

2012 -- H 7907

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO BEHAVIORAL HEALTH CARE DEVELOPMENTAL DISABILITIES AND
HOSPITALS - GROUP HOMES

Introduced By: Representative Brian C. Newberry

Date Introduced: March 06, 2012

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-24-1 of the General Laws in Chapter 40.1-24 entitled "Persons
2 With Mental Illness, Addiction/Substance Abuse Disorders and Developmental Disabilities" is
3 hereby amended to read as follows:

4 **40.1-24-1. Definitions.** -- As used in this chapter:

5 (1) "Adult foster home" means a private family living arrangement which, through
6 financial support from the parent deinstitutionalization subsidy aid program, provides housing
7 and supervision to two (2) or more persons with mental illness, addiction/substance abuse
8 disorders or who are persons with developmental disabilities or otherwise eligible under section
9 40.1-1-10.1. Foster homes serving fewer than two (2) adults, foster home situations wherein the
10 foster parents are natural or adoptive parent(s) or grandparents, and any facility licensed by the
11 department of children, youth, and families shall be excluded for the purposes of this chapter.

12 (2) "Community residence" means any home or other living arrangement which is
13 established, offered, maintained, conducted, managed, or operated by any person for a period of
14 at least twenty-four (24) hours, where, on a twenty-four (24) hour basis, direct supervision is
15 provided for the purpose of providing rehabilitative treatment, habilitation, psychological support,
16 and/or social guidance for three (3) or more persons with mental illness, addiction/substance
17 abuse disorders or who are persons with developmental disabilities or cognitive disabilities such
18 as brain injury. The facilities shall include, but not be limited to, group homes, halfway houses,

1 and fully supervised apartment programs. No person, or entity or entities in which that person
2 has more than a fifty percent (50%) interest, shall maintain more than three (3) such facilities in
3 any one city or town for each ten thousand (10,000) of its inhabitants as determined by the last
4 census taken under the authority of the United States or the state. Semi-independent living
5 programs, foster care, and parent deinstitutionalization subsidy aid programs shall not be
6 considered community residences for the purposes of this chapter.

7 (3) "Day treatment program" means any nonresidential facility which is established,
8 offered, maintained, conducted, managed, or operated by any person for a period of less than
9 twenty-four (24) hours to provide therapeutic intervention to persons with mental illness,
10 addiction/substance abuse disorders, or who are persons with developmental disabilities or
11 cognitive disabilities such as brain injury. These shall include, but not be limited to, outpatient
12 programs for persons with mental illness, addiction/substance abuse disorders or who are persons
13 with developmental disabilities or cognitive disabilities such as brain injury.

14 (4) "Deemed status" means acceptance by the department of accreditation granted by a
15 national accreditation organization which has been recognized and approved by the department,
16 including, but not limited to, the joint commission, the commission on accreditation of
17 rehabilitation facilities, or the council on accreditation. Accreditation by a national accreditation
18 organization that has been approved by the department shall serve as evidence of compliance with
19 some or all of the department's rules and regulations for license renewal, as promulgated under
20 section 40.1-24-9.

21 (5) "Department" means the department of behavioral healthcare, developmental
22 disabilities and hospitals.

23 (6) "Facility" means any community residence, day treatment program, rehabilitation
24 program, public or private, excluding hospitals or units within hospitals for persons with mental
25 illness, addiction/substance abuse disorders or who are persons with developmental disabilities or
26 cognitive disabilities such as brain injury providing program services which do not constitute
27 medical or custodial care, but do offer rehabilitation, habilitation, psychological support, and
28 social guidance.

29 (7) "Habilitation program" means any nonresidential facility which is established,
30 offered, maintained, conducted, managed, or operated by any person for a period of less than
31 twenty-four (24) hours to provide training in basic daily living skills and developmental activities,
32 prevocational skills and/or vocational training and placement, and follow up for people with
33 mental illness, addiction/substance abuse disorders or who are persons with developmental
34 disabilities or cognitive disabilities such as brain injury. These shall include, but not be limited to,

1 early intervention, adult development, work activities, sheltered workshops, advanced workshops,
2 and job development and training programs. Sheltered workshops not exclusively for people with
3 mental illness, addiction/substance abuse disorders or who are persons with developmental
4 disabilities or cognitive disabilities such as brain injury shall be excluded for the purposes of this
5 chapter.

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

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

10 (10) "Rehabilitation program" means any facility, which is established, offered,
11 maintained, conducted, managed, or operated by any person to provide restorative therapy and/or
12 training to persons with mental illness, addiction/substance abuse disorders or who are persons
13 with developmental disabilities or cognitive disabilities such as brain injury. These shall include,
14 but not be limited to, community mental health centers. Sheltered workshops not exclusively for
15 people with mental illness, addiction/substance abuse disorders or who are persons with
16 developmental disabilities or cognitive disabilities such as brain injury shall be excluded for the
17 purposes of this chapter. <HISTORY> P.L. 1972, ch. 160, section 1; P.L. 1978, ch. 150, section
18 2; G.L. 1956, section 23-43.3-1; P.L. 1979, ch. 39, section 1; P.L. 1982, ch. 166, section 1; P.L.
19 1992, ch. 418, section 8; P.L. 1995, ch. 370, art. 14, section 16; P.L. 1999, ch. 83, section 112;
20 P.L. 1999, ch. 130, section 112; P.L. 2001, ch. 385, section 2; P.L. 2001, ch. 389, section 1; P.L.
21 2005, ch. 351, section 3; P.L. 2005, ch. 394, section 3; P.L. 2011, ch. 152, section 2; P.L. 2011,
22 ch. 171, section 2. </HISTORY>

23 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 HEALTH CARE DEVELOPMENTAL DISABILITIES AND
HOSPITALS - GROUP HOMES

1 This act would prevent any one person or entity in which that person has more than a
2 fifty percent (50%) interest from maintaining more than three (3) community residences in any
3 given city or town for each ten thousand (10,000) inhabitants.

4 This act would take effect upon passage.

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