

2013 -- H 5195

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS - DIVISION OF DEVELOPMENTAL DISABILITIES

Introduced By: Representatives McNamara, Corvese, Bennett, Palumbo, and Serpa

Date Introduced: January 30, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-21-4 of the General Laws in Chapter 40.1-21 entitled
2 "Division of Developmental Disabilities" is hereby amended to read as follows:

3 **40.1-21-4. Powers and duties of director of mental health, retardation and hospitals.**

4 == (a) The director of mental health, retardation, and hospitals shall be responsible for
5 planning and developing a complete, comprehensive, and integrated statewide program for the
6 developmentally disabled for the implementation of the program; and for the coordination of the
7 efforts of the department of mental health, retardation, and hospitals with those of other state
8 departments and agencies, municipal governments as well as the federal government and private
9 agencies concerned with and providing services for the developmentally disabled.

10 (b) The director shall be responsible for the administration and operation of all state
11 operated community and residential facilities established for the diagnosis, care, and training of
12 the developmentally disabled. The director shall be responsible for establishing standards in
13 conformance with generally accepted professional thought and for providing technical assistance
14 to all state supported and licensed habilitative, developmental, residential and other facilities for
15 the developmentally disabled, and exercise the requisite surveillance and inspection to insure
16 compliance with standards. Provided, however, that none of the foregoing shall be applicable to
17 any of the facilities wholly within the control of any other department of state government.

18 (c) The director of mental health, retardation, and hospitals shall stimulate research by

1 public and private agencies, institutions of higher learning, and hospitals, in the interest of the
2 elimination and amelioration of developmental disabilities, and care and training of the
3 developmentally disabled.

4 (d) The director shall be responsible for the development of criteria as to the eligibility
5 for admittance of any developmentally disabled person for residential care in any department
6 supported and licensed residential facility or agency.

7 (e) The director of mental health, retardation, and hospitals may transfer retarded persons
8 from one state residential facility to another when deemed necessary or desirable for their better
9 care and welfare.

10 (f) The director of mental health, retardation, and hospitals shall make grants-in-aid and
11 otherwise provide financial assistance to the various communities and private nonprofit agencies,
12 in amounts which will enable all developmentally disabled adults to receive developmental and
13 other services appropriate to their individual needs.

14 (g) The director shall coordinate all planning for the construction of facilities for the
15 developmentally disabled, and the expenditure of funds appropriated or otherwise made available
16 to the state for this purpose.

17 (h) The director shall adopt a state reimbursement system for community and nonprofit
18 agencies that will encourage the hiring and retention of competent, qualified and caring
19 individuals. Effective April 1, 2013, the reimbursement rate for direct support professionals
20 employed by private developmental disability organizations shall be increased from eleven
21 dollars and thirty cents (\$11.30) per hour to twelve dollars and three cents (\$12.03) per hour. The
22 rate shall be adjusted annually every April 1st by a percentage increase to the nearest cent using
23 the consumer price index for urban wage earners and clerical workers (CPI-W), or a successor
24 index for the previous calendar year as calculated for the northeast region by the United States
25 department of labor.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS - DIVISION OF DEVELOPMENTAL DISABILITIES

1 This act would require that the executive director of the department of behavioral
2 healthcare, developmental disabilities and hospitals to promulgate and adopt a reimbursement
3 system at a rate prescribed by current state law, and adjusted annually for direct support
4 professionals employed by private developmental disability organizations.

5 This act would take effect upon passage.

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