

2013 -- H 5481

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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 -- DEVELOPMENTAL DISABILITIES

Introduced By: Representatives Bennett, Hull, McNamara, Shekarchi, and Cimini

Date Introduced: February 14, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-22-3 of the General Laws in Chapter 40.1-22 entitled  
2 "Developmental Disabilities" is hereby amended to read as follows:

3 **40.1-22-3. Definitions.** -- Whenever used in this chapter, or in any order, rule, or  
4 regulation made or promulgated pursuant to this chapter, or in the printed forms prepared by the  
5 director, unless otherwise expressly stated, or unless the context or subject matter otherwise  
6 requires:

7 (1) "A qualified mental retardation professional (QMRP)" means a person as defined in  
8 42 CFR 483.430, as amended.

9 (2) "Client" means any developmentally disabled adult who is in potential need, or is  
10 receiving services aimed at alleviating his or her condition of functional dependence.

11 (3) "Department" means the department of ~~mental health, retardation~~ [behavioral health,](#)  
12 [developmental disabilities](#), and hospitals.

13 (4) "Development, education, rehabilitation, and care" means physical development,  
14 application of these abilities to meaningful occupations, development of personal and social  
15 skills, all of which are directed to the objective of independent living and self-maintenance. Care  
16 also includes medical care, surgical attendance, medication, as well as food, clothing, supervision,  
17 and maintenance furnished to a resident.

18 (5) "Director" means the director of the department of ~~mental health, retardation~~

1 [behavioral health, developmental disabilities](#), and hospitals or his or her designees.

2 (6) "Facility" means any public or private facility, inpatient rehabilitation center,  
3 hospital, institution, or other domiciliary facility, the office of developmental disabilities or any  
4 part thereof, equipped to habilitate, on a residential basis, persons who are developmentally  
5 disabled and in need of residential care. This shall include any facility maintaining adequate staff  
6 and facilities within the state providing in-residence supervision and habilitation and approved by  
7 the director upon application of the facility. Included within this definition shall be all institutions  
8 and facilities under the control and direction of the director. Nothing contained herein shall be  
9 construed to amend or repeal any of the provisions of chapters 17 or 17.4 of title 23, or of chapter  
10 15 of title 40, or of chapter 21 of this title or of chapter 72.1 of title 42. Whenever it shall be  
11 brought to the attention of the director that any private facility may not have adequate staff, or  
12 facilities as determined by regulations of the director, then the facility shall not be approved for  
13 the placement of developmentally disabled adults under the provisions of this chapter.

14 (7) "Notice" means written notice in as simple and non-technical language as practicable  
15 as required by the department, or the court of competent jurisdiction. The notice shall be in  
16 writing to the director of the department by registered or certified mail, return receipt required.  
17 Notice sent to a client shall also include verbal reading of the written notice by duly authorized  
18 agents of the department, and/or court. The agents shall make verified return of the oral  
19 notification as well as the written. This requirement of oral notice to anyone alleged to be  
20 developmentally disabled shall be required because of the recognized limitation that many  
21 retarded and developmentally disabled persons are unable to comprehend written notices.

22 (8) "Objection." If an objection is raised it shall be in writing, of a timely nature, and  
23 filed with the clerk of the family or district court, a copy of which is to be sent to the director of  
24 the department via registered or certified mail, return receipt requested.

25 (9) "Parent" means the natural, adoptive, foster parent or caretaker of the child.

26 [\(10\) "Shared living program" means a privately owned residence in which the family](#)  
27 [provides for or arranges for the needs of the person who is developmentally disabled so that the](#)  
28 [person can remain in the community, a program that is designed to respect the unique character of](#)  
29 [each individual, promotes self-reliance and the freedom to make choices, and fosters dignity,](#)  
30 [autonomy and personal safety. Service may be provided in-home or a host home residence in](#)  
31 [which the family provides for or arranges for the needs of the person who is developmentally](#)  
32 [disabled so that the person can remain in the community, including, but not limited to, lodging](#)  
33 [and meals. This program is designed to provide the opportunity for the provision of an inter-](#)  
34 [generational multidisciplinary support to preserve and strengthen families. Notwithstanding any](#)

1 state regulations to the contrary, including, but not limited to, section 42.0 ("Shared Living  
2 Arrangements") of the rules and regulations licensing procedure and process for facilities and  
3 programs licensed by the department of behavioral healthcare, developmental disabilities and  
4 hospitals, an adult sibling of a person who is developmentally disabled may serve as a shared  
5 living provider for that person, provided that the adult sibling meets all other eligibility  
6 requirements of the department of behavioral healthcare, developmental disabilities and hospitals.

7 ~~(10)~~(11) "Team" means an interdisciplinary team which includes such professional  
8 personnel designed by the director and which shall consist of no less than three (3) persons  
9 selected by order of the director, no less than one of whom shall be a licensed physician, no less  
10 than one of whom shall be a member of the social work profession, and no less than one of whom  
11 shall be a qualified mental retardation professional (QMRP).

12 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 -- DEVELOPMENTAL DISABILITIES

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1           This act would allow adult siblings of persons with developmental disabilities to serve as  
2 shared living providers in accordance with the department of behavioral healthcare,  
3 developmental disabilities and hospitals rules and regulations.

4           This act would take effect upon passage.

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