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LC01353

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
HOSPITALS - LICENSING OF FACILITIES AND PROGRAMS FOR PEOPLE WHO ARE  
MENTALLY ILL AND/OR DEVELOPMENTALLY DISABLED

Introduced By: Representatives Slater, DeSimone, McLaughlin, and Hull

Date Introduced: March 08, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 40.1-24 of the General Laws entitled "Licensing of  
2 Facilities and Programs for People who are Mentally Ill and/or Developmentally Disabled" is  
3 hereby amended to read as follows:

4 ~~CHAPTER 40.1-24~~

5 ~~Licensing of Facilities and Programs for People who are Mentally Ill and/or Developmentally~~  
6 ~~Disabled~~

7 CHAPTER 40.1-24

8 PERSONS WITH MENTAL ILLNESS, ADDICTION/SUBSTANCE ABUSE DISORDERS  
9 AND DEVELOPMENTAL DISABILITIES

10 SECTION 2. Section 40.1-24-1 of the General Laws in Chapter 40.1-24 entitled  
11 "Licensing of Facilities and Programs for People who are Mentally Ill and/or Developmentally  
12 Disabled" is hereby amended to read as follows:

13 **40.1-24-1. Definitions.** -- As used in this chapter:

14 (1) "Adult foster home" means a private family living arrangement which, through  
15 financial support from the parent deinstitutionalization subsidy aid program, provides housing  
16 and supervision to two (2) or more adults who are alcoholic, drug abusers, mentally ill or who are  
17 persons with developmental disabilities or otherwise eligible under section 40.1-1-10.1. Foster  
18 homes serving fewer than two (2) adults, foster home situations wherein the foster parents are

1 natural or adoptive parent(s) or grandparents, and any facility licensed by the department of  
2 children, youth, and families shall be excluded for the purposes of this chapter.

3 (2) "Community residence" means any home or other living arrangement which is  
4 established, offered, maintained, conducted, managed, or operated by any person for a period of  
5 at least twenty-four (24) hours, where, on a twenty-four (24) hour basis, direct supervision is  
6 provided for the purpose of providing rehabilitative treatment, habilitation, psychological support,  
7 and/or social guidance for three (3) or more persons who are alcoholic, drug abusers, mentally ill  
8 or who are persons with developmental disabilities or cognitive disabilities such as brain injury.  
9 The facilities shall include, but not be limited to, group homes, halfway houses, and fully  
10 supervised apartment programs. Semi-independent living programs, foster care, and parent  
11 deinstitutionalization subsidy aid programs shall not be considered community residences for the  
12 purposes of this chapter.

13 (3) "Day treatment program" means any nonresidential facility which is established,  
14 offered, maintained, conducted, managed, or operated by any person for a period of less than  
15 twenty-four (24) hours to provide therapeutic intervention to persons who are alcoholic, drug  
16 abusers, mentally ill, or who are persons with developmental disabilities or cognitive disabilities  
17 such as brain injury. These shall include, but not be limited to, outpatient programs for persons  
18 who are alcoholic, drug abusers, mentally ill or who are persons with developmental disabilities  
19 or cognitive disabilities such as brain injury.

20 (4) "Deemed status" means acceptance by the department of accreditation by a national  
21 accreditation organization such as, but not limited, to the joint commission and the commission  
22 on the accreditation of rehabilitation facilities, as evidence sufficient for license renewal of  
23 compliance with rules and regulations for licensing of behavioral healthcare organizations  
24 promulgated in accordance with section 40.1-24-9.

25 (5) (4) "Department" means the department of ~~mental health, retardation, and hospitals~~  
26 behavioral healthcare, developmental disabilities and hospitals.

27 (6) (5) "Facility" means any community residence, day treatment program, rehabilitation  
28 program, public or private, excluding hospitals or units within hospitals for persons who are  
29 alcoholic, drug abusers, mentally ill or who are persons with developmental disabilities or  
30 cognitive disabilities such as brain injury providing program services which do not constitute  
31 medical or custodial care, but do offer rehabilitation, habilitation, psychological support, and  
32 social guidance.

33 (7) (6) "Habilitation program" means any nonresidential facility which is established,  
34 offered, maintained, conducted, managed, or operated by any person for a period of less than

1 twenty-four (24) hours to provide training in basic daily living skills and developmental activities,  
2 prevocational skills and/or vocational training and placement, and follow up for people who are  
3 alcoholic, drug abusers, mentally ill or who are persons with developmental disabilities or  
4 cognitive disabilities such as brain injury. These shall include, but not be limited to, early  
5 intervention, adult development, work activities, sheltered workshops, advanced workshops, and  
6 job development and training programs. Sheltered workshops not exclusively for people who are  
7 alcoholic, drug abusers, mentally ill or who are persons with developmental disabilities or  
8 cognitive disabilities such as brain injury shall be excluded for the purposes of this chapter.

9 ~~(8)(7)~~ "Person" means any individual, governmental unit, corporation, company,  
10 association, or joint stock association and the legal successor thereof.

11 ~~(9)(8)~~ "Program" means a planned service delivery system structured to provide specific  
12 components, which are responsive to the needs of those served.

13 ~~(10)(9)~~ "Rehabilitation program" means any facility, which is established, offered,  
14 maintained, conducted, managed, or operated by any person to provide restorative therapy and/or  
15 training to persons who are mentally ill or who are persons with developmental disabilities or  
16 cognitive disabilities such as brain injury. These shall include, but not be limited to, community  
17 mental health centers. Sheltered workshops not exclusively for people who are alcoholic, drug  
18 abusers, mentally ill or who are persons with developmental disabilities or cognitive disabilities  
19 such as brain injury shall be excluded for the purposes of this chapter.

20 SECTION 3. Sections 40.1-24-6 and 40.1-24-11 of the General Laws in Chapter 40.1-24  
21 entitled "Licensing of Facilities and Programs for People who are Mentally Ill and/or  
22 Developmentally Disabled" are hereby amended to read as follows:

23 **40.1-24-6. Expiration and renewal of license.** ~~-- A license, other than a provisional~~  
24 ~~license, unless sooner suspended or revoked, shall expire by limitation two (2) years from the~~  
25 ~~date of issuance and may be renewed after inspection, report, and approval by the department.~~  
26 ~~The inspection shall be made any time prior to the date of expiration of the license. The report~~  
27 ~~shall contain information in such form as the department shall prescribe by regulation. A license,~~  
28 other than a provisional license, unless suspended or revoked, shall remain in full force and effect  
29 until renewed by approval of the department in accordance with procedures for renewal set forth  
30 in rules and regulations to be adopted by the department pursuant to section 40.1-24-9; such  
31 procedures must include a process by which a license shall be renewed on the basis of deemed  
32 status as defined in chapter 40.1-24-1.

33 **40.1-24-11. Inspections and investigations -- Alterations or new construction.** ~~--~~ The  
34 department shall make or cause to be made such inspections and investigations that it deems

1 necessary except that no such inspections or investigations shall be required by this title or by  
2 rules and regulations promulgated in accordance with section 40.1-24-9 for the renewal of any  
3 license pursuant to deemed status as defined in section 40.1-24-1. The department may prescribe  
4 by regulations that any licensee or applicant desiring to make a specified type of alteration or  
5 addition to its facilities or to construct new facilities shall, before commencing the alteration,  
6 addition, or new construction, submit plans and specifications thereto to the department for  
7 preliminary inspection and approval or recommendations with respect to compliance with the  
8 regulations and standards herein authorized. Necessary conference and consultations may be  
9 provided.

10 SECTION 4. All general and public laws affected by this chapter shall be revised,  
11 amended, consolidated or conformed by the law revision office. Whenever in general and public  
12 laws reference is made to "people who are mentally ill and/or developmentally disabled" the law  
13 revision director shall proceed according to the provisions set out in section 22-11-3.4 to change  
14 these references to "persons with mental illness, addiction/substance abuse disorders, and/or  
15 developmental disabilities."

16 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND  
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1           This act would amend the title of Chapter 40.1-24 and provide for a "deemed status"  
2   which provides for the granting of a license renewal upon a showing of accreditation by a  
3   national accreditation organization.

4           This act would take effect upon passage.

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