

2023 -- S 0132

LC000351

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Senators Raptakis, de la Cruz, Euer, Murray, and Acosta

Date Introduced: February 01, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-1-10 of the General Laws in Chapter 40.1-1 entitled
2 "Department of Behavioral Healthcare, Developmental Disabilities and Hospitals" is hereby
3 amended to read as follows:

4 ~~40.1-1-10. Parent deinstitutionalization subsidy aid program. Deinstitutionalization~~
5 ~~subsidy aid program.~~

6 (a) There is hereby established within the department of behavioral healthcare,
7 developmental disabilities and hospitals a deinstitutionalization subsidy aid program. The program
8 is founded for the express purpose of providing financial assistance or subsidy aid to the qualified
9 parent applicant, or if the parent is not able to care for the person then an appropriate relative as
10 defined in this chapter, who is found and certified to be qualified by the director of behavioral
11 healthcare, developmental disabilities and hospitals to receive and take into his or her care, custody,
12 and control a person under the legal authority and control of the director of behavioral healthcare,
13 developmental disabilities and hospitals who is and has been a resident or patient of the Dr. Joseph
14 H. Ladd Center, the Dr. U.E. Zambarano Memorial Hospital, at the institute of mental health or the
15 general hospital, or a resident in an out-of-state institution, who would have been eligible for
16 placement in the Dr. Joseph H. Ladd Center, Dr. U.E. Zambarano Memorial Hospital or the institute
17 of mental health or the general hospital for a period of time not less than ninety (90) days, or would
18 be a resident or patient of one of the facilities listed in this section for a period of ninety (90) days

1 or more if a specialized community program were not developed to meet the person's particular
2 and/or unique needs and meets the eligibility criteria contained in § 40.1-21-4.3.

3 (b) The general assembly hereby finds that such a parent deinstitutionalization program
4 would promote the general welfare of the citizens of the state and further the purpose of providing
5 deinstitutionalization care, treatment, and training for the institutionalized person and subsidy aid
6 to the qualified parent applicant or an appropriate relative of the institutionalized person. It is further
7 found that the program is established for the purpose of providing subsidy aid to assist and make
8 available non-institutional care, support, and training when it is found to be in the best interests of
9 the health and welfare of the institutionalized person and where that placement may be made and
10 certified by the director of behavioral healthcare, developmental disabilities and hospitals to the
11 qualified parent applicant.

12 (c) The director of behavioral healthcare, developmental disabilities and hospitals is hereby
13 vested with the authority to promulgate rules and regulations as are deemed necessary and in the
14 public interest to establish and place into operation the parent deinstitutionalization program and
15 authorize the payment of subsidy aid to the qualified parent applicant or an appropriate relative
16 who receives into his or her care, custody, and control a person under the legal authority and control
17 of the director of behavioral healthcare, developmental disabilities and hospitals who is or has been
18 a resident or patient of the Dr. Joseph H. Ladd Center, the Dr. U.E. Zambarano Memorial Hospital,
19 at the institute of mental health or the general hospital or a resident or patient in an out-of-state
20 institution who would have been eligible for placement in the Dr. Joseph H. Ladd Center, Dr. U.E.
21 Zambarano Memorial Hospital, or the institute of mental health, or the general hospital.

22 (d) Rules and regulations promulgated pursuant to subsection (c) shall include, but not be
23 limited to, the following areas of concern:

24 (1) The establishment of eligibility and other requirements for the qualification and
25 certification of the parent applicant applying for subsidy aid under this chapter;

26 (2) The establishment of eligibility and other requirements for the qualification and
27 certification of a person to be removed and placed from the Dr. Joseph H. Ladd Center or Dr. U.E.
28 Zambarano Memorial Hospital, or the institute of mental health or the general hospital, under this
29 program as set forth in this chapter or a resident or patient in an out-of-state institution under this
30 program as set forth in this chapter;

31 (3) The establishment of such other eligibility, certification, and qualification standards
32 and guidelines for the person or the parent applicant or an appropriate relative to which the program
33 applies as may be deemed reasonable and in the public interest;

34 (4) The establishment of such licensing, regulating, inspection, monitoring, investigation,

1 and evaluation standards and requirements for the placement, care, support, custody, and training
2 of the person as are deemed reasonable and in the public interest under this chapter;

3 (5) The periodic inspection, review, and evaluation of the care, support, and treatment
4 afforded the person placed in the home of the qualified parent applicant or an appropriate relative
5 under this program and the making and implementation of such recommendations as are deemed
6 necessary for the continued health, safety, and welfare of the person in accordance with the
7 provisions of this chapter;

8 (6) The establishment and implementation of such other standards, safeguards, and
9 protections as are deemed necessary and in the public interest to protect the health, safety, and
10 welfare of the person placed under the program or in determining and certifying initial and/or
11 continuing eligibility requirements as the director of the department of behavioral healthcare,
12 developmental disabilities and hospitals shall in his or her discretion deem to be necessary and
13 appropriate, including, specifically, the authority to recall and return the child or adult to the
14 custody and control of the state and the director of behavioral healthcare, developmental disabilities
15 and hospitals into any care or placement program as the director may in his or her discretion order
16 and direct, including therein summary removal from the custody of the qualified parent applicant
17 or an appropriate relative and return to the state institution or out-of-state institution.

18 (e) For the purpose of this chapter the words “qualified parent applicant” shall mean any
19 natural parent, adoptive parent, or foster parent or both natural parents jointly, both adoptive parents
20 jointly, or a court-appointed guardian or both foster parents jointly, or as defined by rules or
21 regulations established by the department of behavioral healthcare, developmental disabilities and
22 hospitals who may apply for inclusion in the behavioral healthcare, developmental disabilities and
23 hospitals deinstitutionalization subsidy aid program as set forth in this chapter. For the situation
24 where the natural or adoptive parents are divorced or separated, or where one of the parents is
25 deceased, the words “parent” or “parent applicant” shall mean the parent legally having or giving
26 custody to the person who may apply for inclusion in behavioral healthcare, developmental
27 disabilities and hospitals deinstitutionalization subsidy aid program as set forth in this chapter.

28 (f)(1) For the purpose of this chapter, the words “appropriate relative” shall mean an
29 interested and approved relative of the adult, or adoptive parent(s) or sibling(s) of the adult.

30 (2) For the purpose of this chapter the words “subsidy aid” shall mean payment or
31 continued payment to a parent applicant pursuant to the rules and regulations established by the
32 director of behavioral healthcare, developmental disabilities and hospitals for deinstitutionalization
33 subsidy aid program as set forth in this chapter.

34 (g) Alternatives to institutional care. The department of behavioral healthcare,

1 developmental disabilities and hospitals is hereby directed to develop options, fiscal impact
2 analysis, and recommendations for the expansion of shared living services to siblings of individuals
3 with developmental disabilities who are no longer able to be cared for at home by aging parents.
4 The department shall submit these recommendations to the governor, and to the general assembly
5 by December 31, 2013.

6 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 -- DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL
DISABILITIES AND HOSPITALS

1 This act would expand the deinstitutionalization subsidy aid program in the department of
2 behavioral healthcare, developmental disabilities and hospitals to include adoptive parent(s) or
3 siblings(s), and would allow such adoptive parent(s) or sibling(s) to care for a child or adult if the
4 parent was unable to do so. This act would also allow such adoptive parent(s) or sibling(s) who are
5 providing care to receive a subsidy through the aid program.

6 This act would take effect upon passage.

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