

2025 -- H 6000

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND  
MONITORING OF CHILD PLACING AGENCIES, CHILD CARING AGENCIES, FOSTER  
AND ADOPTIVE HOMES, AND CHILDREN'S BEHAVIORAL HEALTH PROGRAMS

Introduced By: Representatives Hopkins, Place, Roberts, J. Brien, Bennett, Perez, and  
Chippendale

Date Introduced: February 28, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-72.1-3 of the General Laws in Chapter 42-72.1 entitled "Licensing  
2           and Monitoring of Child Placing Agencies, Child Caring Agencies, Foster and Adoptive Homes,  
3           and Children's Behavioral Health Programs" is hereby amended to read as follows:

4           **42-72.1-3. Powers and scope of activities.**

5           (a) The department shall issue, deny, and revoke licenses for, and monitor the operation of,  
6           facilities and programs by child-placing agencies, child caring agencies, foster and adoptive homes,  
7           and children's behavioral health programs as defined in § 42-72.1-2 or assess administrative  
8           penalties under the provisions of chapter 72.11 of this title relating to licensed childcare centers,  
9           family childcare homes, and group family childcare homes.

10          (b) The department shall adopt, amend, and rescind regulations in accordance with this  
11          chapter and implement its provisions. The regulations shall be promulgated and become effective  
12          in accordance with the provisions of the administrative procedures act, chapter 35 of this title.

13          (c) The department through its licensing unit shall administer and manage the regulations  
14          pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and  
15          administrative powers necessary to carry out its functions.

16          (d) The administrator shall investigate complaints of noncompliance, and shall take  
17          licensing action as required.

18          (e) Regulations formulated pursuant to the foregoing authority shall include, but need not

1 be limited to, the following:

2 (1) Financial, administrative and organizational ability, and stability of the applicant;

3 (2) Compliance with specific fire and safety codes and health regulations;

4 (3) Character, health suitability, qualifications of child-placing agencies, child caring  
5 agencies, foster and adoptive homes, and children's behavioral health programs;

6 (4) Staff/child ratios and workload assignments of staff providing care or supervision to  
7 children;

8 (5) Type and content of records or documents that must be maintained to collect and retain  
9 information for the planning and caring for children;

10 (6) Procedures and practices regarding placing services to ensure protection to the child  
11 regarding the manner and appropriateness of placement;

12 (7) Service to families of children in care;

13 (8) Program activities, including components related to physical growth, social, emotional,  
14 educational, and recreational activities, social services and habilitative or rehabilitative treatment;

15 ~~and~~

16 (9) Investigation of previous employment, criminal record check and department records  
17 check; and

18 (10) [Deleted by P.L. 2019, ch. 88, art. 4, § 21.]

19 (11) Out-of- state placements in foster care. All out-of-state foster care placement facilities  
20 shall be registered with the state medical assistance program as a Medicaid provider. The director  
21 may waive the Medicaid requirement on a case-by-case basis, if the director deems there is an  
22 emergency need for placement of a child in foster care at a facility that is not a registered Medicaid  
23 provider, and no Medicaid provider is available to provide placement.

24 (f) The administrator may:

25 (1) Prescribe any forms for reports, statements, notices, and other documents deemed  
26 necessary;

27 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to  
28 facilitate compliance with and enforcement of the regulations;

29 (3) Prepare reports and studies to advance the purpose of this chapter;

30 (4) Provide consultation and technical assistance, as requested, to assist licensees in  
31 maintaining compliance; and

32 (5) Refer to the advisory council for children and families for advice and consultation on  
33 licensing matters.

34 (g) [Deleted by P.L. 2019, ch. 88, art. 4, § 21.]

1 (h) When the department is otherwise unsuccessful in remedying noncompliance with the  
2 provisions of this chapter and the regulations promulgated under it, it may petition the family court  
3 for an order enjoining the noncompliance or for any order that equity and justice may require.

4 (i) [Deleted by P.L. 2019, ch. 88, art. 4, § 21.]

5 (j) The department shall adopt, amend, and rescind regulations in the same manner as set  
6 forth above in order to permit the placement of a pregnant minor in a group residential facility that  
7 provides a shelter for pregnant adults as its sole purpose.

8 (k) Notwithstanding the transfer of licensing to and the licensing and monitoring of day  
9 and childcare facilities to the department of human services, pursuant to chapter 12.5 of this title,  
10 the department of children, youth and families will continue to be the agency responsible for  
11 investigating any complaint of abuse and neglect that is alleged to have occurred at a daycare or  
12 childcare facility. Any appeal of an investigative finding of abuse or neglect against a staff member,  
13 paid or otherwise, including managerial or contract personnel, or visitor may be appealed to the  
14 Rhode Island family court.

15 (l) The Rhode Island family court shall retain jurisdiction over those complaints  
16 investigated by the department of children, youth and families, pursuant to this chapter, regardless  
17 of whether licensing and monitoring is performed under chapter 12.5 of this title or this chapter.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require all out-of-state foster care placement facilities be registered with the  
2 state as a Medicaid provider. The director may waive the Medicaid requirement on a case by case  
3 basis, if the director deems there is an emergency need for placement of a child in foster care at a  
4 facility that is not a registered Medicaid provider, and no Medicaid provider is available.

5           This act would take effect upon passage.

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