

State of Rhode Island and Providence Plantations

JOURNAL

-OF THE-

HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the second day of January in the year of Our Lord two thousand and one.

Volume 128, No. 59

Wednesday, June 20, 2001

Fifty-ninth Day

The House of Representatives meets at the State House in Providence, Wednesday, June 20, 2001, and is called to order at 4:11 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 96 members present and 4 members absent as follows:

PRESENT - 96; The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anderson, 5., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Murphy, W.J., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson.

ABSENT - 4; Representatives Burlingame, Carter, Palumbo, Winfield.

INVOCATION

The Honorable Speaker presents Representative Voccola, who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journals of Thursday, June 14, 2001, and Tuesday, June 19, 2001, are approved as printed.

On behalf of Representative Carter, the Honorable Speaker informs the members that Matthew Carter's condition has improved. The Honorable Speaker also extends to the members Representative Carter's thanks for their concern and best wishes.

GUESTS

Majority Leader Martineau introduces the Rhode Island State A.A.U. Champions who will be representing the State of Rhode Island in the National A.A.U. Tournament in Orlando, Florida in July. The Rhode Island Breakers 14-year-old A.A.U. basketball team are as follows: Michael Gore, Alex Ashley, Jermine Whitehead, Raymond Cross, Michael Palana, Jarred Lynch, David Wilson, Joey Colaluca, John Brandt, John Holmes, Jamal Johnson, Thomas Brady and Jamie Cansler.

COMMUNICATION FROM THE SENATE

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

(01-S 167) (Substitute "A" as amended) An Act relating to motor and other vehicles.

Read and referred to the Committee on Health, Education and Welfare.

(01-S 1011) An Act authorizing the town of Narragansett to finance its share of the cost associated with implementing the clean up and remediation of the Rose Hill Regional Landfill and to issue not more than \$2,000,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

REPORTS OF COMMITTEES TRANSFER OF BILLS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance:

(01-S 730) (Substitute "A") An Act relating to freeze on property tax - city of Providence.

Received and referred to the Committee on Finance.

(01-S 742) An Act relating to taxation levy and assessment of local taxes.

Received and referred to the Committee on Finance.

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

(01-S 743) An Act relating to taxation -property tax classification- Providence.

Received and ordered to be placed on the Calendar.

(01-S 893) An Act relating to levy and assessment of local taxes - town of Middletown.

Received and ordered to be placed on the Calendar.

(01-S 936) (Substitute "A") An Act to incorporate the North Scituate Water District.

Received and ordered to be placed on the Calendar.

(01-H 6238) An Act relating to public utilities and carriers- duties of utilities and carriers.

Received and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Representative Pires, for the Committee on Finance, reports back the following measures, with recommendation of passage:

(01-S 207 as amended) An Act relating to education - teachers' retirement.

Received and ordered to be placed on the Calendar.

(01-S 214) (Substitute "A") Senate Resolution relating to teachers' and public officers' and employees' retirement and municipal employees.

Received and ordered to be placed on the Calendar.

(01-S 675) An Act relating to the National Guard.

Received and ordered to be placed on the Calendar.

(01-H 5180) (Substitute "A") An Act relating to sales and use taxes - enforcement and collection.

Received and ordered to be placed on the Calendar.

(01-H 5345) (Substitute "A") An Act relating to health insurance- copayments.

Received and ordered to be placed on the Calendar.

(01-H 5445) (Substitute "A") House Resolution relating to teachers' and public officers' and employees' retirement and municipal employees.

Received and ordered to be placed on the Calendar.

(01-H 5522) An Act relating to state affairs and government- Department of Attorney General.

Received and ordered to be placed on the Calendar.

(01-H 5572) (Substitute "A") An Act relating to public assistance- food stamp program.

Received and ordered to be placed on the Calendar.

(01-H 5574) House Resolution creating a special House commission to study security issues at the State House.

Received and ordered to be placed on the Calendar.

(01-H 5703) (Substitute "A") An Act relating to the National Guard.

Received and ordered to be placed on the Calendar.

(01-H 5892) (Substitute "A") An Act relating to human services- medical assistance.

Received and ordered to be placed on the Calendar.

(01-H 5934) An Act relating to property tax relief.

Received and ordered to be placed on the Calendar.

(01-H 5935) (Substitute "A") An Act relating to health and safety - Department of Health

Received and ordered to be placed on the Calendar.

(01-H 5958) (Substitute "A") An Act relating to towns and cities - industrial facilities corporation.

Received and ordered to be placed on the Calendar.

(01-H 6054) (Substitute "A") An Act relating to housing and open space.

Received and ordered to be placed on the Calendar.

(01-H 6262) (Substitute "A") An Act relating to water and navigation - the Rhode Island River Council.

Received and ordered to be placed on the Calendar.

(01-H 6339) (Substitute "A") An Act relating to higher education assistance authority.

Received and ordered to be placed on the Calendar.

(01-H 6342) (Substitute "A") An Act relating to public finance.

Received and ordered to be placed on the Calendar.

(01-H 6404) An Act relating to water and navigation.

Received and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Representative Faria, for the Committee on Labor, reports back the following measures, with recommendation of passage:

(01-S 241) An Act relating to military affairs and defense organization and command of military forces.

Received and ordered to be placed on the Calendar.

(01-H 6458) (Substitute "A") An Act relating to labor and labor relations - workers' compensation - benefits.

Received and ordered to be placed on the Calendar.

JOINT COMMITTEE ON ENVIRONMENT AND ENERGY

Representative Ginaitt, for the Joint Committee on Environment and Energy, reports back the following measures, with recommendation of passage:

(01-H 5379) An Act relating to parks and recreational areas recreational vehicle parks and campgrounds.

Received and ordered to be placed on the Calendar.

(01-H 5648) An Act relating to state affairs and government energy facility siting act.

Received and ordered to be placed on the Calendar.

(01-H 5724) An Act relating to the Narragansett Bay Commission.

Received and ordered to be placed on the Calendar.

(01-H 5987) An Act relating to waters and navigation - regulation of boats.

Received and ordered to be placed on the Calendar.

NEW BUSINESS

Representatives Levesque, Montanaro and Smith introduce (01-H 6525) An Act relating to state affairs and government - economic development corporation.

Read and referred to the Committee on Corporations.

Representative Hetherington introduces (01-H 6526) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Representatives Watson and George introduce (01-H 6527) An Act relating to cost of living adjustment for employees of the town of East Greenwich.

Read and referred to the Committee on Corporations.

Representatives Reilly, San Bento and Menard introduce (01-H 6528) An Act relating to the Auditor General.

Read and referred to the Committee on Corporations.

Representatives Martineau, Henseler and Menard introduce (01-H 6529) An Act establishing a reapportionment commission.

By unanimous consent, Majority Leader Martineau requests to place the bill on the Calendar for Friday, June 22, 2001.

There is no objection.

Read and ordered to be placed on the Calendar.

Representatives Costantino, Giannini, Cicilline, Corvese, Schadone, DeSimone and Montanaro introduce (01-H 6530) House Resolution declaring October as "Italian-American Heritage Month."

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Costantino, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Abdullah-Odiase, Shavers, Tejada, Cerra, Brien and several other members of the House introduce (01-H 6531) House Resolution proclaiming the first week of each calendar school year as "Dictionary Week".

Representative Abdullah-Odiase requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Abdullah-Odiase, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Fox and Moura introduce (01-H 6532) Joint Resolution regarding the establishment of a legislative commission to study the public purposes to be advanced by the redevelopment of those areas made available by the relocation of Route 195.

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Fox, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representative Pires introduces (01-H 6533) Joint Resolution approving the financing of a new training school for youth at the Pastore Center in Cranston.

By unanimous consent, Representative Pires requests to place the bill on the Calendar for Friday, June 22, 2001.

There is no objection.

Read and ordered to be placed on the Calendar.

Representative Pires introduces (01-H 6534) Joint Resolution approving the financing of a new facility to house the Kent County Courthouse (the "Leighton Judicial Complex").

By unanimous consent, Representative Pires requests to place the bill on the Calendar for Friday, June 22, 2001.

There is no objection.

Read and ordered to be placed on the Calendar.

Representatives Lally and Caprio introduce (01-H 6535) An Act authorizing the town of Narragansett to finance its share of the cost associated with implementing the clean up and remediation of the Rose Hill Regional Landfill and to issue not more than \$2,000,000 bonds and notes therefor.

Representative Lally requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Lally, seconded by Representative Caprio, and by unanimous consent, on a roll call vote, 80 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 80: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Kennedy, Kilmartin, Knickle, Lanzi, Lewis, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Montanaro, Moran, Mumford, Munschy, Murphy, W.H., Murphy, W.J., Naughton, Palangio, Picard, Pisaturo, Reilly, Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Watson, Williams, Williamson.

NAYS -0.

NOTICES OF BILL/RESOLUTION

INTRODUCTION

Representative Caprio gives notice that on the next legislative day he will introduce a measure concerning commercial fisheries licensing.

This notice is given in compliance with House Rule 42.

DAVID A. CAPRIO
Representative, District 47

Received and ordered to be placed on file.

Representative Caprio gives notice that on the next legislative day he will introduce a measure concerning engineer certification.

This notice is given in compliance with House Rule 42.

DAVID A. CAPRIO
Representative, District 47

Received and ordered to be placed on file.

Representative Giannini gives notice that on the next legislative day she will introduce a measure concerning House Commission to study taxi cab industry.

This notice is given in compliance with House Rule 42.

JOANNE M. GIANNINI
Representative, District 7

Received and ordered to be placed on file.

CALENDAR

From the Calendar are taken:

1. (99-S482) An Act relating to businesses and professions- public accountancy.

Committee on Corporations recommends passage in concurrence.

Read, and by unanimous consent ordered to be placed on the bottom of the Calendar as item no. 6A.

2. (01-H5339) (Substitute "A") An Act relating to public officers and employees - insurance benefits.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

Representative Fox moves passage of the act, seconded by Representatives Cicilline, Aiken, Hetherington, Ajello, Costantino and Faria.

Representatives Corvese, Fox, Rabideau and Cicilline discuss the act.

By unanimous consent, Representative Moura, seconded by Representative Hogan, S. Anderson and Fox, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-H 5339) (Substitute "A")

Mr. Speaker:

I hereby move to amend (01-H 5339) (Substitute "A") entitled "AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - INSURANCE BENEFITS" as follows:

On page 2, line 6, by deleting the words "disciplinary action up to termination of employment, and" after the word "in"

Respectfully submitted,

PAUL E. MOURA
Representative, District 2

Representatives Fox and Moura discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 69 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Amaral, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Costantino, Dennigan, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Long, Martineau, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munsch, Murphy, W.H., Picard, Pisaturo, Rose, San Bento, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Voccola, Williams.

NAYS - 5: Representatives Abdullah-Odiase, Corvese, Giannini, Rabideau, Vieira.

The bill marked Substitute "A" is read and passed as amended, and the original bill indefinitely postponed, on a roll call

vote, 53 members voting in the affirmative and 20 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Amaral, Anderson, S., Anguilla, Barr, Bierman, Caprio, Carroll, Cicilline, Coderre, Coelho, Coogan, Costantino, Dennigan, Faria, Flaherty, Fox, Gallison, Garvey, Ginaitt, Guthrie, Hetherington, Hogan, Kilmartin, Lanzi, Levesque, Lewiss, Long, Maher, Martineau, Montanaro, Moran, Moura, Munsch, Picard, Pires, Pisaturo, Rose, San Bento, Schadone, Scott, Shanley, Sherlock, Simonian, Slater, Smith, Sullivan, Tejada, Thompson, Trillo, Voccola.

NAYS - 20: Representatives Abdullah-Odiase, Anderson, M., Cerra, Corvese, DeSimone, Fleury, George, Giannini, Gorham, Henseler, Iwuc, Jacquard, Lowe, McNamara, Mumford, Murphy, W.H., Rabideau, Savage, Story, Vieira.

Representative Shavers requests the journal to reflect that if she had voted on (01-H 5339) (Substitute "A"), she would have voted in the affirmative.

There is no objection.

3. (01-H6223 as amended) An Act relating to businesses and professions.

Committee on Labor recommends passage as amended.

Read, and by unanimous consent ordered to be placed on the Calendar for Tuesday, June 26, 2001.

4. (01-H5994) (Substitute "A" as amended) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Read, and by unanimous consent ordered to be placed after item no. 4A of the Calendar for Thursday, June 21, 2001, as item no. 4B.

(01-H 5394) (Substitute "A") An Act relating to health and safety health care facilities staffing.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

Read, and by unanimous consent ordered to be placed after item no. 4 of the Calendar for Thursday, June 21, 2001, as item no. 4A.

6. (01-H6521) An Act relating to taxation.

Ordered on the Calendar.

Representative Menard moves passage of the act, seconded by Representatives Barr, Vieira, McNamara, Munsch and Iwuc.

Read and passed, on a roll call vote, 74 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS 74: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Brien, Callahan, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Lewiss, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Mumford, Munsch, Murphy, W.H., Picard, Pisaturo, Rabideau, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story,

Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk.

NAYS -0.

6A. (01-S 482) An Act relating to businesses and professions- public accountancy.

Committee on Corporations recommends passage in concurrence.

The act has been moved and seconded supra.

By unanimous consent, Representative Kennedy, seconded by Representative Barr and Lewiss, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 482)

Mr. Speaker:

I hereby move to amend (01-2482) entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PUBLIC ACCOUNTANCY" as follows:

(1) On page 1, line 5, after the word "good" by inserting the word "moral".

(2) On page 2, lines 11 through 15, by deleting all of the language after the word "Have" and ending with the word "regulations" on line 15, and inserting in place thereof the following language:

"Have two (2) years public accountancy experience, or one year's public accounting experience and one (1) year of experience in providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills all of which was verified and supervised by a licensee, meeting requirements prescribed by the board of rule. This experience would be acceptable if it was gained through employment in government, industry, academia or public practice. After December 31, 1999, the person must also have completed one hundred fifty (150) hours or received a master's or doctorate degree in accounting, business administration, or other related curriculum from a college or university recognized by the board; and who has satisfactorily completed any number of semester hours in accounting, auditing, and other business courses that are prescribed by board rules and regulations;"

Respectfully submitted,

THOMAS A. PALANGIO
Representative, District 8

The motion to amend is read and prevails on a roll call vote, 74 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 74: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho,

Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lanzi, Lewiss, Maher, Malik, Martineau, McCauley, Menard, Montanaro, Moran, Mumford, Munsch, Murphy, W.H., Picard, Pisaturo, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk.

NAYS 1: Representative McNamara.

Read and passed as amended, on a roll call vote, 73 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 73: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lanzi, Lewiss, Maher, Malik, Martineau, McCauley, Menard, Montanaro, Moran, Mumford, Munsch, Murphy, W.H., Picard, Pisaturo, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk.

NAYS - 2: Representatives Hogan, McNamara.

From the Calendar in order for Thursday, June 21, 2001 are taken:

1. (01-H5080) (Substitute "A" as amended) An Act relating to motor and other vehicles - licenses for motorcycles.

Joint Committee on Highway Safety recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Read, and by unanimous consent ordered to be placed on the bottom of the Calendar as item no. 11A.

2. (01-H5354) An Act relating to health and safety bicycle helmets.

Joint Committee on Highway Safety recommends passage.

Representative McNamara moves passage of the act, seconded by Representatives Iwuc, Brien, Ginaitt, Munsch, Coelho, Cambio, Benson and Savage.

Read and passed, on a roll call vote, 68 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, DeSimone, Faria, Flaherty, Fleury, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lewiss, Maher, Malik, Martineau, McCauley, McNamara, Montanaro, Moran, Mumford, Munsch, Murphy, W.H., Palangio, Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Slater, Story, Sullivan, Tejada, Trillo, Vieira, Voccola, Wasylyk.

NAYS - 2: Representatives Gorham, Simonian.

3. (01-H5113) (Substitute "A" as amended) An Act relating to health and safety - pesticide control.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Representative McNamara moves passage of the act, seconded by Representatives Abdullah-Odiase and Cambio.

Representatives Rabideau and Lanzi discuss the act.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 81 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 81: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lewiss, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Palangio, Picard, Pisaturo, Rabideau, Rose, San Bento, Savage, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada Thompson, Trillo, Vieira, Voccola, Wasyluk.

NAYS -0.

4. (01-H6042) (Substitute "A") An Act relating to businesses and professions - the healing art of acupuncture.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A".

Representative Hetherington moves passage of the act, seconded by Representatives Giannini and Aiken.

By unanimous consent, Representative Hetherington, seconded by Representatives Cambio, Fox and Giannini, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-H 6042) (Substitute "A")

Mr. Speaker:

I hereby move to amend (01-H 6042) (Substitute "A") entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS - THE HEALING ART OF ACUPUNCTURE" as follows:

1. By striking all the language after the enactment clause and inserting in place thereof the following:

SECTION 1. The title of Chapter 5-37.2 of the General Laws entitled "The Healing Art of Acupuncture" is hereby amended to read as follows:

CHAPTER 5-37.2
The Healing Art of Acupuncture
CHAPTER 5-37.2
THE HEALING ART OF ACUPUNCTURE AND ORIENTAL MEDICINE

SECTION 2. Sections 5-37.2-2, 5-37.2-7, 5-37.2-12.1, 5-37.2-13 and 5-37.2-14 of the General Laws in Chapter 5-37.2 entitled "The Healing Art of Acupuncture" are hereby amended to read as follows:

5-37.2-2. Definitions. -- Unless the context otherwise requires, the words, phrases, and derivatives employed in this chapter have the meanings ascribed to them in this section:

(1) "Acupuncture" means the insertion of needles into the human body by piercing the skin of the body, for the purpose of controlling and regulating the flow and balance of energy in the body. the stimulation of certain points on or near the surface of the body, for the prevention, correction or cure of any disease, illness, injury or pain, through the insertion of acupuncture needles, electro-acupuncture, electro-therapy, auriculotherapy and heat therapy.

(2) "Department" means the state department of health.

(3) "Doctor of acupuncture" means a person licensed under the provisions of this chapter to practice the art of healing known as acupuncture.

(4) "Licensed acupuncture assistant" means a person who assists in the practice of acupuncture under the direct supervision of a person licensed under the provisions of this chapter to practice acupuncture.

(5) "Board" means the Rhode Island board of licensure and discipline within the department of health.

(6) "Oriental medicine" means a distinct system of primary health care that uses the diagnostic and treatment techniques of oriental medicine, both traditional and modern, for the prevention, correction or cure of any disease, illness, injury or pain. Within the scope of oriental medicine are such methods of therapy as acupuncture, moxibustion, vasoneumatic devices, oriental massage (Tui Na/Shiatsu), Gwa-Sha, breathing exercises, energetic exercises (Qi Gong, Tai Chi) and oriental energetics of nutrition, including the incorporation of drugless substances and herbs as dietary supplements to promote health pursuant to industry (GMP - good manufacturing products) standards. No provision in this section shall preclude other licensed professionals with a previously defined scope of practice from practicing.

5-37.2-7. Powers of department. -- For the purpose of conducting its responsibilities under this chapter, the department shall:

(1) Engage persons of established reputation and known ability in acupuncture as consultants to the department; the Rhode Island Society of Acupuncture and Oriental Medicine is designated as the appropriate body with which the department shall consult for referral of consultants and other assistance to the department. and the Acupuncture Association of Rhode Island are designated as professional organizations for consultation as well as other appropriate local and national groups or professionals as deemed necessary for referral of consultants and any matters relating to the profession of doctors of acupuncture.

(2) Maintain an office in the state to carry out the provisions of this chapter;

(3) Promulgate rules and regulations, or either of them, not inconsistent with the provisions of this chapter. These rules and regulations may include a code of ethics regulating the professional conduct of licensees; and

(4) Compel the attendance of witnesses and the production of evidence by subpoena and administer oaths.

5-37.2-12.1. Examination requirements and issuance of license. -- (a) No person shall be licensed as a doctor of acupuncture unless he or she has passed the examination by the National Commission of for Certification of Acupuncture and Oriental Medicine.

(b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof that he or she:

(1) Is a United States citizen or legal alien;

(2) Has demonstrated proficiency in the English language by achieving a score of 550 on the Test of English as a Foreign Language test;

- (3)** Is at least twenty one (21) years of age;
- (4)** Is of good moral character;
- (5)** Has completed an accredited program of at least thirty six (36) months and not less than twenty-five hundred (2500) twenty-nine hundred (2900) contact hours of training, and has received a certificate or diploma from an institute institution approved by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine, according to the provisions of this chapter; provided, that this subsection does not apply to anyone licensed to practice under chapter 37 of this title who is qualified to take and pass the test by the National Commission for the Certification of Acupuncture and Oriental Medicine. As of January 1, 2004, the minimum requirement for contact training shall not be less than thirty-two hundred (3200) hours; as of January 1, 2006, the minimum requirement for contact training shall be not less than thirty-six hundred (3600) hours; as of January 1, 2008, the minimum requirement for contact training shall not be less than four thousand (4000) hours;
- (6)** Has completed a clinical internship training that is designated as appropriate by the National Commission for the Certification of Acupuncture and Oriental Medicine; and
- (7)** Has three (3) letters of reference from reputable individuals other than relatives, and at least two (2) of which are from licensed or registered doctors of acupuncture. ;
- (8)** Foreign acupuncture graduates must meet all requirements within this chapter, the transcripts of their training with certified training transcripts in English translation shall be sent directly from the school of original training to the department of health. The transcript shall contain a valid dean or bursar seal. Foreign acupuncture graduates must have completed their training at a foreign accredited college, which is credited by the foreign government or its agency and meets the guidelines of the accreditation commission for acupuncture and oriental medicine training set forth by the world health organization;
- (9)** Chiropractors, naturopathic doctors, dentists, physical therapist, physician assistants, podiatrist and other licensed medical providers except for medical doctors and doctors of osteopathy shall meet all the requirements within this chapter and obtain the full license of Doctor of Acupuncture in order to practice acupuncture within this state; and
- (10)** For those graduates who do not meet the twenty-nine hundred (2900) hours requirement; thirty-two hundred (3200) as of January 1, 2004; thirty-six hundred (3600) as of January 1, 2006; four thousand (4,000) as of January 1, 2008, and have graduated from an ACAOM (Accreditation Commission of Acupuncture and Oriental Medicine) approved college with at least twenty-five hundred (2500) hours of training, the apprenticeship/internship training will be offered to meet the above requirements. Designated offices, hospitals and healthcare facilities will provide the apprenticeship/internship. The department of health, in cooperation with the advisory boards of professional associations, will designate at least five (5) facilities and will establish the requirement for trainees and preceptors.

5-37.2-13. Issuance of license for acupuncture assistant.-- An applicant for a license for acupuncture assistant is issued a license by the department if he or she:

- (1)** Has successfully completed a course of study in acupuncture in any college or school in any country, territory, province, or state requiring any attendance to thirty-six (36) months practical training of at least three hundred (300) hours under the supervision of a licensed doctor of acupuncture according to the regulations established by the department of health in cooperation with advisory boards of professional organizations;
- (2)** Practiced acupuncture for not less than three (3) years; and Has met such other requirements as may be established by the department of health.
- (3)** Passes the examination of the department for acupuncture assistant.

5-37.2-14. Recordation and display of licenses - Annual registration fee -- Penalties for failure to pay fee. -- (a) Every

person holding a license authorizing him or her to practice acupuncture or to serve as an acupuncture assistant in this state shall record his or her license with the city or town hall in the city or town where his or her office and residence are located. Every licensee upon a change of residence or office shall have his or her certificate recorded in the same manner the municipality to which he or she has changed. (b) Every license shall be displayed in the office, place of business, or place of employment of the license holder. (c) Every person holding a license shall pay to the department on or before February 1 of each year, the annual registration fee required pursuant to subsection (e). If the holder of a license fails to pay the registration fee his or her license is suspended. The license may be reinstated by payment of the required fee within ninety (90) days after February 1. (d) A license which is suspended for more than three (3) months under the provisions of subsection (c) may be canceled by the board after thirty (30) days notice to the holder of the license. (e) The annual registration fees shall be prescribed by the department and shall not exceed the following amounts:

(1) Doctor of acupuncture \$500.

(2) Licensed acupuncture assistant \$250.

SECTION 3. This act shall take effect on January 1, 2002."

Respectfully submitted,
NANCY C. HETHERINGTON

Representative, District 28

The motion to amend is read and prevails on a roll call vote, 78 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 78: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Kennedy, Kilmartin, Knickle, Lanzi, Levesque, Lewiss, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Mumford, Munschy, Murphy, W.H., Palangio, Picard, Pisaturo, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams.

NAYS -0.

Representatives Jacquard, Hetherington, Rabideau, Henseler and Cambio discuss the act.

Representative Rabideau requests to hold (01-H 6042) (Substitute "A") on the Desk.

There is no objection.

Representatives Cambio and Henseler discuss the act.

Read, and by unanimous consent ordered to be placed on the bottom of the Calendar as item no. 11B.

4A. (01-H 5394) (Substitute "A") An Act relating to health and safety - health care facilities staffing.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

Representative Barr moves passage of the act, seconded by Representatives Lanzi, Moura, Gallison, Menard, Reilly, Vieira, Tejada, Brien, Sullivan, Ajello, Munschy, Coderre, Moran, Shanley, Bierman, Hogan, Rose, Coogan, Cerra and Abdullah-Odiase.

By unanimous consent, Representative Menard, seconded by Representatives Barr, Callahan, Cambio, Coelho, Gallison, Aiken, Anguilla, Abdullah-Odiase, Cerra, Brien, McNamara and Gorham, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-H 5394) (Substitute "A")

Mr. Speaker:

I hereby move to amend (01-H 5394) (Substitute "A") entitled "AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE FACILITIES STAFFING" as follows:

- (1) On page 1, line 12, by adding the language "or assists in providing" after the word "provides".
- (2) On page 1, line 13, by adding the language or assist in providing" after the word "provide".
- (3) On page 1, line 15, by adding the language "or assisting in providing" after the word providing".
- (4) On page 1, line 17, by adding the language or a person whose principal employment duties are performed in the surgical department of a health care facility that utilizes "on call" staffing methods for emergencies" after the word "salary".
- (5) On page 2, line 30, by deleting the word may" and inserting in place thereof the word "shall".

Respectfully submitted,

RENE R. MENARD
Representative, District 58

Representatives Moura discusses the amendment.

The motion to amend is read and prevails on a roll call vote, 88 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 88: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Callahan, Cambio, Caprio, Carroll, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pisaturo, Quick, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan; Tejada, Thompson, Trillo, Vieira, Wasylyk, Watson, Williams.

NAYS -0.

By unanimous consent, Representative Gorham, seconded by Representatives Scott, Callahan and Watson, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-H 5394) (Substitute "A")

Mr. Speaker:

I hereby move to amend (01-H 5394) (Substitute "A") entitled "AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE FACILITIES STAFFING" as follows:

- (1) On page 3, line 6, by inserting the word "required" after the number "12".
- (2) On page 3, line 6, by inserting the words "or sixteen (16) combined required and voluntary hours" after the word "hours".
- (3) On page 3, line 7, by deleting the words "regardless of whether the overtime shift is voluntary or required."
- (4) On page 3, line 16, delete the word "existing".

Respectfully submitted,

NICHOLAS GORHAM
Representative, District 53

Representative Gorham offers an oral amendment to the amendment, seconded by Representative Henseler. The oral amendment prevails on a voice vote.

Representatives Menard, Moura, Lally, Gorham, Trillo, Watson and Gorham discuss the amendment.

The motion to amend is read and fails on a roll call vote, 24 members voting in the affirmative and 60 members voting in the negative as follows:

YEAS - 24: Representatives Anderson, M., Benson, Callahan, Cicilline, DeSimone, Fleury, Gorham, Jacquard, Kilmartin, Lanzi, Long, Malik, Montanaro, Mumford, Naughton, Pisaturo, Quick, Rabideau, Scott, Slater, Story, Trillo, Wasylyk, Watson.

NAYS - 60: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anderson, S., Anguilla, Ban, Brien, Cambio, Caprio, Carroll, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Knickle, Lally, Levesque, Lewiss, Lowe, McNamara, Menard, Moran, Moura, Munschy, Murphy, W.H., Palangio, Picard, Pires, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Sherlock, Simonian, Smith, Sullivan, Tejada, Thompson, Vieira, Voccola, Williamson.

The bill marked Substitute "A" is read and passed as amended, and the original bill indefinitely postponed, on a roll call vote, 86 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 86: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anderson, M., Anderson, S., Anguilla, Barr, Benson, Bierman, Brien, Cambio, Caprio, Carroll, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hetherington, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose,

San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Smith, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson.

NAYS - 6: Representatives Callahan, Gorham, Malik, Scott, Slater, Story.

Representative Amaral requests the journal to reflect that if he had voted on (01-H 5394) (Substitute "A"), he would have voted in the affirmative.

There is no objection.

4B. (01-H 5994) (Substitute "A" as amended) An Act relating to health and safety.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Representative Ginaitt moves passage of the act, seconded by Representatives Cambio and Dennigan.

By unanimous consent, Representative Dennigan, seconded by Representative Ginaitt, offers the following written motion to amend; by unanimous consent, the amendment is given in substitution of the bill:

FLOOR AMENDMENT

TO

(01-H 5994) (Substitute "A" as amended)

Mr. Speaker:

I hereby move to amend (01-H 5994) (Substitute "A" as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY" as follows:

1. By deleting all the language on pages 1 through 5 and by deleting all the language on lines 1 through 4 on page 6 and inserting in place thereof the following language:

CHAPTER 4.13

HEALTH CARE DECISIONS ACT

23-4.13-1. Purpose. -- (a) The legislature finds that adult persons have a fundamental right to control the decisions relating to the rendering of their own medical care. The failure to execute a valid durable power of attorney for health care or a valid living will should not deprive a person of such a fundamental right.

(b) In order that the rights of patients may be respected even after they are no longer able to communicate their health care decisions and where a patient had failed to execute a valid legal document expressing medical treatment wishes, including, but not limited to, a durable power of attorney for health care or living will, this section hereby authorizes a surrogate decision maker to act on behalf of such patient who is unable to give informed consent for his or her end of life medical treatment decisions or emergency treatment decisions to his or her health care provider. The surrogate decision maker shall be a person designated from the groups set forth in section 23-4.13-3 and be familiar with the patient's activities, health, medical treatment wishes and religious beliefs. The surrogate decision maker may execute documents on behalf of the patient authorizing the health care provider to provide medical treatment including the

withholding or withdrawing of life sustaining procedures and to provide appropriate pain management treatment.

23-4.13-2. Definitions. -- (a) Patient shall mean a person:

who is receiving medical treatment for a terminal condition or needs emergency treatment:

(2) Who is unable to give informed consent, orally, written, or with gestures concerning his or her wishes for medical treatment;

(3) Who fails to execute a valid legal document expressing medical treatment wishes, including, but not limited to, a durable power of attorney for health care or a living will; and

(4) Who is not a ward with a court appointed guardian.

(b) "Surrogate decision maker" shall mean the person who by this act is authorized to make decisions for the patient's medical treatment.

(c) "Significant other person" shall mean a person who maintains a durable relationship with the patient, resides with the patient and is familiar with the patient's activities, health, medical treatment wishes and religious beliefs.

(d) "Friend" shall mean any person who maintains such regular contact with the patient as to be familiar with his or her activities, health, medical treatment wishes and religious beliefs, including, but not limited to, clergy.

(e) "Health care provider" shall mean a licensed physician or licensed health care facility as defined within title 23.

(f) "Emergency treatment" shall mean an unexpected condition that without the administration of emergency medical treatment will in the opinion of the treating physician(s) or other competent medical personnel result in significant injury or harm to the patient.

(g) "Terminal condition" means an incurable or irreversible condition that without the administration of life-sustaining procedures, will in the opinion of the treating physician(s) or other competent medical personnel result in death.

(h) "Emergency medical service personnel" shall mean paid or voluntary firefighters, law enforcement officers, first responders, emergency medical technicians or other emergency service personnel, acting within the ordinary course of their professions.

(i) "Life-sustaining procedure" shall mean any medical procedure or intervention that when administered to a patient, will serve only to prolong the dying process. Life-sustaining procedures shall not include medical procedures interventions considered necessary by the health care provider or emergency service personnel to provide comfort, care, or alleviate pain.

"Advance directive protocol" shall mean a standardized, state-wide method developed for emergency medical service personnel by the department of health and provided by the ambulance service advisory board, of providing palliative care to, and withholding life-sustaining procedures from a qualified patient.

23-4.13-3. Rules for nominating health care decision surrogates. -- (a) Notwithstanding any other laws, any person, at least eighteen (18) years of age, and who maintains such regular contact with the patient as to be familiar with the patients' activities, health, medical treatment wishes, and religious beliefs may authorize a health care provider(s) to provide or withhold medical treatment for the patient as set forth below in the order of priority:

(1) a spouse of the patient; provided, no complaint for divorce, divorce from bed and board, legal separation or an annulment of the marriage has been filed by either spouse;

(2) the significant other person who maintains a durable relationship with the patient and resides with the patient;

- (3)** an adult son or daughter of the patient;
- (4)** a stepchild or stepchildren of the patient;
- (5)** either parent of the patient;
- (6)** an adult brother or sister of the patient;
- (7)** an aunt or uncle of the patient;
- (8)** a grandparent of the patient;
- (9)** a niece or nephew of the patient;
- (10)** a friend of the patient.

(b) Surrogate decision making may not be made by a person listed in section 23-4.13-3(a), if:

- (1)** any judge in a court of competent jurisdiction has issued a restraining order, denial of visitation, no contact order, or other edict restricting the flow of commerce between the patient and the proposed surrogate decision maker; or
- (2)** any law enforcement or other investigating agency has instituted and found credible evidence of physical, mental, sexual, or domestic abuse between the patient and the proposed surrogate decision maker.

(c) If two (2) or more persons from the same group set forth in 23-4.13-3(a) present to a health care provider as potential surrogate decision makers, the decision may be made jointly. However, if there is any disagreement among such joint decision makers, the health care provider shall act as if no surrogate decision maker exists until such time as there is agreement among surrogate decision makers from the same group or a court of competent jurisdiction declares a guardian or sole decision maker for the patient.

(d) In the event that no one in a higher group of surrogate decision maker is available, then the health care provider may rely upon the authorization of a surrogate decision maker from the next group.

(e) In the event that no one in a higher group of surrogate decision maker is available, then the health care provider may rely upon the authorization of a surrogate decision maker from the next group.

(1) The health care provider shall advise persons set forth in 23-4.13-3(a) about the services of patient advocates, including but not limited to, the Long-Term Care Ombudsman, the Alliance for Better Long-Term Care, the Office of Mental Health Advocate, and the Rhode Island Disability Law Center.

(g) Any person who seeks to be or is designated as a surrogate decision maker shall provide the health care provider with a notarized affidavit, in a form acceptable to the department of health, setting forth:

- (1)** that the facts and circumstances upon which such claim is based, including but not limited to, their relationship with the patient, the length of the relationship, knowledge about the patient's activities, health, medical treatment wishes, and religious beliefs are true and accurate;
- (2)** that the affiant is willing to follow the patient's medical treatment wishes;
- (3)** that the affiant knows and understands his or her authority and responsibilities as a surrogate health care decision maker;
- (4)** that the affiant has been apprised of the services of patient advocates;

- (5) that the affiant knows the penalties for violations of sections 23-4.13-1 through 23-4.13-13; and
- (6) that the affiant who knowingly makes a false material declaration in the affidavit shall be deemed guilty of perjury.
- (h) Such affidavit shall be part of the patient's permanent medical record.

23-4.13-4. Authority of surrogate health care decision maker. (a) A surrogate decision maker authorized under this section to act on behalf of the patient may consent to or refuse medical treatment in the same manner and to the same extent as would the patient.

- (b) A surrogate decision maker shall execute document(s) authorizing medical treatment for the patient in the same manner as would the patient, including directions to withhold or withdraw life-saving measures.
- (c) A surrogate decision maker may revoke the authorization for treatment or the withholding of treatment to the patient by notifying the health care provider at any time and in any manner.
- (d) A surrogate decision maker authorized under this chapter may review the patient's medical records and consent to disclosure or use of them.

(e) A surrogate decision maker's authority ceases:

- (1) upon the death of the patient;
- (2) upon the death of the surrogate decision maker;
- (3) upon the patient regaining capacity to give informed consent regarding his or her medical treatment;
- (4) upon the patient revoking the surrogate decision maker's authority in accordance with section 23-4.13-6; or
- (5) upon the surrogate decision maker's withdrawal in accordance with section 23-4.13-5.

23-4.13-5. Withdrawal. -- A surrogate decision maker may withdraw at any time. A withdrawal is only effective as to a health care provider or upon communication to that health care provider by the surrogate decision maker. Another surrogate decision maker may be nominated as set forth in section 23-4.13-3.

23-4.13-6. Revocation. -- (a) The patient may revoke the authority of his or her surrogate decision maker by notifying the surrogate decision maker or health care provider at any time and in any manner by which the patient is able to communicate without regard to mental or physical condition.

(b) The patient's revocation of the health care decision surrogacy is effective as to the health care provider upon communication to the health care provider by the patient or by another who witnessed the revocation.

(c) The health care provider shall document the revocation in the patient's medical record.

23-4.13-7.- Recording contents of surrogate health care decision. -- (a) A health care provider with knowledge of the existence of a surrogate decision maker shall note in the medical record the existence of the surrogate decision maker. In the instance where the surrogate decision maker authorizes a DNR (do not resuscitate) order, that shall be entered into the patient's medical record.

23-4.13-8. Immunity. -- (a) In the absence of actual notice of the revocation or withdrawal of a surrogate decision maker's authority or false information in the affidavit, the following, while acting in accordance with a surrogate decision regarding the medical treatment for the patient, are not subject to civil or criminal liability or charges of unprofessional conduct:

- (1) A health care provider who acts pursuant to the instructions of the surrogate decision maker;
- (2) A person who acts under the direction or with the authorization of a health care provider;
- (3) The owners or operators of the health care facility in which the instructions of the surrogate decision maker are implemented;
- (4) Emergency medical services personnel who act pursuant to an advanced directive protocol;
- (5) Emergency medical services personnel who proceed to provide life-sustaining treatment to a patient pursuant to a revocation of a do not resuscitate order communicated to them; and
- (6) A surrogate decision maker acting in accordance with this chapter.

(b) A health care provider is not subject to civil liability or criminal liability or charges of unprofessional conduct for actions under this chapter, which are in accordance with prevailing medical standards of care.

23-4.13-9. Penalties. -- (a) Notwithstanding any other laws, any person who willfully falsifies an affidavit seeking to be a surrogate health care decision maker shall be imprisoned for no less than six (6) months but no more than one (1) year, or shall be fined not less than two thousand dollars (\$2,000), but no more than five thousand (\$5,000-).

(b) Notwithstanding any other laws, any person who willfully conceals or withholds personal knowledge of a revocation as provided in section 23- 3-6 with the intent to cause a withholding or withdrawal of life sustaining procedures shall be imprisoned for no less than one (1) year but no more than five -5 years or shall be fined not less than five thousand dollars (\$5,000) but no more than ten thousand dollars (\$10,000).

(c) In addition to the above sanctions and/or penalties, any person herein referred to in this section shall be civilly liable.

23-4.13-10. General provisions. -- (a) Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to the surrogate decision maker and in accordance with this chapter does not constitute, for any purpose, a suicide or homicide provided there is no finding of unlawful intent.

(b) The designation of a surrogate decision maker pursuant to this chapter does not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor does it modify the terms of an existing policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(c) This chapter does not increase or decrease the right of a patient to make decisions regarding use of life-sustaining procedures so long as the patient is able to do so, or impair or supersede any right or responsibility that any person has to effect the withholding or withdrawal of medical care.

(d) This chapter does not condone, authorize, or approve mercy killing, euthanasia, physician assisted suicide, or health care professional assisted suicide.

(e) This chapter does not prohibit any action considered necessary by the health care provider or emergency medical services personnel for comfort, care, or alleviation of

(1) The decision of the surrogate decision maker to withhold life sustaining treatment to a patient known to the health care provider to be pregnant shall he given no force or effect as long as it is probable that the fetus could develop to the point of live birth with continued application of life sustaining procedures.

(g) Notwithstanding the provisions of this chapter, no treatment can be given to a patient or with - from a patient over

the patient's objection at the time.

(h) The decision of a surrogate decision maker made pursuant to this chapter does not affect the validity of an existing will.

23-4.13-11. Judicial review. (a) Any action that is taken by a surrogate decision maker may be contested in superior court. The court may revoke the power of the surrogate decision maker to make health care decisions for a patient in the event that:

- (1) the surrogate decision maker authorizes the withholding or withdrawing of treatment when the withholding or withdrawing of treatment is illegal;
- (2) the surrogate decision maker acts contrary to the patient's known medical treatment wishes; or
- (3) where the patient's medical treatment wishes are not known, the surrogate decision maker does anything that is clearly contrary to the patient's best interest.

(b) The proceeding shall have priority for an expedited hearing over all other cases in the court and shall be determined summarily upon the petition and such oral or written proof as may be offered by the parties.

23-4.13-12. Severability. -- (a) If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are severable."

Respectfully submitted,

ELIZABETH M. DENNIGAN
Representative, District 82

Representatives Abdullah-Odiase and Corvese discuss the amendment.

Representative Corvese requests to vote on page 3, section 23-4.13-3, paragraph (2) separately.

The Honorable Speaker rules that it is divisible.

The Honorable Speaker rules that bills may be voted by sections as a matter of right (Rule 18), and within sections at the discretion of the Speaker if the matter is clearly divisible.

Representatives Montanaro, Cicilline, Mum-ford, Lima, Fleury, Carroll, Simonian, Cambio, Levesque, Lanzi, Pisaturo, Henseler, Dennigan, Ginaitt, George, DeSimone, Trillo, Caprio, Aiken, Wasylyk and Gorham discuss the amendment.

Representative Wasylyk requests to vote on page 6, section 23-4.13-8 (b).

The Honorable Speaker rules that it is divisible.

Section 23-4.13-3, paragraph (2), fails on a roll call vote, 22 members voting in the affirmative and 61 members voting in the negative as follows:

YEAS - 22: Representatives Aiken, Ajello, Almeida, Cicilline, Coelho, Costantino, Dennigan, Fox, Gallison, Ginaitt, Hetherington, Lewiss, Maher, Martineau, Murphy, W.J., Palangio, Pires, Pisaturo, Shavers, Sherlock, Slater, Smith.

NAYS - 61: Representatives Abdullah-Odiase, Anderson, M., Anderson, S., Anguilla, Barr, Bierman, Brien, Callahan, Cambio, Caprio, Carroll, Cerra, Coderre, Coogan, Corvese, Crowley, DeSimone, Faria, Flaherty, Fleury, Garvey, George, Giannini, Gorham, Guthrie, Henseler, Hogan, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lima, Long, Lowe,

McNamara, Menard, Montanaro, Moran, Moura, Mumford, Murphy, W.H., Naughton, Picard, Rabideau, Reilly, Rose, San Bento, Savage, Scott, Shanley, Simonian, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Wasylyk, Watson, Williamson.

Section 23-4.13-8(b) fails on a roll call vote, 22 members voting in the affirmative and 61 members voting in the negative as follows:

YEAS - 22: Representatives Aiken, Almeida, Barr, Cambio, Cicilline, Costantino, Crowley, Dennigan, Fox, Ginaitt, Hetherington, Lewiss, Maher, Menard, Moura, Palangio, Pires, Pisaturo, Sherlock, Slater, Thompson, Vieira.

NAYS 61: Representatives Abdullah-Odiase, Amaral, Anderson, M., Anderson, S., Anguilla, Benson, Bierman, Brien, Callahan, Caprio, Carroll, Cerra, Coderre, Coelho, Coogan, Corvese, DeSimone, Faria, Flaherty, Fleury, Gallison, Garvey, George, Giannini, Gorham, Guthrie, Henseler, Kennedy, Kilmartin, Knickle, Laity, Lanzi, Lima, Long, Lowe, McNamara, Montanaro, Moran, Mumford, Munschy, Murphy, W.H., Murphy, W.J., Naughton, Picard, Rabideau, Reilly, Rose, San Bento, Savage, Scott, Shanley, Shavers, Simonian, Smith, Story, Sullivan, Tejada, Trillo, Wasylyk, Watson, Williamson. The balance of the amendment fails on a roll call vote, 38 members voting in the affirmative and 51 members voting in the negative as follows:

YEAS - 38: The Honorable Speaker Harwood and Representatives Aiken, Almeida, Benson, Cambio, Caprio, Cicilline, Coelho, Costantino, Crowley, Dennigan, Fox, Gallison, Giannini, Ginaitt, Guthrie, Hetherington, Hogan, Kennedy, Lally, Lewiss, Lima, Lowe, Martineau, Montanaro, Moura, Munschy, Murphy, W.J., Palangio, Pires, Pisaturo, Schadone, Sherlock, Simonian, Slater, Smith, Thompson, Vieira.

NAYS - 51: Representatives Abdullah-Odiase, Ajello, Amaral, Anderson, M., Anderson, S., Anguilla, Barr, Bierman, Brien, Callahan, Carroll, Cerra, Coderre, Coogan, Corvese, DeSimone, Faria, Flaherty, Fleury, Garvey, George, Gorham, Henseler, Kilmartin, Knickle, Lanzi, Levesque, Long, Maher, Malik, McNamara, Menard, Moran, Mumford, Murphy, W.H., Naughton, Picard, Rabideau, Reilly, Rose, San Bento, Savage, Scott, Shanley, Shavers, Story, Sullivan, Trillo, Wasylyk, Watson, Williamson.

Representative Montanaro requests to hold (01-H 5994) (Substitute "A") on the Desk.

There is no objection.

On suggestion of the Majority Leader, and by unanimous consent, the remainder of today's Calendar is continued to Thursday, June 21, 2001.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor, and to the Honorable Senate forthwith, with the exception of (01-H 5994) (Substitute "A" as amended).

Majority Leader Martineau reminds everyone the Budget Briefing is in the House Lounge at the rise. The House will reconvene tomorrow at 1:00 o'clock P.M. to take up the Budget. On Friday, the House will meet at regular time, 4:00 o'clock P.M. to take up Friday's Calendar and whatever bills that come out of Committee tonight, providing there is a sufficient number of bills. The final decision on whether or not session will definitely be Friday will be made tomorrow. The Desk will be held open for Committee Reports.

ANNOUNCEMENTS

Representative Faria announces that the Committee on Labor will meet today at the rise of the House in Room 201 of

the State House.

Also:

Representative Kennedy announces that the Committee on Corporations will meet today at the rise of the House in Room 203 of the State House.

ADJOURNMENT

At 6:06 o'clock P.M. on motion of Representative Martineau, seconded by Representative Watson, the House adjourns, on a voice vote.

LINDA McELROY
Recording Clerk

Appendix

INVOCATION

REPRESENTATIVE JOSEPH J. VOCCOLA

Heavenly Father, we ask that You guide Your servants who sit in this chamber, whose judgments share in determining our state's destiny. May the decisions we make in behalf of our constituents be derived only from Your Truth and Wisdom. Amen.

Appendix

CALENDAR

Special Order of Business in order for Thursday, June 21, 2001:

1. (01-H6100) (Substitute "A") An Act making appropriations for the support of the state for the Fiscal Year ending June 30, 2002.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

Appendix

CALENDAR

In order for Thursday, June 21, 2001:

1. (01-H 5440) An Act relating to motor vehicles - parking facilities and privileges.

Committee on Health, Education and Welfare recommends passage.

2. (99-S376 as amended) An Act relating to criminal offenses- children.

Committee on Judiciary recommends passage as amended.

3. (99-S702 as amended) An Act relating to criminal procedure- victims' rights.

Committee on Judiciary recommends passage as amended.

4. (99-S813) (Substitute "A") An Act relating to computer crime - cyberstalking.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

5. (99-S577) An Act relating to courts and civil procedure- procedure generally.

Committee on Judiciary recommends passage in concurrence.

6. (99-S247) (Substitute "A") An Act relating to courts and civil procedure - wrongful death.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

7. (99-S256) An Act relating to health and safety.

Committee on Judiciary recommends passage in concurrence.

8. (01-H5080) (Substitute "A" as amended) An Act relating to motor and other vehicles - licenses for motorcycles.

Joint Committee on Highway Safety recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

9. (01-H6042) (Substitute "A") An Act relating to businesses and professions - the healing art of acupuncture.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute

Appendix

CALENDAR

In order for Friday, June 22, 2001:

1. (01-H 6496) (Substitute "A") Joint Resolution making an appropriation to pay certain claims.

Joint Committee on Accounts and Claims recommends indefinite postponement of the original bill and passage of Substitute "A".

2. (01-S 700) Joint Resolution extending the reporting date of the special legislative commission to study an enhanced role for probation and parole.

Committee on Judiciary recommends passage in concurrence.

3. (99-S251) An Act relating to the courts.

Committee on Judiciary recommends passage in concurrence.

4. (99-S832) (Substitute "A") An Act relating to insurance coverage for mental illness.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

5. (01-H6489) House Resolution creating a special House commission to study commercial drivers' licenses.

Committee on Special Legislation recommends passage.

6. (01-S 537) (Substitute "A") Joint Resolution creating a special legislative commission to study commuter rail service.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute "A" in concurrence.

7. (99-S539) An Act relating to commission on the deaf and hard of hearing.

Committee on Special Legislation recommends passage in concurrence.

8. (01-H6329) An Act relating to the Greenville Water District.

Committee on Corporations recommends passage.

9. (01-H6510) An Act relating to the Chariho Regional School District.

Committee on Corporations recommends passage.

10. (01-H 6259) (Substitute "A") House Resolution relating to motor and other vehicles - mobile and manufactured homes.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

11. (01-H 6529) An Act establishing a reapportionment commission.

Ordered to be placed on the Calendar.

12. (01-H 6533) Joint Resolution approving the financing of a new training school for youth at the Pastore Center in Cranston.

Ordered to be placed on the Calendar.

13. (01-H 6534) Joint Resolution approving the financing of a new facility to house the Kent County Courthouse (the "Leighton Judicial Complex").

Ordered to be placed on the Calendar.

Appendix

CALENDAR

In order for Tuesday, June 26, 2001:

1. (01-H 6223 as amended) An Act relating to businesses and professions.

Committee on Labor recommends passage as amended.

Appendix

CALENDAR

In order for Wednesday, June 27, 2001:

1. (01-S 1011) An Act authorizing the town of Narragansett to finance its share of the cost associated with implementing the clean up and remediation of the Rose Hill Regional Landfill and to issue not more than \$2,000,000 bonds and notes therefor.

Ordered to be placed on the Calendar.

2. (01-H5572) (Substitute "A") An Act relating to public assistance - food stamp program.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

3. (01-H6404) An Act relating to water and navigation.

Committee on Finance recommends passage.

4. (01-H5892) (Substitute "A") An Act relating to human services- medical assistance.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

5. (01-H5703) (Substitute "A") An Act relating to the National Guard.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

6. (01-H5345) (Substitute "A") An Act relating to health insurance - copayments.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

7. (01-H 5445) (Substitute "A") House Resolution relating to teachers' and public officers' and employees' retirement and municipal employees.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

8. (01-S 214) (Substitute "A") Senate Resolution relating to teachers' and public officers' and employees' retirement and municipal employees.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

9. (01-H5574) House Resolution creating a special House commission to study security issues at the State House.

Committee on Finance recommends passage.

10. (01-H 5522) An Act relating to state affairs and government- Department of Attorney General.

Committee on Finance recommends passage.

11. (01-S 675) An Act relating to the National Guard.

Committee on Finance recommends passage in concurrence.

12. (01-S 207 as amended) An Act relating to education - teachers' retirement.

Committee on Finance recommends passage as amended in concurrence.

13. (01-H5934) An Act relating to property tax relief.

Committee on Finance recommends passage.

14. (01-H6262) (Substitute "A") An Act relating to water and navigation - the Rhode Island River Council.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

15. (99-S936) (Substitute "A") An Act to incorporate the North Scituate Water District.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

16. (01-H6054) (Substitute "A") An Act relating to housing and open space.

Committee on Finance recommends indefinite postponement of the original bill and passage of I Substitute "A".

17. (01-H5180) (Substitute "A") An Act relating to sales and use taxes - enforcement and collection.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

18. (01-H6339) (Substitute "A") An Act relating to higher education assistance authority.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

19. (01-H5935) (Substitute "A") An Act relating to health and safety - Department of Health.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

20. (01-H 6342) (Substitute "A") An Act relating to public finance.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

21. (01-H 5958) (Substitute "A") An Act relating to towns and cities - industrial facilities corporation.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute "A".

22. (01-S 241) An Act relating to military affairs and defense organization and command of military forces.

Committee on Labor recommends passage in concurrence.

23. (01-H 6458) (Substitute "A") An Act relating to labor and labor relations workers' compensation - benefits.

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute "A".

24. (01-H 5648) An Act relating to state affairs and government energy facility siting act.

Joint Committee on Environment and Energy recommends passage.

25. (01-H 5724) An Act relating to the Narragansett Bay Commission.

Joint Committee on Environment and Energy recommends passage.

26. (01-H5379) An Act relating to parks and recreational areas - recreational vehicle parks and campgrounds.

Joint Committee on Environment and Energy recommends passage.

27. (01-H 5987) An Act relating to waters and navigation- regulation of boats.

Joint Committee on Environment and Energy recommends passage.

28. (01-H 6238) An Act relating to public utilities and carriers - duties of utilities and carriers.

Committee on Corporations recommends passage.

29. (01-S 743) An Act relating to taxation -property tax classification - Providence.

Committee on Corporations recommends passage in concurrence.

30. (01-S 893) An Act relating to levy and assessment of local taxes - town of Middletown.

Committee on Corporations recommends passage in concurrence.

LOUIS D'ANTUONO

Clerk of the House

Wednesday, June 20, 2001

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

