

1

ARTICLE 15

2 RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
3 HOSPITALS -- MAINTENANCE OF EFFORT

4 SECTION 1. Section 40.1-1-13 of the General Laws in Chapter 40.1-1 entitled
5 "Department of Behavioral Healthcare, Developmental Disabilities and Hospitals" is hereby
6 amended to read as follows:

7 **40.1-1-13. Powers and duties of the office.**

8 ~~(*)~~ Notwithstanding any provision of the Rhode Island general laws to the contrary, the
9 department of behavioral healthcare, developmental disabilities and hospitals shall have the
10 following powers and duties:

11 (1) To establish and promulgate the overall plans, policies, objectives, and priorities for
12 state substance-abuse education, prevention, and treatment; provided, however, that the director
13 shall obtain and consider input from all interested state departments and agencies prior to the
14 promulgation of any such plans or policies;

15 (2) Evaluate and monitor all state grants and contracts to local substance-abuse service
16 providers;

17 (3) Develop, provide for, and coordinate the implementation of a comprehensive state plan
18 for substance-abuse education, prevention, and treatment;

19 (4) Ensure the collection, analysis, and dissemination of information for planning and
20 evaluation of substance-abuse services;

21 (5) Provide support, guidance, and technical assistance to individuals, local governments,
22 community service providers, public and private organizations in their substance-abuse education,
23 prevention, and treatment activities;

24 (6) Confer with all interested department directors to coordinate the administration of state
25 programs and policies that directly affect substance-abuse treatment and prevention;

26 (7) Seek and receive funds from the federal government and private sources in order to
27 further the purposes of this chapter;

28 ~~(8) To act for all purposes in the capacity of "state substance abuse authority" as the sole~~
29 ~~designated agency with the sole responsibility for planning, coordinating, managing, implementing,~~
30 ~~and reporting on state substance abuse planning and policy efforts as it relates to requirements set~~
31 ~~forth in pertinent federal substance abuse laws and regulations; To act in conjunction with the~~

1 [executive office of health and human services as the state's co-designated agency \(§ 42 U.S.C.](#)
2 [300x-30\(a\)\) for administering federal aid and for the purposes of the calculation of the expenditures](#)
3 [relative to the substance abuse block grant and federal funding maintenance of effort. The](#)
4 [department of behavioral healthcare, developmental disabilities and hospitals, as the state's](#)
5 [substance abuse authority, will have the sole responsibility for the planning, policy and](#)
6 [implementation efforts as it relates to the requirements set forth in pertinent substance abuse laws](#)
7 [and regulations including 42 U.S.C. § 300x-21 et seq.;](#)

8 (9) Propose, review, and/or approve, as appropriate, proposals, policies, or plans involving
9 insurance and managed care systems for substance-abuse services in Rhode Island;

10 (10) To enter into, in compliance with the provisions of chapter 2 of title 37, contractual
11 relationships and memoranda of agreement as necessary for the purposes of this chapter;

12 (11) To license facilities and programs for the care and treatment of substance abusers and
13 for the prevention of substance abuse;

14 (12) To promulgate rules and regulations necessary to carry out the requirements of this
15 chapter;

16 (13) Perform other acts and exercise any other powers necessary or convenient to carry out
17 the intent and purposes of this chapter;

18 (14) To exercise the authority and responsibilities relating to education, prevention, and
19 treatment of substance abuse, as contained in, but not limited to, the following chapters: chapter
20 1.10 of title 23; chapter 10.1 of title 23; chapter 28.2 of title 23; chapter 21.2 of title 16; chapter
21 21.3 of title 16; chapter 50.1 of title 42; chapter 109 of title 42; chapter 69 of title 5 and § 35-4-18;

22 (15) To establish a Medicare Part D restricted-receipt account in the hospitals and
23 community rehabilitation services program to receive and expend Medicare Part D reimbursements
24 from pharmacy benefit providers consistent with the purposes of this chapter;

25 (16) To establish a RICLAS group home operations restricted-receipt account in the
26 services for the developmentally disabled program to receive and expend rental income from
27 RICLAS group clients for group home-related expenditures, including food, utilities, community
28 activities, and the maintenance of group homes;

29 (17) To establish a non-Medicaid, third-party payor restricted-receipt account in the
30 hospitals and community rehabilitation services program to receive and expend reimbursement
31 from non-Medicaid, third-party payors to fund hospital patient services that are not Medicaid
32 eligible; [and](#)

33 (18) To certify recovery housing facilities directly, or through a contracted entity, as
34 defined by department guidelines, which includes adherence to using National Alliance for

1 Recovery Residences (NARR) standards. In accordance with a schedule to be determined by the
2 department, all referrals from state agencies or state-funded facilities shall be to certified houses,
3 and only certified recovery housing facilities shall be eligible to receive state funding to deliver
4 recovery housing services; ~~and.~~

5 ~~(19) To act in conjunction with the executive office of health and human services as the~~
6 ~~state's co-designated agency for administering federal aid and for the purpose of the calculation of~~
7 ~~expenditures relative to the substance abuse block grant and federal funding maintenance of effort~~
8 ~~requirements.~~

9 SECTION 2. Section 42-7.2-2 of the General Laws in Chapter 42-7.2 entitled "Executive
10 Office of Health and Human Services" is hereby amended to read as follows:

11 **42-7.2-2. Executive office of health and human services.**

12 There is hereby established within the executive branch of state government an executive
13 office of health and human services to serve as the principal agency of the executive branch of state
14 government for managing the departments of children, youth and families, health, human services,
15 and behavioral healthcare, developmental disabilities and hospitals. In this capacity, the office
16 shall:

17 (a) Lead the state's four (4) health and human services departments in order to:

18 (1) Improve the economy, efficiency, coordination, and quality of health and human
19 services policy and planning, budgeting, and financing.

20 (2) Design strategies and implement best practices that foster service access, consumer
21 safety, and positive outcomes.

22 (3) Maximize and leverage funds from all available public and private sources, including
23 federal financial participation, grants, and awards.

24 (4) Increase public confidence by conducting independent reviews of health and human
25 services issues in order to promote accountability and coordination across departments.

26 (5) Ensure that state health and human services policies and programs are responsive to
27 changing consumer needs and to the network of community providers that deliver assistive services
28 and supports on their behalf.

29 (6) Administer Rhode Island Medicaid in the capacity of the single state agency authorized
30 under title XIX of the U.S. Social Security act, 42 U.S.C. § 1396a et seq., and exercise such single
31 state agency authority for such other federal and state programs as may be designated by the
32 governor. Except as provided for herein, nothing in this chapter shall be construed as transferring
33 to the secretary the powers, duties, or functions conferred upon the departments by Rhode Island
34 general laws for the management and operations of programs or services approved for federal

1 financial participation under the authority of the Medicaid state agency.

2 (7) ~~To act in conjunction with the department of behavioral healthcare, developmental~~
3 ~~disabilities and hospitals as the state's co-designated agency for administering federal aid and for~~
4 ~~the purpose of the calculation of expenditures relative to the substance abuse block grant and~~
5 ~~federal funding maintenance of effort requirements.~~ To act in conjunction with the department of
6 behavioral healthcare, developmental disabilities and hospitals as the state's co-designated agency
7 (42 U.S.C. § 300x-30(a)) for administering federal aid and for the purposes of the calculation of
8 expenditures relative to the substance abuse block grant and federal funding maintenance of effort.

9 SECTION 3. This article shall take effect upon passage.