

2013 -- H 5020

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS

Introduced By: Representatives Bennett, Diaz, Naughton, Hull, and McNamara

Date Introduced: January 08, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40.1-1-10 and 40.1-1-10.1 of the General Laws in Chapter 40.1-1
2 entitled "Department of Behavioral Healthcare, Developmental Disabilities and Hospitals" is
3 hereby amended to read as follows:
4 **40.1-1-10. ~~Parent deinstitutionalization subsidy aid program~~ Deinstitutionalization**
5 **subsidy aid program.** -- (a) There is hereby established with the department of ~~mental health,~~
6 ~~retardation, and hospitals~~ behavioral healthcare, developmental disabilities and hospitals a ~~parent~~
7 deinstitutionalization subsidy aid program. The program is founded for the express purpose of
8 providing financial assistance or subsidy aid to the qualified parent applicant or if the parent is
9 not able to care for the person then an appropriate relative as defined in this chapter, who is found
10 and certified to be qualified by the director of ~~mental health, retardation, and hospitals~~ behavioral
11 healthcare, developmental disabilities and hospitals to receive and take into his or her care,
12 custody, and control a person under the legal authority and control of the director of ~~mental~~
13 ~~health, retardation, and hospitals~~ behavioral healthcare, developmental disabilities and hospitals
14 who is and has been a resident or patient of the ~~Dr. Joseph H. Ladd Center~~ Eleanor Slater
15 Hospital Cranston Campus, the ~~Dr. U.E. Zambarano Memorial Hospital~~ Eleanor Slater Hospital
16 Zambarano Unit, ~~at the institute of mental health~~ or the general hospital, or a resident in an out-
17 of-state institution, who would have been eligible for placement in the ~~Dr. Joseph H. Ladd Center~~
18 Eleanor Slater Hospital Cranston Campus, ~~Dr. U.E. Zambarano Memorial Hospital~~ the Eleanor

1 ~~Slater Hospital Zambarano Unit~~ ~~or the institute of mental health~~ or the general hospital for a
2 period of time not less than ninety (90) days, or would be a resident or patient of one of the
3 facilities listed in this section for a period of ninety (90) days or more if a specialized community
4 program were not developed to meet the person's particular and/or unique needs.

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

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

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

29 (1) The establishment of eligibility and other requirements for the qualification and
30 certification of the parent applicant or appropriate relative applying for subsidy aid under this
31 chapter;

32 (2) The establishment of eligibility and other requirements for the qualification and
33 certification of a person to be removed and placed from the ~~Dr. Joseph H. Ladd Center~~ Eleanor
34 Slater Hospital Cranston Campus or ~~Dr. U.E. Zambarano Memorial Hospital~~ the Eleanor Slater

1 [Hospital Zambarano Unit](#), ~~or the institute of mental health~~ or the general hospital, under this
2 program as set forth in this chapter or a resident or patient in an out-of-state institution under this
3 program as set forth in this chapter;

4 (3) The establishment of such other eligibility, certification, and qualification standards
5 and guidelines for the person, ~~or~~ the parent applicant [or an appropriate relative](#) to which the
6 program applies as may be deemed reasonable and in the public interest;

7 (4) The establishment of such licensing, regulating, inspection, monitoring,
8 investigation, and evaluation standards and requirements for the placement, care, support,
9 custody, and training of the person as are deemed reasonable and in the public interest under this
10 chapter;

11 (5) The periodic inspection, review, and evaluation of the care, support, and treatment
12 afforded the person placed in the home of the qualified parent applicant [or appropriate relative](#)
13 under this program and the making and implementation of such recommendations as are deemed
14 necessary for the continued health, safety, and welfare of the person in accordance with the
15 provisions of this chapter;

16 (6) The establishment and implementation of such other standards, safeguards, and
17 protections as are deemed necessary and in the public interest to protect the health, safety, and
18 welfare of the person placed under the program or in determining and certifying initial and/or
19 continuing eligibility requirements as the director of the ~~department of mental health, retardation,~~
20 ~~and hospitals~~ [behavioral healthcare, developmental disabilities and hospitals](#) shall in his or her
21 discretion deem to be necessary and appropriate including specifically the authority to recall and
22 return the child or adult to the custody and control of the state and the director of ~~mental health,~~
23 ~~retardation, and hospitals~~ [behavioral healthcare, developmental disabilities and hospitals](#) into any
24 such care or placement program as the director may in his or her discretion order and direct,
25 including therein summary removal from the custody of the qualified parent applicant [or](#)
26 [appropriate relative](#) and return to the state institution or out-of-state institution.

27 (e) For the purpose of this chapter the words "qualified parent applicant" shall mean any
28 natural parent, adoptive parent, or foster parent or both natural parents jointly, both adoptive
29 parents jointly, or a court appointed guardian or both foster parents jointly, or as defined by rules
30 or regulations established by the department of ~~mental health, retardation, and hospitals~~
31 [behavioral healthcare, developmental disabilities and hospitals](#) who may apply for inclusion in
32 the ~~mental health, retardation, and hospitals~~ [behavioral healthcare, developmental disabilities and](#)
33 [hospitals](#) deinstitutionalization subsidy aid program as set forth in this chapter. For the situation
34 where the natural or adoptive parents are divorced or separated, or where one of the parents is

1 deceased, the words "parent" or "parent applicant" shall mean the parent legally having or giving
2 custody to the person who may apply for inclusion in ~~mental health, retardation, and hospitals~~
3 behavioral healthcare, developmental disabilities and hospitals deinstitutionalization subsidy aid
4 program as set forth in this chapter.

5 (f) For the purpose of this chapter, the words "appropriate relative" means an interested
6 and approved relative of the child or adult.

7 ~~(g)(f)~~ For the purpose of this chapter the words "subsidy aid" shall mean payment or
8 continued payment to a parent applicant pursuant to the rules and regulations established by the
9 director of ~~mental health, retardation, and hospitals~~ behavioral healthcare, developmental
10 disabilities and hospitals for deinstitutionalization subsidy aid program as set forth in this chapter.

11 **40.1-1-10.1. Subsidy aid for parent deinstitutionalization program. Subsidy aid for**
12 **deinstitutionalization program. --**

(a) Every qualified parent applicant or appropriate relative of
13 a person at the ~~Dr. Joseph H. Ladd Center~~ Eleanor Slater Hospital Cranston Campus, Dr. U.E.
14 ~~Zambarano Memorial Hospital~~ Eleanor Slater Hospital Zambarano Unit, the institute of mental
15 ~~health,~~ or the general hospital ~~(RIMC)~~ or at an out-of-state institution who would have been
16 eligible for placement in the ~~Dr. Joseph H. Ladd Center~~ Eleanor Slater Hospital Cranston
17 ~~Campus, Dr. U.E. Zambarano Memorial Hospital~~ Eleanor Slater Hospital Zambarano Unit, the
18 ~~institute of mental health,~~ or the general hospital ~~(RIMC)~~, found eligible and certified as such by
19 the director of ~~mental health, retardation, and hospitals~~ behavioral healthcare, developmental
20 disabilities and hospitals pursuant to this chapter and the rules and regulations established
21 thereunder, shall be eligible to receive subsidy aid within the bounds set forth in this chapter and
22 pursuant to such rules and regulations as are promulgated by the director of ~~mental health,~~
23 ~~retardation, and hospitals~~ behavioral healthcare, developmental disabilities and hospitals and
24 under such eligibility, income, health, safety, and other program requirements as may be deemed
25 appropriate and necessary to protect the health, safety, and welfare of the child or adult and the
26 interest of the state in the maintenance and operation of the deinstitutionalization program.

(b) A qualified parent applicant or appropriate relative who is ~~the natural or adoptive~~
28 ~~parent and~~ certified as eligible for subsidy aid under the deinstitutionalization program shall
29 receive an amount of not less than twenty-five dollars (\$25.00) and not more than sixty dollars
30 (\$60.00) for the basic care of each child or adult for a seven (7) day or weekly period, and an
31 amount of not less than five dollars (\$5.00) and not more than fifteen dollars (\$15.00) for the
32 training of each child or adult for the same period.

(c) A qualified parent applicant or appropriate relative who is a foster parent to the child
34 and certified as eligible for subsidy aid under the deinstitutionalization program shall receive an

1 amount of not less than five dollars (\$5.00) and not more than fifteen dollars (\$15.00) for training
2 of each child or adult and an amount of not less than twenty-five dollars (\$25.00) and not more
3 than sixty dollars (\$60.00) for basic care and treatment for a seven (7) day or weekly period.
4 These amounts designated for foster parents shall be in addition to the basic payments to foster
5 parents from the department of social and rehabilitative services for foster home placement.

6 (d) The subsidy payments as provided by this section shall be paid from such
7 institutional or special accounts as may be under the control and direction of the director of
8 ~~mental health, retardation, and hospitals~~ behavioral healthcare, developmental disabilities and
9 hospitals and earmarked for the placement and continuing support of an institutionalized person
10 with a qualified parent or appropriate relative application as set forth in this chapter.

11 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

1 This act would expand the parent deinstitutionalization subsidy to include appropriate
2 relatives and would allow a relative to care for a child or adult if the parent was unable to and
3 receive a subsidy for doing so.

4 This act would take effect upon passage.

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