

2025 -- H 5719 SUBSTITUTE A

LC000777/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES

Introduced By: Representative Lauren H. Carson

Date Introduced: February 26, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

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- SECTION 1. Chapter 22-11 of the General Laws entitled "Joint Committee on Legislative Services" is hereby amended by adding thereto the following section:
- 22-11-3.6. Revision of statutes -- Older adult to replace elder or elderly.**
- (a) Unless exempted by subsection (b) of this section, the law revision director is empowered and directed to produce a bill for introduction in the 2026 legislative session that shall:
- (1) Replace the terms "elder" and "elderly person(s)" as they appear throughout the general laws with the term "older adult(s)";
- (2) Replace the terms "handicapped" and "disabled" as they appear throughout the general laws in regard to elder or elderly person(s) with the term "adult person(s) with disabilities".
- (b) The provisions of subsection (a) of this section shall not apply to:
- (1) Title 42;
- (2) Chapter 5 and chapter 68 of title 11;
- (3) Chapter 19 of title 17;
- (4) Chapter 34 of title 19; and
- (5) Any other section of law where the substitution of the term "elder" or "elderly person(s)" with the term "older adult(s)" or the substitution of the term "handicapped" or "disabled" as they refer to "elder" or "elderly person(s)" with the term "older adult(s)" or "adult(s) with disabilities" would conflict with any existing government document, official form or computer

program used by state departments or agencies or that would interfere with any application for funding, grants, or services or that would conflict with any contractual provision relative to state departments or agencies. Provided further, in any situation where the director of law revision believes a change in terminology would likely cause confusion and/or unintended consequences not related to the purpose of the act, the term "elder" or "elderly person(s)" shall remain.

(c) State departments or agencies may elect to use the existing terminology by providing notice to the law revision director indicating such election.

SECTION 2. Section 42-66-4.1 of the General Laws in Chapter 42-66 entitled "Office of Healthy Aging" is hereby amended to read as follows:

42-66-4.1. Definitions.

As used in this chapter:

(1) "Abuse" means physical abuse, sexual abuse, and/or emotional abuse of an elderly person by a caregiver as defined in subsection (2).

(i) "Emotional abuse" means a pattern of willful infliction of mental or emotional harm upon an elderly person by threat, intimidation, isolation, or other abusive conduct.

(ii) "Physical abuse" means the willful infliction of physical pain or injury (e.g., slapping, bruising, or restraining) upon an elderly person.

(iii) "Sexual abuse" means the infliction of non-consensual sexual contact of any kind upon an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual misuse or exploitation of an elderly person, as well as threats of sexual abuse where the perpetrator has the intent and the capacity to carry out the threatened abuse.

(2) "Caregiver" means a person who has assumed the responsibility for the care of the elderly person voluntarily, by contract, or by order of a court of competent jurisdiction, or who is otherwise legally responsible for the care of the elderly person.

(3) "Elderly person" or "elder" or "older adult" means any person sixty (60) years of age or older.

(4) "Exploitation" means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including, but not limited to, a caregiver or fiduciary, who uses the resources of an elderly person for monetary or personal benefit, profit, gain, or that results in depriving an elderly person of rightful access to, or use of, benefits, resources, belongings, or assets by use of undue influence, harassment, duress, deception, false representation, or false pretenses.

(5) "Neglect" means the willful failure by a caregiver or other person with a duty of care to provide goods or services necessary to avoid physical harm, mental harm, or mental illness to an elderly person, including, but not limited to, "abandonment" (withdrawal of necessary assistance)

1 and denial of food or health-related services.

2 (6) "Protective services" means services and/or action intended to prevent and/or alleviate
3 the abuse, neglect, exploitation, or self-neglect of elderly persons. Protective services may include
4 supervision, counseling, and assistance in securing health and supportive services, safe living
5 accommodations, and legal intervention.

6 (7) "Self-neglect" means a pattern of behavior in an elderly person that directly,
7 imminently, and significantly threatens his/her own health and/or safety. Self-neglect includes, but
8 is not limited to, an inability or an incapacity to provide self with food, water, shelter, or safety to
9 the point of establishing imminent risk of any of the harm(s) described in the immediately preceding
10 sentence.

11 (8) "Willful" means intentional, conscious, and directed toward achieving a purpose.

12 SECTION 3. Sections 23-17.3-1 and 23-17.3-2 of the General Laws in Chapter 23-17.3
13 entitled "Long-Term Care Coordinating Council" are hereby amended to read as follows:

14 **23-17.3-1. Establishment — Purposes — Reports to Council.**

15 (a) There is established the long-term care coordinating council. The purpose of the council
16 shall be to develop and coordinate state policy concerning all forms of long-term health care for
17 the elderly and adults with chronic disabilities and illnesses, ranging from at-home and community
18 based care and respite care through intensive nursing care to long-term hospital care. The council
19 shall examine and make recommendations concerning any and all issues relating to long-term
20 health care for the elderly and adults with chronic disabilities and illnesses, including, but not
21 limited to:

22 (1) Standards and quality performance;

23 (2) Personnel issues including training standards, recruitment, and staffing needs;

24 (3) Enforcement of regulations;

25 (4) Patient and client rights;

26 (5) Eligibility and access issues; and

27 (6) The adequacy of funding and delivery of long-term care services.

28 (b) The council is empowered to appoint subcommittees to study specialized areas of
29 concern and to report their findings to the council.

30 (c) The council is empowered to seek the advice and assistance of the American
31 Association of Retired Persons, Rhode Island chapter, members of state and local senior citizens'
32 councils and advocacy/interest groups, and long term care organizations and associations.

33 (d) The council is empowered to apply for and receive grants, appropriations, or gifts from
34 any federal, state, or local agency, from any public or private foundation, or from any individual in

1 order to carry out the purposes of this chapter.

2 (e) All departments, boards, and agencies of the state shall cooperate with the council and
3 furnish any advice and information, documentary and otherwise, that may be necessary or desirable
4 to facilitate the purposes of this chapter.

5 (f) The department of health shall provide a written report to the long-term care
6 coordinating council by March 30 of each year regarding its regulatory activities for the preceding
7 calendar year in the area of long-term care. The annual regulatory report shall include information
8 on long-term care survey activities, including complaints of abuse and/or neglect, as requested by
9 the chairperson of the council. In addition, the department of health shall also notify the chairperson
10 of the council whenever a licensed long term care facility or provider is cited for providing
11 substandard care.

12 [\(g\) By March 31, 2026, the council shall conduct and complete a review of chapter 17.3 of](#)
13 [title 23 and make recommendations to the house of representatives for its amendment and reform.](#)

14 **23-17.3-2. Membership.**

15 The council shall be comprised of thirty-three (33) members, as follows: the lieutenant
16 governor or designee; the director of the department of health or designee; the secretary of the
17 executive office of health and human services or designee; the director of the department of
18 behavioral healthcare, developmental disabilities and hospitals or designee; the attorney general or
19 designee; the director of the office of healthy aging or designee; the chair of the Rhode Island
20 advisory commission on aging or designee; the director of the Rhode Island Chapter of the
21 American Association of Retired Persons (AARP) or designee; the state long-term care
22 ombudsman or designee; the president of the Rhode Island Senior Center Directors Association or
23 designee; the executive director of the Rhode Island chapter of the Alzheimer's Association or
24 designee; a representative of a not-for-profit long-term-care provider organization other than a
25 nursing home owner and a representative of a long-term-care service provider that primarily serves
26 persons with developmental disabilities, both to be appointed by the governor; a representative of
27 an assisted living residence other than a nursing home, to be appointed by the lieutenant governor;
28 a public member with no direct interest in long-term-care ownership representing a senior advocacy
29 organization, to be appointed by the speaker; a representative of the state program of all inclusive
30 care for the elderly, to be appointed by the lieutenant governor; a representative of senior housing,
31 to be appointed by the lieutenant governor; a representative of a hospice provider organization, to
32 be appointed by the senate president; a licensed home-care provider or a licensed home nursing
33 care provider, to be appointed by the speaker; a representative of a community mental health center,
34 to be appointed by the president of the senate; a registered nurse experienced in the care of the

1 elderly, to be appointed by the governor; a representative of nonmanagerial nursing home
2 employees, to be appointed by the president of the senate; two (2) members of the house, not more
3 than one (1) from the same political party, to be appointed by the speaker; a nursing home owner,
4 to be appointed by the speaker; two (2) members of the senate, not more than one from the same
5 political party, to be appointed by the president of the senate; one consumer of home- and
6 community-based care or a caregiver of a consumer of home- and community-based care, to be
7 appointed by the lieutenant governor; one consumer of behavioral health services or a caregiver of
8 a consumer of behavioral health services, to be appointed by the speaker; a member of the public
9 representing the interests of parents of children with special care needs, to be appointed by the
10 governor; a person with developmental disabilities or a representative of an organization that
11 advocates for the rights of persons with developmental disabilities, to be appointed by the lieutenant
12 governor; a general physician or advanced practice nurse with experience in serving persons with
13 long-term care and behavioral health needs, to be appointed by the president of the senate; and a
14 representative of a managed care health insurer providing long-term support and services, to be
15 appointed by the governor. The members of the council shall serve two-year (2) terms, expiring on
16 the second anniversary of each individual's appointment or on the date that their respective
17 successors are appointed and qualified, whichever is later. [A quorum shall consist of twelve \(12\)](#)
18 [members of the council.](#)

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

21 **42-11-10. Statewide planning program.**

22 (a) Findings. The general assembly finds that the people of this state have a fundamental
23 interest in the orderly development of the state; the state has a positive interest and demonstrated
24 need for establishment of a comprehensive, strategic state planning process and the preparation,
25 maintenance, and implementation of plans for the physical, economic, and social development of
26 the state; the continued growth and development of the state presents problems that cannot be met
27 by the cities and towns individually and that require effective planning by the state; and state and
28 local plans and programs must be properly coordinated with the planning requirements and
29 programs of the federal government.

30 (b) **Establishment of statewide planning program.**

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

34 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by all

1 departments and agencies of the executive branch unless specifically exempted, shall be conducted
2 by or under the supervision of the statewide planning program. The statewide planning program
3 shall consist of a state planning council, and the division of planning, which shall be a division
4 within the department of administration.

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

6 (1) Establishing or identifying general goals;

7 (2) Refining or detailing these goals and identifying relationships between them;

8 (3) Formulating, testing, and selecting policies and standards that will achieve desired
9 objectives;

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

12 (5) Preparing functional, short-range plans or programs that are consistent with established
13 or desired goals, objectives, and policies, and with long-range or system plans or comprehensive
14 programs where applicable, and that establish measurable, intermediate steps toward their
15 accomplishment of the goals, objectives, policies, and/or long-range system plans;

16 (6) Monitoring the planning of specific projects and designing of specific programs of short
17 duration by the operating departments, other agencies of the executive branch, and political
18 subdivisions of the state to ensure that these are consistent with, and carry out the intent of,
19 applicable strategic plans; and

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

22 (d) State guide plan. Components of strategic plans prepared and adopted in accordance
23 with this section may be designated as elements of the state guide plan. The state guide plan shall
24 be comprised of functional elements or plans dealing with land use; physical development and
25 environmental concerns; economic development; housing production; energy supply, including the
26 development of renewable energy resources in Rhode Island, and energy access, use, and
27 conservation; human services; climate change and resiliency; and other factors necessary to
28 accomplish the objective of this section. The state guide plan shall be a means for centralizing,
29 integrating, and monitoring long-range goals, policies, plans, and implementation activities related
30 thereto. State agencies concerned with specific subject areas, local governments, and the public
31 shall participate in the state guide planning process, which shall be closely coordinated with the
32 budgeting process.

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

- 1 (1) The director of the department of administration as chairperson;
- 2 (2) The director, policy office, in the office of the governor, as vice-chairperson;
- 3 (3) The governor, or his or her designee;
- 4 (4) [Deleted by P.L. 2019, ch. 88, art. 4, § 13.]
- 5 (5) The secretary of housing or designee;
- 6 (6) The highest-ranking administrative officer of the division of planning, as secretary;
- 7 (7) The president of the Rhode Island League of Cities and Towns or his or her designee;
- 8 (8) The executive director of the Rhode Island League of Cities and Towns;
- 9 (9) Three (3) chief elected officials of cities and towns appointed by the governor after
10 consultation with the Rhode Island League of Cities and Towns, one of whom shall be from a
11 community with a population greater than 40,000 persons; one of whom shall be from a community
12 with a population of between 20,000 and 40,000 persons; and one of whom shall be from a
13 community with a population less than 20,000 persons;
- 14 (10) One representative of a nonprofit community development or housing organization
15 appointed by the governor;
- 16 (11) Four (4) public members, appointed by the governor, one of whom shall be an
17 employer with fewer than fifty (50) employees; one of whom shall be an employer with greater
18 than fifty (50) employees; one of whom shall represent a professional planning or engineering
19 organization in Rhode Island; and one of whom shall represent a chamber of commerce or
20 economic development organization;
- 21 (12) Two (2) representatives of private, nonprofit, environmental or environmental justice
22 advocacy organizations, both to be appointed by the governor;
- 23 (13) The director of planning and development for the city of Providence;
- 24 (14) The director of the department of transportation;
- 25 (15) The director of the department of environmental management;
- 26 (16) The director of the department of health;
- 27 (17) The chief executive officer of the commerce corporation;
- 28 (18) The commissioner of the Rhode Island office of energy resources;
- 29 (19) The chief executive officer of the Rhode Island public transit authority;
- 30 (20) The executive director of Rhode Island housing;
- 31 (21) The executive director of the coastal resources management council; ~~and~~
- 32 (22) The director of the Rhode Island emergency management agency; ~~and~~ and
- 33 (23) One representative of a statewide aging advocacy organization who is sixty (60) years
34 of age or older.

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

3 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
4 and to modify and amend any of these, following the procedures for notification and public hearing
5 set forth in § 42-35-3, and to recommend and encourage implementation of these goals to the
6 general assembly, state and federal agencies, and other public and private bodies; approval of
7 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide
8 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the “Rhode Island
9 comprehensive planning and land use regulation act”;

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

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

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

16 (5) To establish advisory committees and appoint members thereto representing diverse
17 interests and viewpoints as required in the state planning process and in the preparation or
18 implementation of strategic plans. At minimum, the state planning council shall appoint permanent
19 committees:

20 (i) A technical committee, comprised of public members from different geographic areas
21 of the state representing diverse communities. This committee shall advise the state planning
22 council on issues related to local comprehensive planning and land use. This committee shall also
23 advise the state planning council on any other matter referred to it by the council; and

24 (ii) An executive committee consisting of major participants of a Rhode Island geographic
25 information system with oversight responsibility for its activities; and

26 (iii) A transportation advisory committee, made up of diverse representation, including,
27 but not limited to, municipal elected and appointed officials; representatives of various
28 transportation sectors, departments, and agencies; and other groups and agencies with an interest
29 in transportation operations, maintenance, construction, and policy, who shall review
30 transportation-related plans and amendments and recommend action to the state planning council;

31 (6) To adopt, amend, and maintain, as an element of the state guide plan or as an
32 amendment to an existing element of the state guide plan, standards and guidelines for the location
33 of eligible, renewable energy resources and renewable energy facilities in Rhode Island with due
34 consideration for the location of such resources and facilities in commercial and industrial areas,

1 agricultural areas, areas occupied by public and private institutions, and property of the state and
2 its agencies and corporations, provided these areas are of sufficient size, and in other areas of the
3 state as appropriate;

4 (7) To act as the single, statewide metropolitan planning organization for transportation
5 planning, and to promulgate all rules and regulations that are necessary thereto; and

6 (8) To assist the Rhode Island infrastructure bank in establishing review criteria, evaluating
7 applications, approving and issuing grants, and to assist municipalities pursuant to the provisions
8 of chapter 11.4 of this title, and any rules or regulations promulgated thereunder.

9 **(g) Division of statewide planning.**

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

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

20 (3) The division of statewide planning shall manage and administer the Rhode Island
21 geographic information system of land-related resources, and shall coordinate these efforts with
22 other state departments and agencies, including the university of Rhode Island, which shall provide
23 technical support and assistance in the development and maintenance of the system and its
24 associated database.

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

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

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

1 SECTION 5. This act shall take effect upon passage.

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LC000777/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE
SERVICES

1 This act would advance the interests of older Rhode Islanders by adding a representative
2 of an aging adult organization to the state planning council and a permanent committee on aging to
3 the state planning council and would require the long-term care coordinating council to review and
4 make recommendations for reforming its governing statute, and would change the council's
5 quorum to twelve (12) members. Additionally, the act would dispense with less-favored terms
6 related to older persons and persons with disabilities, and would direct the law revision director to
7 draft a bill for introduction in the 2026 legislative session to revise affected general laws, with
8 certain exceptions, where the term "elder person" would remain.

9 This act would take effect upon passage.

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