty (30) days of the notice of
25 suspension, submit an acceptable plan of corrective action to the administrator. The plan shall
26 outline the steps and timetables for immediate correction of the areas of noncompliance and is
27 subject to the approval of the administrator.

28 (e) At the end of the suspension, the administrator may reinstate the license for the term of
29 the original license, revoke the license, issue a new license, or deny a reapplication.

30 (f) Upon revocation, the licensed program or facility shall cease operation. The licensee
31 whose license has been revoked may not apply for a similar license within a three (3) year period
32 from the date of revocation.

33 **42-12.5-7. Penalties for violations.**

34 (a) Any person who violates any of the provisions of this chapter, or any regulations issued

1 pursuant to this chapter, or who shall intentionally make any false statement or reports to the
2 director with reference to the matters contained herein, shall, upon conviction for the first offense,
3 be imprisoned for a term not exceeding six (6) months or be fined not exceeding five hundred
4 dollars (\$500), or both, and for a second or subsequent offense, shall be imprisoned for a term not
5 exceeding one year or be fined not exceeding one thousand dollars (\$1000), or both the fine and
6 imprisonment.

7 (b) Anyone who maintains or conducts a program or facility without first having obtained
8 a license pursuant to this chapter, or who maintains or conducts a program or facility after a license
9 has been revoked or suspended, or who shall refuse to permit a reasonable inspection and
10 examination of a program or facility, shall be guilty of a misdemeanor and, upon conviction, shall
11 be fined not more than five hundred dollars (\$500) for each week that the program or facility shall
12 have been maintained without a license or for each refusal to permit inspection and examination by
13 the director.

14 (c) Any individual, firm, corporation, or other entity who maintains or conducts a family
15 day care home without first having obtained a registration certificate for the home pursuant to this
16 chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-
17 five dollars (\$25.00) nor more than one hundred dollars (\$100) for each week that the home shall
18 have been maintained without a valid registration certificate.

19 (d) The department shall refer any violations to the attorney general's office for
20 prosecution.

21 **42-12.5-8. Open door policy.**

22 There shall be an open door policy permitting any custodial parent or legal guardian to
23 have access to a day care facility for any program when their child is in attendance.

24 SECTION 22. The title of Chapter 42-66 of the General Laws entitled "Elderly Affairs
25 Department" is hereby amended to read as follows:

26 CHAPTER 42-66

27 ELDERLY AFFAIRS ~~DEPARTMENT~~ OFFICE

28 SECTION 23. Sections 42-66-2, 42-66-3, 42-66-4, 42-66-5, 42-66-7 and 42-66-8 of the
29 General Laws in Chapter 42-66 entitled "Elderly Affairs ~~Department~~ Office" are hereby amended
30 to read as follows:

31 **42-66-2. Establishment of ~~department~~ Office-- Director.**

32 There is established within the executive branch of state government an department office
33 of elderly affairs. The ~~head~~ director of the ~~department office of elder affairs~~ shall be ~~the director of~~
34 ~~elderly affairs, who shall be a person qualified by training and experience to perform the duties of~~

1 ~~the office, appointed by and report directly to the governor, but the office shall reside within the~~
2 ~~executive office of health and human services for administrative purposes. The director shall be in~~
3 ~~the unclassified service, appointed by the governor with the advice and consent of the senate, and~~
4 ~~shall serve at the pleasure of the governor and until the appointment and qualification of the~~
5 ~~director's successor. The director shall receive a salary as provided by law.~~

6 **42-66-3. Transfer of functions from the department of community affairs.**

7 There are transferred to the director of the ~~department~~ office of elderly affairs:

8 (1) Those duties with respect to elderly citizens as enacted by former §§ 42-44-9 and 42-
9 44-10;

10 (2) So much of other functions or parts of functions of the director of the department of
11 community affairs; provided, however, that those duties with respect to housing facilities, projects,
12 and programs for the elderly shall be within the jurisdiction of the governor's office of
13 intergovernmental relations; and

14 (3) Whenever in the general laws or in any public law the words "administration of division
15 of aging," "division on aging" and "director and/or department of community affairs" shall appear
16 in relation to elderly affairs, the reference shall be deemed to mean and include the director and the
17 ~~department~~ office of elderly affairs, as the case may be.

18 **42-66-4. Duties of the ~~division~~ office.**

19 (a) The ~~division~~ office shall be the principal agency of the state to mobilize the human,
20 physical, and financial resources available to plan, develop, and implement innovative programs to
21 ensure the dignity and independence of elderly persons, including the planning, development, and
22 implementation of a home and long-term-care program for the elderly in the communities of the
23 state.

24 (b)(1) The ~~division~~ office shall serve as an advocate for the needs of the adult with a
25 disability as these needs and services overlap the needs and services of elderly persons.

26 (2) The ~~division~~ office shall serve as the state's central agency for the administration and
27 coordination of a long-term-care entry system, using community-based access points, that will
28 provide the following services related to long-term care: information and referral; initial screening
29 for service and benefits eligibility; and a uniform assessment program for state-supported long-
30 term care.

31 (3) The ~~division~~ office shall investigate reports of elder abuse, neglect, exploitation, or
32 self-neglect and shall provide and/or coordinate protective services.

33 (c) To accomplish these objectives, the director is authorized:

34 (1) To provide assistance to communities in solving local problems with regard to elderly

- 1 persons including, but not limited to, problems in identifying and coordinating local resources to
2 serve the needs of elderly persons;
- 3 (2) To facilitate communications and the free flow of information between communities
4 and the offices, agencies, and employees of the state;
- 5 (3) To encourage and assist communities, agencies, and state departments to plan, develop,
6 and implement home- and long-term care programs;
- 7 (4) To provide and act as a clearinghouse for information, data, and other materials relative
8 to elderly persons;
- 9 (5) To initiate and carry out studies and analyses that will aid in solving local, regional,
10 and statewide problems concerning elderly persons;
- 11 (6) To coordinate those programs of other state agencies designed to assist in the solution
12 of local, regional, and statewide problems concerning elderly persons;
- 13 (7) To advise and inform the governor on the affairs and problems of elderly persons in the
14 state;
- 15 (8) To exercise the powers and discharge the duties assigned to the director in the fields of
16 health care, nutrition, homemaker services, geriatric day care, economic opportunity, local and
17 regional planning, transportation, and education and pre-retirement programs;
- 18 (9) To further the cooperation of local, state, federal, and private agencies and institutions
19 providing for services or having responsibility for elderly persons;
- 20 (10) To represent and act on behalf of the state in connection with federal grant programs
21 applicable to programs for elderly persons in the functional areas described in this chapter;
- 22 (11) To seek, accept, and otherwise take advantage of all federal aid available to the
23 ~~division~~ office, and to assist other agencies of the state, local agencies, and community groups in
24 taking advantage of all federal grants and subventions available for elderly persons and to accept
25 other sources of funds with the approval of the director of administration that shall be deposited as
26 general revenues;
- 27 (12) To render advice and assistance to communities and other groups in the preparation
28 and submission of grant applications to state and federal agencies relative to programs for elderly
29 persons;
- 30 (13) To review and coordinate those activities of agencies of the state and of any political
31 subdivision of the state at the request of the subdivision, that affect the full and fair utilization of
32 community resources for programs for elderly persons, and initiate programs that will help ensure
33 such utilization;
- 34 (14) To encourage the formation of councils on aging and to assist local communities in

1 the development of the councils;

2 (15) To promote and coordinate day-care facilities for the frail elderly who are in need of
3 supportive care and supervision during the daytime;

4 (16) To provide and coordinate the delivery of in-home services to the elderly, as defined
5 under the rules and regulations adopted by the ~~division~~ office of elderly affairs;

6 (17) To advise and inform the public of the risks of accidental hypothermia;

7 (18) To establish a clearinghouse for information and education of the elderly citizens of
8 the state, including, but not limited to, and subject to available funding, a web-based caregiver
9 support information center;

10 (19) To establish and operate, in collaboration with community and aging service agencies,
11 a statewide family-caregiver resource network to provide and coordinate family-caregiver training
12 and support services to include counseling and elder caregiver respite services, which shall be
13 subject to available funding, and include home health/homemaker care, adult day services, assisted
14 living, and nursing facility care;

15 (20) To supervise the citizens' commission for the safety and care of the elderly created
16 pursuant to the provisions of chapter 1.4 of title 12.

17 (d) In order to assist in the discharge of the duties of the ~~division~~ office, the director may
18 request from any agency of the state information pertinent to the affairs and problems of elderly
19 persons.

20 **42-66-5. Divisions of ~~department~~ office.**

21 There shall be within the ~~department~~ office of elderly affairs a division of program
22 planning, development and operations and a division of community services.

23 **42-66-7. Advisory commission on aging.**

24 (a) Within the ~~department~~ office of elderly affairs there shall be an advisory commission
25 on aging consisting of twenty-five (25) members, four (4) of whom shall be from the general
26 assembly as hereinafter provided, and twenty-one (21) of whom shall be appointed by the governor,
27 thirteen (13) of whom shall be elderly consumers representative of that segment of the population.
28 In the case of members of the commission appointed by the governor, they shall be chosen and
29 shall hold office for three (3) years, except that in the original appointments, seven (7) members
30 shall be designated to serve for one year, seven (7) members shall be designated to serve for two
31 (2) years and seven (7) members shall be designated to serve for three (3) years, respectively, and
32 until their respective successors are appointed and qualified. In the month of February in each year
33 the governor shall appoint successors to the members of the commission whose terms shall expire
34 in such year to hold office until the first day of March in the third year after their appointment and

1 until their respective successors are appointed and qualified.

2 (b) The four (4) members from the general assembly shall be appointed, two (2) from the
3 house of representatives by the speaker, one from each of the two (2) major political parties, and
4 two (2) from the senate by the president of the senate, one each from the two (2) major political
5 parties, each to serve until the thirty-first day of December in the second year of the term to which
6 the member has been elected. Any vacancy, which may occur in the commission, shall be filled in
7 like manner as the original appointment, for the remainder of the unexpired term.

8 (c) The members of the commission at the first meeting shall elect a chairperson and such
9 other officers as they may deem necessary. The commission shall meet at the call of the governor
10 or the chairperson and shall make suggestions to and advise the governor or the director concerning
11 the policies and problems confronting the aged and aging of the state. The members of the
12 commission shall serve without compensation but shall be compensated for their necessary and
13 actual traveling expenses in the performance of their official duties.

14 **42-66-8. Abuse, neglect, exploitation and self-neglect of elderly persons -- Duty to**
15 **report.**

16 Any person who has reasonable cause to believe that any person sixty (60) years of age or
17 older has been abused, neglected, or exploited, or is self-neglecting, shall make an immediate report
18 to the director of the ~~department~~ office of elderly affairs, or his or her designee, or appropriate law
19 enforcement personnel. In cases of abuse, neglect, or exploitation, any person who fails to make
20 the report shall be punished by a fine of not more than one thousand dollars (\$1,000). Nothing in
21 this section shall require an elder who is a victim of abuse, neglect, exploitation or who is self-
22 neglecting, to make a report regarding such abuse, neglect, exploitation, or self-neglect to the
23 director or his or her designee or appropriate law enforcement personnel.

24 SECTION 24. Section 42-72-5 of the General Laws in Chapter 42-72 entitled "Department
25 of Children, Youth and Families" is hereby amended to read as follows:

26 **42-72-5. Powers and scope of activities.**

27 (a) The department is the principal agency of the state to mobilize the human, physical, and
28 financial resources available to plan, develop, and evaluate a comprehensive and integrated
29 statewide program of services designed to ensure the opportunity for children to reach their full
30 potential. The services include prevention, early intervention, outreach, placement, care and
31 treatment, and after-care programs; provided, however, that the department notifies the state police
32 and cooperates with local police departments when it receives and/or investigates a complaint of
33 sexual assault on a minor and concludes that probable cause exists to support the allegations(s).
34 The department also serves as an advocate for the needs of children.

- 1 (b) To accomplish the purposes and duties, as set forth in this chapter, the director is
2 authorized and empowered:
- 3 (1) To establish those administrative and operational divisions of the department that the
4 director determines is in the best interests of fulfilling the purposes and duties of this chapter;
- 5 (2) To assign different tasks to staff members that the director determines best suit the
6 purposes of this chapter;
- 7 (3) To establish plans and facilities for emergency treatment, relocation, and physical
8 custody of abused or neglected children that may include, but are not limited to,
9 homemaker/educator child-case aides, specialized foster-family programs, day-care facilities, crisis
10 teams, emergency parents, group homes for teenage parents, family centers within existing
11 community agencies, and counseling services;
- 12 (4) To establish, monitor, and evaluate protective services for children including, but not
13 limited to, purchase of services from private agencies and establishment of a policy and procedure
14 manual to standardize protective services;
- 15 (5) To plan and initiate primary- and secondary-treatment programs for abused and
16 neglected children;
- 17 (6) To evaluate the services of the department and to conduct periodic, comprehensive-
18 needs assessment;
- 19 (7) To license, approve, monitor, and evaluate all residential and non-residential ~~child care~~
20 ~~institutions~~, group homes, foster homes, and programs;
- 21 (8) To recruit and coordinate community resources, public and private;
- 22 (9) To promulgate rules and regulations concerning the confidentiality, disclosure, and
23 expungement of case records pertaining to matters under the jurisdiction of the department;
- 24 (10) To establish a minimum mandatory level of twenty (20) hours of training per year and
25 provide ongoing staff development for all staff; provided, however, all social workers hired after
26 June 15, 1991, within the department shall have a minimum of a bachelor's degree in social work
27 or a closely related field, and must be appointed from a valid, civil-service list;
- 28 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
29 chapter 11 of title 40;
- 30 (12) To promulgate all rules and regulations necessary for the execution of departmental
31 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;
- 32 (13) To provide and act as a clearinghouse for information, data, and other materials
33 relative to children;
- 34 (14) To initiate and carry out studies and analysis that will aid in solving local, regional,

1 and statewide problems concerning children;

2 (15) To represent and act on behalf of the state in connection with federal-grant programs
3 applicable to programs for children in the functional areas described in this chapter;

4 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
5 department, and to assist other agencies of the state, local agencies, and community groups in taking
6 advantage of all federal grants and subventions available for children;

7 (17) To review and coordinate those activities of agencies of the state, and of any political
8 subdivision of the state, that affect the full and fair utilization of community resources for programs
9 for children, and initiate programs that will help ensure utilization;

10 (18) To administer the pilot, juvenile-restitution program, including the overseeing and
11 coordinating of all local, community-based restitution programs, and the establishment of
12 procedures for the processing of payments to children performing community service;

13 (19) To adopt rules and regulations that:

14 (i) For the twelve-month (12) period beginning on October 1, 1983, and for each
15 subsequent twelve-month (12) period, establish specific goals as to the maximum number of
16 children who will remain in foster care for a period in excess of two (2) years; and

17 (ii) Are reasonably necessary to implement the child-welfare services and foster-care
18 programs;

19 (20) May establish and conduct seminars for the purpose of educating children regarding
20 sexual abuse;

21 (21) To establish fee schedules by regulations for the processing of requests from adoption
22 placement agencies for adoption studies, adoption study updates, and supervision related to
23 interstate and international adoptions. The fee shall equal the actual cost of the service(s) rendered,
24 but in no event shall the fee exceed two thousand dollars (\$2,000);

25 (22) To be responsible for the education of all children who are placed, assigned, or
26 otherwise accommodated for residence by the department in a state-operated or -supported
27 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility, the
28 department is authorized to enroll and pay for the education of students in the public schools or,
29 when necessary and appropriate, to itself provide education in accordance with the regulations of
30 the board of regents for elementary and secondary education either directly or through contract;

31 (23) To develop multidisciplinary service plans, in conjunction with the department of
32 health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the
33 development of a plan using all health-care professionals;

34 (24) To be responsible for the delivery of appropriate mental health services to seriously

1 emotionally disturbed children and children with functional developmental disabilities.
2 Appropriate mental health services may include hospitalization, placement in a residential
3 treatment facility, or treatment in a community-based setting. The department is charged with the
4 responsibility for developing the public policy and programs related to the needs of seriously
5 emotionally disturbed children and children with functional developmental disabilities;

6 In fulfilling its responsibilities the department shall:

7 (i) Plan a diversified and comprehensive network of programs and services to meet the
8 needs of seriously emotionally disturbed children and children with functional developmental
9 disabilities;

10 (ii) Provide the overall management and supervision of the state program for seriously
11 emotionally disturbed children and children with functional developmental disabilities;

12 (iii) Promote the development of programs for preventing and controlling emotional or
13 behavioral disorders in children;

14 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of
15 seriously emotionally disturbed children and children with functional developmental disabilities
16 and to work with private agencies serving those children;

17 (v) Promote the development of new resources for program implementation in providing
18 services to seriously emotionally disturbed children and children with functional developmental
19 disabilities.

20 The department shall adopt rules and regulations that are reasonably necessary to
21 implement a program of mental health services for seriously emotionally disturbed children.

22 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
23 least in accordance with rules and regulations to be adopted by the department, at least its average
24 per-pupil cost for special education for the year in which placement commences, as its share of the
25 cost of educational services furnished to a seriously emotionally disturbed child pursuant to this
26 section in a residential treatment program that includes the delivery of educational services.

27 "Seriously emotionally disturbed child" means any person under the age of eighteen (18)
28 years, or any person under the age of twenty-one (21) years, who began to receive services from
29 the department prior to attaining eighteen (18) years of age and has continuously received those
30 services thereafter; who has been diagnosed as having an emotional, behavioral, or mental disorder
31 under the current edition of the Diagnostic and Statistical Manual and that disability has been
32 ongoing for one year or more or has the potential of being ongoing for one year or more; and the
33 child is in need of multi-agency intervention; and the child is in an out-of-home placement or is at
34 risk of placement because of the disability.

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

5 The term "functional developmental disability" includes autism spectrum disorders and
6 means a severe, chronic disability of a person that:

7 (A) Is attributable to a mental or physical impairment or combination of mental physical
8 impairments;

9 (B) Is manifested before the person attains age eighteen (18);

10 (C) Is likely to continue indefinitely;

11 (D) Results in age-appropriate, substantial, functional limitations in three (3) or more of
12 the following areas of major life activity:

13 (I) Self-care;

14 (II) Receptive and expressive language;

15 (III) Learning;

16 (IV) Mobility;

17 (V) Self direction;

18 (VI) Capacity for independent living; and

19 (VII) Economic self-sufficiency; and

20 (E) Reflects the person's need for a combination and sequence of special, interdisciplinary,
21 or generic care, treatment, or other services that are of life-long or extended duration and are
22 individually planned and coordinated.

23 Funding for these clients shall include funds that are transferred to the department of human
24 services as part of the managed health-care-program transfer. However, the expenditures relating
25 to these clients shall not be part of the department of human services' caseload estimated for the
26 semi-annual, caseload-estimating conference. The expenditures shall be accounted for separately;

27 (25) To provide access to services to any person under the age of eighteen (18) years, or
28 any person under the age of twenty-one (21) years who began to receive child-welfare services
29 from the department prior to attaining eighteen (18) years of age, has continuously received those
30 services thereafter, and elects to continue to receive such services after attaining the age of eighteen
31 (18) years. The general assembly has included funding in the FY 2008 DCYF budget in the amount
32 of \$10.5 million from all sources of funds and \$6.0 million from general revenues to provide a
33 managed system to care for children serviced between 18 to 21 years of age. The department shall
34 manage this caseload to this level of funding;

1 (26) To initiate transition planning in cooperation with the department of behavioral
2 healthcare, developmental disabilities and hospitals and local school departments for any child who
3 receives services through DCYF; is seriously emotionally disturbed or developmentally delayed
4 pursuant to paragraph (b)(24)(v); and whose care may or shall be administered by the department
5 of behavioral healthcare, developmental disabilities and hospitals after the age of twenty-one (21)
6 years; the transition planning shall commence at least twelve (12) months prior to the person's
7 twenty-first birthday and shall result in a collaborative plan submitted to the family court by both
8 the department of behavioral healthcare, developmental disabilities and hospitals and the
9 department of children, youth and families and shall require the approval of the court prior to the
10 dismissal of the abuse, neglect, dependency, or miscellaneous petition before the child's twenty-
11 first birthday;

12 (27) To develop and maintain, in collaboration with other state and private agencies, a
13 comprehensive continuum of care in this state for children in the care and custody of the department
14 or at risk of being in state care. This continuum of care should be family centered and community
15 based with the focus of maintaining children safely within their families or, when a child cannot
16 live at home, within as close proximity to home as possible based on the needs of the child and
17 resource availability. The continuum should include community-based prevention, family support,
18 and crisis-intervention services, as well as a full array of foster care and residential services,
19 including residential services designed to meet the needs of children who are seriously emotionally
20 disturbed, children who have a functional developmental disability, and youth who have juvenile
21 justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of
22 care for children in the care and custody of DCYF, taking into account the availability of public
23 and private resources and financial appropriations and the director shall submit an annual report to
24 the general assembly as to the status of his or her efforts in accordance with the provisions of § 42-
25 72-4(b)(13);

26 (28) To administer funds under the John H. Chafee Foster Care Independence and
27 Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42
28 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter
29 72.8 of title 42, in accordance with rules and regulations as promulgated by the director of the
30 department; and

31 (29) To process nationwide, criminal-record checks on prospective foster parents and any
32 household member age 18 or older, prospective adoptive parents and any household member age
33 18 and older, operators of child-care facilities, persons seeking to act as volunteer court-appointed
34 special advocates, persons seeking employment in a child-care facility or at the training school for

1 youth or on behalf of any person seeking employment at DCYF, who are required to submit to
2 nationwide, criminal-background checks as a matter of law.

3 (c) In order to assist in the discharge of his or her duties, the director may request from any
4 agency of the state information pertinent to the affairs and problems of children.

5 SECTION 25. The title of Chapter 42-72.1 of the General Laws entitled "Licensing and
6 Monitoring of Childcare Providers and Child-Placing Agencies" is hereby amended to read as
7 follows:

8 ~~CHAPTER 42-72.1~~
9 ~~LICENSING AND MONITORING OF CHILDCARE PROVIDERS AND CHILD-PLACING~~
10 ~~AGENCIES~~

11 CHAPTER 42-72.1
12 LICENSING AND MONITORING OF CHILD PLACING AGENCIES, CHILD CARING
13 AGENCIES, FOSTER AND ADOPTIVE HOMES, AND CHILDREN'S BEHAVIORAL
14 HEALTH PROGRAMS

15 SECTION 26. Sections 42-72.1-1, 42-72.1-2, 42-72.1-3, 42-72.1-4, 42-72.1-5, 42-72.1-6
16 and 42-72.1-7 of the General Laws in Chapter 42-72.1 entitled "Licensing and Monitoring of
17 Childcare Providers and Child-Placing Agencies" are hereby amended to read as follows:

18 **42-72.1-1. Statement of purpose.**

19 (a) The director of the department of children, youth, and families, pursuant to § 42-72-
20 5(b)(7) and § 42-72-5(b)(24), shall establish within the department a unit to license and monitor
21 ~~child care providers and~~ child-placing agencies, child caring agencies, foster and adoptive homes,
22 and children's behavioral health programs to protect the health, safety and well being of children
23 temporarily separated from or being cared for away from their natural families.

24 (b) Services for children requiring licensure under this chapter shall include all ~~child care~~
25 ~~providers and~~ child placing agencies, child caring agencies, foster and adoptive homes, and
26 children's behavioral health programs which offer services within the state, except as defined in §
27 42-72.1-5.

28 **42-72.1-2. Definitions.**

29 As used in this chapter:

30 (1) "Administrator of licensing" means the director of the licensing unit (or his/her
31 designee) that carries out the provisions of this chapter, hereafter referred to as the "administrator".

32 (2) "Applicant" means a child-placing agency, child caring agencies, foster and adoptive
33 homes, and children's behavioral health programs ~~or childcare provider~~ that applies for a license to
34 operate.

1 (3) "Child" means any person less than eighteen (18) years of age; provided, that a child
2 over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the family
3 court, pursuant to chapter 1 of title 14, or defined as emotionally disturbed according to chapter 7
4 of title 40.1, shall be considered a child for the purposes of this chapter.

5 ~~(4) "Childcare provider" means a person or agency, which offers residential or
6 nonresidential care and/or treatment for a child outside of his/her natural home.~~

7 ~~(5) "Child day care or childcare" means daily care and/or supervision offered commercially
8 to the public for any part of a twenty four (24) hour day to children away from their homes.~~

9 ~~(6) "Child day care center or childcare center" means any person, firm, corporation,
10 association, or agency who, on a regular or irregular basis, receives any child under the age of
11 sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart
12 from the child's parent or guardian for any part of a twenty four (24) hour day irrespective of
13 compensation or reward. It shall include childcare programs that are offered to employees at the
14 worksite. It does not include nursery schools or other programs of educational services subject to
15 approval by the commissioner of elementary and secondary education.~~

16 (4) "Child Caring Agency" means any facility that provides residential treatment,
17 residential group home care or semi-independent living, or residential assessment and stabilization.

18 ~~(7)~~(5) "Child-placing agency" means any private or public agency, which receives children
19 for placement into independent living arrangements, supervised apartment living, residential group
20 care facilities, family foster homes, or adoptive homes.

21 (6) "Children's Behavioral Health Program" means any private or public agency which
22 provides behavioral health services to children.

23 ~~(8)~~(7) "Department" means the department of children, youth and families (DCYF).

24 ~~(9)~~(8) "Director" means the director of the department of children, youth and families, or
25 the director's designee.

26 (9) "Foster and Adoptive Homes" means one or more adults who are licensed to provide
27 foster or adoptive caregiving in a family-based home setting.

28 ~~(10) "Family day care home" means any home other than the child's home in which child
29 day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more
30 children who are not relatives of the care giver.~~

31 ~~(11) "Group family day care home" means a residence occupied by an individual of at least
32 twenty one (21) years of age who provides care for not less than nine (9) and not more than twelve
33 (12) children, with the assistance of one or more approved adults, for any part of a twenty four (24)
34 hour day. The maximum of twelve (12) children shall include children under six (6) years of age~~

1 ~~who are living in the home, school-age children under the age of twelve (12) years whether they~~
2 ~~are living in the home or are received for care, and children related to the provider who are received~~
3 ~~for care. These programs shall be subject to yearly licensing as addressed in this chapter and shall~~
4 ~~comply with all applicable state and local fire, health, and zoning regulations.~~

5 (12)(10) "Licensee" means any person, firm, corporation, association, or agency, which
6 holds a valid license under this chapter.

7 (13)(11) "Regulation" means any requirement for licensure, promulgated pursuant to this
8 chapter having the force of law.

9 (14)(12) "Related" means any of the following relationships, by marriage, blood or
10 adoption, even following the death or divorce of a natural parent: parent, grandparent, brother,
11 sister, aunt, uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto,
12 a defendant who relies for a defense upon the relationship of any child to him or herself, the
13 defendant shall have the burden of proof as to the relationship.

14 **42-72.1-3. Powers and scope of activities.**

15 (a) The department shall issue, deny, and revoke licenses for, and monitor the operation of,
16 facilities and programs by child placing agencies, child caring agencies, foster and adoptive homes,
17 and children's behavioral health programs ~~and child care providers~~, as defined in § 42-72.1-2.

18 (b) The department shall adopt, amend, and rescind regulations in accordance with this
19 chapter and implement its provisions. The regulations shall be promulgated and become effective
20 in accordance with the provisions of the Administrative Procedures Act, chapter 35 of this title.

21 (c) The department through its licensing unit shall administer and manage the regulations
22 pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and
23 administrative powers necessary to carry out its functions.

24 (d) The administrator shall investigate complaints of noncompliance, and shall take
25 licensing action as required.

26 (e) Regulations formulated pursuant to the foregoing authority shall include, but need not
27 be limited to, the following:

28 (1) Financial, administrative and organizational ability, and stability of the applicant;

29 (2) Compliance with specific fire and safety codes and health regulations;

30 (3) Character, health suitability, qualifications of child-placing agencies, child caring
31 agencies, foster and adoptive homes, and children's behavioral health programs ~~child care~~
32 ~~providers~~;

33 (4) Staff/child ratios and workload assignments of staff providing care or supervision to
34 children;

1 (5) Type and content of records or documents that must be maintained to collect and retain
2 information for the planning and caring for children;

3 (6) Procedures and practices regarding ~~basic childcare and~~ placing services to ensure
4 protection to the child regarding the manner and appropriateness of placement;

5 (7) Service to families of children in care;

6 (8) Program activities, including components related to physical growth, social, emotional,
7 educational, and recreational activities, social services and habilitative or rehabilitative treatment;
8 and

9 (9) Investigation of previous employment, criminal record check and department records
10 check; ~~and~~

11 ~~(10) Immunization and testing requirements for communicable diseases, including, but not~~
12 ~~limited to, tuberculosis, of childcare providers and children at any child day care center or family~~
13 ~~day care home as is specified in regulations promulgated by the director of the department of health.~~
14 ~~Notwithstanding the foregoing, all licensing and monitoring authority shall remain with the~~
15 ~~department of children, youth and families.~~

16 (f) The administrator may:

17 (1) Prescribe any forms for reports, statements, notices, and other documents deemed
18 necessary;

19 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to
20 facilitate compliance with and enforcement of the regulations;

21 (3) Prepare reports and studies to advance the purpose of this chapter;

22 (4) Provide consultation and technical assistance, as requested, to assist licensees in
23 maintaining compliance; and

24 (5) Refer to the advisory council for children and families for advice and consultation on
25 licensing matters.

26 ~~(g) The department may promulgate rules and regulations for the establishment of child~~
27 ~~day care centers located on the second floor.~~

28 ~~(h)~~(g) When the department is otherwise unsuccessful in remedying noncompliance with
29 the provisions of this chapter and the regulations promulgated under it, it may petition the family
30 court for an order enjoining the noncompliance or for any order that equity and justice may require.

31 ~~(i) The department shall collaborate with the departments of human services, elementary~~
32 ~~and secondary education, and health to provide monitoring, mentoring, training, technical~~
33 ~~assistance, and other services which are necessary and appropriate to improving the quality of~~
34 ~~childcare offered by childcare providers who are certified, licensed, or approved by the department~~

1 ~~or the department of elementary and secondary education or who are seeking certification,~~
2 ~~licensure, or approval pursuant to this chapter or § 16-48-2, including non-English speaking~~
3 ~~providers.~~

4 (h) The department shall adopt, amend, and rescind regulations in the same manner as
5 set forth above in order to permit the placement of a pregnant minor in a group residential facility
6 which provides a shelter for pregnant adults as its sole purpose.

7 **42-72.1-4. License required.**

8 (a) No person shall provide continuing full-time care for a child apart from the child's
9 parents, ~~or receive or place children in child care services, including day care arrangements,~~ without
10 a license issued pursuant to this chapter. This requirement does not apply to a person related by
11 blood, marriage, guardianship or adoption to the child. Licensing requirements for child day care
12 services are governed by §42-12.5-4 et seq. ~~, unless that arrangement is for the purposes of day~~
13 ~~care.~~

14 (b) The licensing requirement does not apply to shelter operations for parents with children,
15 boarding schools, recreation camps, nursing homes, hospitals, maternity residences, and centers for
16 developmentally disabled children.

17 (c) No person, firm, corporation, association, or agency, other than a parent shall place,
18 offer to place, or assist in the placement of a child in Rhode Island, for the purpose of adoption,
19 unless the person, firm, corporation, or agency shall have been licensed for those purposes by the
20 department or is a governmental child-placing agency, and that license shall not have been
21 rescinded at the time of placement of a child for the purpose of adoption. The above does not apply
22 when a person, firm, corporation, association, or agency places, offers to place, or assists in the
23 placement of a child in Rhode Island, for the purpose of adoption through a child-placement agency
24 duly licensed for child-placement in the state or through the department of children, youth, and
25 families, nor when the child is placed with a father, sister, brother, aunt, uncle, grandparent, or
26 stepparent of the child.

27 (d) No parent shall assign or otherwise transfer to another not related to him or her by blood
28 or marriage, his or her rights or duties with respect to the permanent care and custody of his or her
29 child under eighteen (18) years of age unless duly authorized so to do by an order or decree of
30 court.

31 (e) No person shall bring or send into the state any child for the purpose of placing him or
32 her out, or procuring his or her adoption, or placing him or her in a foster home without first
33 obtaining the written consent of the director, and that person shall conform to the rules of the
34 director and comply with the provisions of the Interstate Compact on the Placement of Children,

1 chapter 15 of title 40.

2 ~~(f) No person, firm, corporation, association, or agency shall operate a family day care~~
3 ~~home without a registration certificate issued by the department.~~

4 (fe) No state, county, city, or political subdivision shall operate a child placing ~~or child~~
5 ~~care~~ agency, child caring agency, foster and adoptive home, or children's behavioral health
6 program or facility without a license issued pursuant to this chapter.

7 (gh) No person shall be exempt from a required license by reason of public or private,
8 sectarian, non-sectarian, court-operated child placement program ~~child care program,~~ child caring
9 agency, foster and adoptive home, or children's behavioral health program for profit or non-profit
10 status, or by any other reason of funding, sponsorship, or affiliation.

11 **42-72.1-5. General licensing provisions.**

12 The following general licensing provisions shall apply:

13 (1) A license issued under this chapter is not transferable and applies only to the licensee
14 and the location stated in the application and remains the property of the department. A license
15 shall be publicly displayed. A license shall be valid for one year from the date of issue and upon
16 continuing compliance with the regulations, ~~except that a certificate issued to a family day care~~
17 ~~home,~~ a license issued to a foster parent, and/or a license issued to a program for mental health
18 services for "seriously emotionally disturbed children" as defined in § 42-72-5(b)(24) shall be valid
19 for two (2) years from the date of issue.

20 (2) Every license application issued pursuant to § 42-72.1-4 shall be accompanied by a
21 nonrefundable application fee paid to the State of Rhode Island as follows:

22 (a) Adoption and foster care child placing agency license- one thousand dollars (\$1000);

23 ~~(b) Child day care center license five hundred dollars (\$500);~~

24 ~~(c) Group family day care home license two hundred and fifty dollars (\$250);~~

25 ~~(d) Family day care home license one hundred dollars (\$100).~~

26 (3) All fees collected by the State pursuant to paragraph (2) of this section shall be
27 deposited by the general treasurer as general revenues.

28 (4) A licensee shall comply with applicable state fire and health safety standards.

29 (5) The department may grant a provisional license to an applicant, excluding any foster
30 parent applicant, who is not able to demonstrate compliance with all of the regulations because the
31 program or residence is not in full operation; however, the applicant must meet all regulations that
32 can be met in the opinion of the administrator before the program is fully operational. The
33 provisional license shall be granted for a limited period not to exceed six (6) months and shall be
34 subject to review every three (3) months.

1 (6) The department may grant a probationary license to a licensee who is temporarily
2 unable to comply with a rule or rules when the noncompliance does not present an immediate threat
3 to the health and well-being of the children, and when the licensee has obtained a plan approved
4 by the administrator to correct the areas of noncompliance within the probationary period. A
5 probationary license shall be issued for up to twelve (12) months; it may be extended for an
6 additional six (6) months at the discretion of the administrator. A probationary license that states
7 the conditions of probation may be issued by the administrator at any time for due cause. Any prior
8 existing license is invalidated when a probationary license is issued. When the probationary license
9 expires, the administrator may reinstate the original license to the end of its term, issue a new
10 license or revoke the license.

11 (7) The administrator will establish criteria and procedure for granting variances as part of
12 the regulations.

13 (8) The above exceptions (probationary and provisional licensing and variances) do not
14 apply to and shall not be deemed to constitute any variance from state fire and health safety
15 standards. However, if a request for a variance of fire inspection deficiencies has been submitted
16 to the fire safety code board of appeal and review, DCYF may grant a provisional license to
17 terminate no later than thirty (30) days following the board's decision on said variance.

18 ~~(9) A license under this chapter shall be granted to a school age child day care program~~
19 ~~without the necessity for a separate fire, building, or radon inspection, when said child day care~~
20 ~~program is conducted at a Rhode Island elementary or secondary school which has already been~~
21 ~~found in compliance with said inspections, provided that an applicant complies with all other~~
22 ~~provisions of DCYF regulations, or has been granted appropriate variances by the department.~~

23 **42-72.1-6. Violations, suspensions and revocations of license.**

24 (a) When a licensee violates the terms of the license, the provisions of this chapter, or any
25 regulation thereunder, the department may pursue the administrative remedies herein provided, in
26 addition to other civil or criminal remedies according to the general laws.

27 (b) After notice and hearing, as provided by the Administrative Procedures Act, chapter 35
28 of this title, the administrator may revoke the license, or suspend the license for a period not
29 exceeding six (6) months.

30 (c) During a suspension, the agency, facility or program shall cease operation.

31 (d) To end a suspension, the licensee shall, within thirty (30) days of the notice of
32 suspension, submit a plan of corrective action to the administrator. The plan shall outline the steps
33 and timetables for immediate correction of the areas of noncompliance and is subject to the
34 approval of the administrator.

1 (e) At the end of the suspension, the administrator may reinstate the license for the term of
2 the original license, revoke the license, issue a new license, or deny a reapplication.

3 (f) Upon revocation, the licensed agency, program or facility shall cease operation. The
4 licensee whose license has been revoked may not apply for a similar license within a three (3) year
5 period from the date of revocation.

6 ~~(g) Except in those instances wherein there is a determination that there exists a danger to
7 the public health, safety, or welfare or there is a determination that the childcare provider has
8 committed a serious breach of State law, orders, or regulation, the director shall utilize progressive
9 penalties for noncompliance of any rule, regulation or order relating to childcare providers.
10 Progressive penalties could include written notice of noncompliance, education and training,
11 suspending enrollment to the program, assessing fines, suspension of license, and revocation of
12 license.~~

13 **42-72.1-7. Penalties for violations.**

14 (a) Any person who violates any of the provisions of this chapter, or any regulations issued
15 pursuant to this chapter, or who shall intentionally make any false statement or reports to the
16 director with reference to the matters contained herein, shall, upon conviction for the first offense,
17 be imprisoned for a term not exceeding six (6) months or be fined not exceeding five hundred
18 dollars (\$500), or both, and for a second or subsequent offense, shall be imprisoned for a term not
19 exceeding one year or be fined not exceeding one thousand dollars (\$1000), or both the fine and
20 imprisonment.

21 (b) Anyone who maintains or conducts a program, agency, or facility without first having
22 obtained a license, or who maintains or conducts a program, agency, or facility after a license has
23 been revoked or suspended, or who shall refuse to permit a reasonable inspection and examination
24 of a program, agency, or facility, shall be guilty of a misdemeanor and, upon conviction, shall be
25 fined not more than five hundred dollars (\$500) for each week that the program, agency, or facility
26 shall have been maintained without a license or for each refusal to permit inspection and
27 examination by the director.

28 ~~(c) Any individual, firm, corporation, or other entity who maintains or conducts a family
29 day care home without first having obtained a registration certificate for the home, shall be guilty
30 of a misdemeanor and, upon conviction, shall be fined not less than twenty five dollars (\$25.00)
31 nor more than one hundred dollars (\$100) for each week that the home shall have been maintained
32 without a valid registration certificate.~~

33 (c) The department shall refer any violations to the attorney general's office for prosecution.

34 SECTION 27. Section 42-72.1-8 of the General Laws in Chapter 42-72.1 entitled

1 "Licensing and Monitoring of Childcare Providers and Child-Placing Agencies" is hereby repealed.

2 ~~**42-72.1-8. Open door policy.**~~

3 ~~There shall be an open door policy permitting any custodial parent or legal guardian to~~
4 ~~have access to a day care facility for any program when their child is in attendance.~~

5 SECTION 28. Section 42-72.11-1 of the General Laws in Chapter 42-72.11 entitled
6 "Administrative Penalties for Childcare Licensing Violations" is hereby amended to read as
7 follows:

8 **42-72.11-1. Definitions.**

9 As used in this chapter, the following words, unless the context clearly requires otherwise,
10 shall have the following meanings:

11 (1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty
12 specified by statute or, where not specified by statute, an amount not to exceed five hundred dollars
13 (\$500).

14 (2) "Director" means the director of the department of ~~children, youth and families~~ human
15 services or his or her duly authorized agent.

16 (3) "Person" means any public or private corporation, individual, partnership, association,
17 or other entity that is licensed as a child day care center, family child day care home, group family
18 child day care home or any officer, employee or agent thereof.

19 (4) "Citation" means a notice of an assessment of an administrative penalty issued by the
20 director or his or her duly authorized agent.

21 (5) "Department" means the department of human services.

22 SECTION 29. Chapter 42-154 of the General Laws entitled "Division of Elderly Affairs"
23 is hereby repealed in its entirety.

24 ~~**42-154-1. Establishment of division -- Director.**~~

25 ~~There is hereby established within the executive branch of state government and the~~
26 ~~department of human services a division of elderly affairs, effective July 1, 2011. The head of the~~
27 ~~division shall be the director of the division of elderly affairs, who shall be a person qualified~~
28 ~~through and by training and experience to perform the duties of the division. The director shall be~~
29 ~~in the unclassified service.~~

30 ~~**42-154-2. Transfer of powers and duties from the department of elderly affairs.**~~

31 ~~There is hereby transferred to the division of elderly affairs within the department of human~~
32 ~~services those powers and duties formerly administered by the department of elderly affairs as~~
33 ~~provided for in chapters 42-66 ("Elderly Affairs Department") through 42-66.10 ("Elder Health~~
34 ~~Insurance Consumer Assistance Program"), inclusive, and any other applicable provisions of the~~

1 ~~general laws; provided, however, in order that there is no interruption in the functions of elderly~~
2 ~~affairs and/or human services the transfer may be postponed until such time as determined by the~~
3 ~~secretary of the office of health and human services that the transfer may best be put into force and~~
4 ~~effect; provided, further, the governor shall submit to the 2012 Assembly any recommended~~
5 ~~statutory changes necessary to facilitate the merger.~~

6 **42-154-3. Construction of references.**

7 Effective July 1, 2011, all references in the general laws to the department of elderly affairs
8 established pursuant to chapter 42-66 ("Elderly Affairs Department") shall be deemed to mean and
9 refer to the division of elderly affairs within the department of human services as set forth in this
10 chapter.

11 SECTION 30. Section 46-15.1-19.1 of the General Laws in Chapter 46-15.1 entitled
12 "Water Supply Facilities" is hereby amended to read as follows:

13 **46-15.1-19.1. Big River Reservoir -- Administration.**

14 The Rhode Island ~~water resources board, established pursuant to this chapter and chapter~~
15 ~~15 of this title, [department of administration](#)~~ shall be the only designated agency which will
16 administer those lands acquired for the Big River Reservoir as established under section 23 of
17 chapter 133 of the Public Laws of 1964. The director of the department of environmental
18 management and the director's authorized agents, employees, and designees shall, together with the
19 ~~water resources board~~ [department of administration](#) in accordance with the Big River management
20 area land use plan for the lands, protect the natural resources of the Big River Reservoir lands. The
21 lands of the Big River Reservoir are subject to enforcement authority of the department of
22 environmental management, as provided for in chapter 17.1 of title 42, and as provided for in title
23 20 of the General Laws.

24 SECTION 31. **Effective Date.** Sections 1 and 2 of this Article will become effective
25 October 1, 2019. All other section in this Article will become effective upon passage.