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## ARTICLE 18

### RELATING TO DIVISION OF ADVOCACY

SECTION 1. Sections 23-1.8-1 and 23-1.8-2 of the General Laws in Chapter 23-1.8 entitled "Commission on the Deaf and Hard-of-Hearing" are hereby amended to read as follows:

**23-1.8-1. Purpose – Creation of commission.** – (a) In view of the barriers and disadvantages which deafness and hearing impairments impose on those individuals so affected, and in view of the testimony on deafness received by a legislative study commission, it is hereby proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be established. This commission shall be composed as follows: a thirteen (13) member commission, eleven (11) of whom are appointed by the governor, one representative appointed by the speaker of the house and one senator appointed by the president of the senate. Four (4) of the governor's appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members shall be appointed for a term to expire July 1, 1994. Thereafter the commissioners shall serve staggered two (2) year terms, each member serving until his or her successor is appointed. These commissioners shall be responsible for the establishment of policies and the appointment of an executive director who shall be in the unclassified service and other staff as needed and for whom appropriations are available. They shall meet not less than four (4) times per year, and shall not be paid for their services, except for reimbursement of expenses incurred by their service. The commissioners may elect their own officers.

(b) The members appointed by the governor shall include five (5) individuals who are deaf who use American Sign Language, one individual who is deaf who does not use American Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission members shall select their own chairperson. Five (5) members shall constitute a quorum.

(c) For budgetary and administrative purposes only, the commission on the deaf and hard-of-hearing shall be part of the division of advocacy established within the executive office of health and human services pursuant to § 42-7.2-20.

**23-1.8-2. Duties – Activities.** – The commission shall be primarily a coordinating and advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in Rhode Island. ~~Its activities shall be independent of any existing agency or department within the state.~~ The commission shall be accountable directly to the executive office of the state, and shall

1 submit an annual report to the governor. The commission will assume the following duties:

2 (1) Bring about greater cooperation and coordination among agencies and organizations  
3 now servicing or having the potential to serve the deaf and hard-of-hearing;

4 (2) Promote greater accessibility to services for the deaf and hard-of-hearing;

5 (3) Conduct an ongoing needs assessment;

6 (4) Promote increased awareness and provide information and referrals;

7 (5) Advocate for the enactment of legislation that would assist the needs of individuals  
8 who are deaf and hard-of-hearing;

9 (6) Administer a sign language interpreter referral service;

10 (7) Take necessary action to improve the quality of life for deaf and hard-of-hearing  
11 individuals living in Rhode Island;

12 (8) Develop a statewide coordinating council that will coordinate the implementation of  
13 the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have  
14 hearing loss. The composition, functions and activities of the statewide coordinating council shall  
15 be consistent with the provisions of the strategic plan developed through the Rhode Island  
16 department of elementary and secondary education.

17 (9) Track the yearly services provided by exempted interpreters, as defined in subsection  
18 5-71-15(4).

19 SECTION 2. Section 40.1-5-13 of the General Laws in Chapter 40.1-5 entitled "Mental  
20 Health Law" is hereby amended to read as follows:

21 **40.1-5-13. Mental health advocate.** – (a) There is hereby created the office of mental  
22 health advocate.

23 (b) For budgetary and administrative purposes only, the office of the mental health  
24 advocate shall be part of the division of advocacy established within the executive office of health  
25 and human services pursuant to § 42-7.2-20.

26 SECTION 3. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human  
27 Services" is hereby amended by adding thereto the following section:

28 **42-7.2-20. Creation of the division of advocacy.** – There is hereby established within  
29 the executive office of health and human services the division of advocacy, which shall consist of  
30 the commission on the deaf and hard-of-hearing, the governor's commission on disabilities, the  
31 office of the mental health advocate, and the child advocate office.

32 SECTION 4. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled "Office of  
33 Health and Human Services is hereby amended to read as follows:

34 **42-7.2-5. Duties of the secretary.** – The secretary shall be subject to the direction and

1 supervision of the governor for the oversight, coordination and cohesive direction of state  
2 administered health and human services and in ensuring the laws are faithfully executed, not  
3 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human  
4 Services shall be authorized to:

5 (1) Coordinate the administration and financing of health care benefits, human services  
6 and programs including those authorized by the Global Consumer Choice Compact Waiver and,  
7 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,  
8 nothing in this section shall be construed as transferring to the secretary the powers, duties or  
9 functions conferred upon the departments by Rhode Island public and general laws for the  
10 administration of federal/state programs financed in whole or in part with Medicaid funds or the  
11 administrative responsibility for the preparation and submission of any state plans, state plan  
12 amendments, or authorized federal waiver applications, once approved by the secretary.

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

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

27 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house  
28 and senate finance committees, the caseload estimating conference, and to the joint legislative  
29 committee for health care oversight, by no later than March 15 of each year, a comprehensive  
30 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall  
31 include, but not be limited to, the following information:

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

33 (ii) Expenditures, outcomes and utilization rates by population and sub-population served  
34 (e.g. families with children, children with disabilities, children in foster care, children receiving

1 adoption assistance, adults with disabilities, and the elderly);

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

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

7 The directors of the departments, as well as local governments and school departments,  
8 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever  
9 resources, information and support shall be necessary.

10 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts  
11 among departments and their executive staffs and make necessary recommendations to the  
12 governor.

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

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

21 (ii) Encourage the departments to utilize consumer-centered approaches to service design  
22 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and  
23 changing needs of the people and communities they serve;

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

30 (iv) Improve the coordination and efficiency of health and human services legal functions  
31 by centralizing adjudicative and legal services and overseeing their timely and judicious  
32 administration;

33 (v) Facilitate the rebalancing of the long term system by creating an assessment and  
34 coordination organization or unit for the expressed purpose of developing and implementing

1 procedures across departments that ensure that the appropriate publicly-funded health services are  
2 provided at the right time and in the most appropriate and least restrictive setting; and

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

7 (vii) Broaden access to publicly funded food and nutrition services by consolidating  
8 agency programs and initiatives to eliminate duplication and overlap and improve the availability  
9 and quality of services; and

10 (viii) 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  
13 initiatives and programs.

14 (7) Prepare and integrate comprehensive budgets for the health and human services  
15 departments and any other functions and duties assigned to the office. The budgets shall be  
16 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 in accordance with the provisions set forth in § 35-3-4 of  
18 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 CHOICES initiative and that will  
23 facilitate the transition to consumer-centered system of state administered health and human  
24 services.

25 (10) At the direction of the governor or the general assembly, conduct independent  
26 reviews of state-administered health and human services programs, policies and related agency  
27 actions and activities and assist the department directors in identifying strategies to address any  
28 issues or areas of concern that may emerge thereof. The department directors shall provide any  
29 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) Implement the provisions of any general or public law or regulation related to the  
2 disclosure, confidentiality and privacy of any information or records, in the possession or under  
3 the control of the executive office or the departments assigned to the executive office, that may be  
4 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

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

8 [\(15\) For budgetary and administrative purposes only, oversee the division of advocacy](#)  
9 [established in § 42-7.2-20.](#)

10 SECTION 5. Section 42-51-1 of the General Laws in Chapter 42-51 entitled "Governor's  
11 Commission on Disabilities" is hereby amended to read as follows:

12 **42-51-1. Establishment of commission.** – (a) There is established within the executive  
13 department a permanent commission to be known as the "governor's commission on disabilities,"  
14 hereinafter referred to as "the commission."

15 [\(b\) For budgetary and administrative purposes only, the governor's commission on](#)  
16 [disabilities shall be part of the division of advocacy established within the executive office of](#)  
17 [health and human services pursuant to § 42-7.2-20.](#)

18 SECTION 6. Section 42-73-1 of the General Laws in Chapter 42-73 entitled "Child  
19 Advocate Office" is hereby amended to read as follows:

20 **42-73-1. Establishment.** – (a) There is created the child advocate office.

21 [\(b\) For budgetary and administrative purposes only, the child advocate office shall be](#)  
22 [part of the division of advocacy established within the executive office of health and human](#)  
23 [services pursuant to §42-7.2-20.](#)

24 SECTION 7. This article shall take effect as of July 1, 2015.

25 SECTION 8. This article shall take effect upon passage.