

2013 -- H 5481 SUBSTITUTE A

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LC00943/SUB A
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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 -- DEVELOPMENTAL DISABILITIES

Introduced By: Representatives Bennett, Hull, McNamara, Shekarchi, and Cimini

Date Introduced: February 14, 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.** -- (a) There is hereby
5 established with the department of mental health, retardation, and hospitals a ~~parent~~
6 deinstitutionalization subsidy aid program. The program is founded for the express purpose of
7 providing financial assistance or subsidy aid to the qualified parent applicant . or if the parent is
8 not able to care for the person then an appropriate relative. as defined in this chapter, who is
9 found and certified to be qualified by the director of mental health, retardation, and hospitals to
10 receive and take into his or her care, custody, and control a person under the legal authority and
11 control of the director of mental health, retardation, and hospitals- who is and has been a resident
12 or patient of the Dr. Joseph H. Ladd Center, the Dr. U.E. Zambarano Memorial Hospital, at the
13 institute of mental health or the general hospital, or a resident in an out-of-state institution, who
14 would have been eligible for placement in the Dr. Joseph H. Ladd Center, Dr. U.E. Zambarano
15 Memorial Hospital or the institute of mental health or the general hospital for a period of time not
16 less than ninety (90) days, or would be a resident or patient of one of the facilities listed in this
17 section for a period of ninety (90) days or more if a specialized community program were not
18 developed to meet the person's particular and/or unique needs and meets the eligibility criteria

1 [contained in section 40.1-21-4.3.](#)

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

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

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

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

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

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

33 (4) The establishment of such licensing, regulating, inspection, monitoring, investigation,
34 and evaluation standards and requirements for the placement, care, support, custody, and training

1 of the person as are deemed reasonable and in the public interest under this chapter;

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

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

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

27 (f) [\(1\) For the purpose of this chapter, the words "appropriate relative" shall mean an](#)
28 [interested and approved relative of the adult.](#)

29 [\(2\)](#) For the purpose of this chapter the words "subsidy aid" shall mean payment or
30 continued payment to a parent applicant pursuant to the rules and regulations established by the
31 director of mental health, retardation, and hospitals for deinstitutionalization subsidy aid program
32 as set forth in this chapter.

33 [\(g\) Alternatives to Institutional Care](#)

34 [The department of behavioral healthcare, developmental disabilities and hospitals is](#)

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

5 **40.1-1-10.1. Subsidy aid for parent deinstitutionalization program.** -- (a) Every
6 qualified parent applicant [or an appropriate relative](#) of a person at the Dr. Joseph H. Ladd Center,
7 Dr. U.E. Zambarano Memorial Hospital, the institute of mental health, or the general hospital
8 (RIMC) or at an out-of-state institution who would have been eligible for placement in the Dr.
9 Joseph H. Ladd Center, Dr. U.E. Zambarano Memorial Hospital, the institute of mental health, or
10 the general hospital (RIMC), found eligible and certified as such by the director of mental health,
11 retardation, and hospitals pursuant to this chapter and the rules and regulations established
12 thereunder, shall be eligible to receive subsidy aid within the bounds set forth in this chapter and
13 pursuant to such rules and regulations as are promulgated by the director of mental health,
14 retardation, and hospitals and under such eligibility, income, health, safety, and other program
15 requirements as may be deemed appropriate and necessary to protect the health, safety, and
16 welfare of the child or adult and the interest of the state in the maintenance and operation of the
17 deinstitutionalization program.

18 (b) A qualified parent applicant [or an appropriate relative](#) who is the natural or adoptive
19 parent and certified as eligible for subsidy aid under the deinstitutionalization program shall
20 receive an amount of not less than twenty-five dollars (\$25.00) and not more than sixty dollars
21 (\$60.00) for the basic care of each child or adult for a seven (7) day or weekly period, and an
22 amount of not less than five dollars (\$5.00) and not more than fifteen dollars (\$15.00) for the
23 training of each child or adult for the same period.

24 (c) A qualified parent applicant who is a foster parent [or an appropriate relative](#) and
25 certified as eligible for subsidy aid under the deinstitutionalization program shall receive an
26 amount of not less than five dollars (\$5.00) and not more than fifteen dollars (\$15.00) for training
27 of each child or adult and an amount of not less than twenty-five dollars (\$25.00) and not more
28 than sixty dollars (\$60.00) for basic care and treatment for a seven (7) day or weekly period.
29 These amounts designated for foster parents shall be in addition to the basic payments to foster
30 parents from the department of social and rehabilitative services for foster home placement.

31 (d) The subsidy payments as provided by this section shall be paid from such
32 institutional or special accounts as may be under the control and direction of the director of
33 mental health, retardation, and hospitals and earmarked for the placement and continuing support
34 of an institutionalized person with a qualified parent [or an appropriate relative](#) application as set

1 forth in this chapter.

2 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 -- DEVELOPMENTAL DISABILITIES

1 This act would expand the parent deinstitutionalization subsidy aid program in the
2 department of behavioral healthcare, developmental disabilities and hospitals to include
3 appropriate relatives, and would allow such a relative to care for a child or adult if the parent was
4 unable to do so. This act would also allow such an appropriate relative who is providing care to
5 receive a subsidy through the aid program.

6 This act would take effect upon passage.

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