

2018 -- H 8212

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LC005739
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO THE DEPARTMENT OF BEHAVIORAL HEALTHCARE,
DEVELOPMENTAL DISABILITIES AND HOSPITALS -- POWERS AND DUTIES --
CHEMICAL DEPENDENCY PROFESSIONALS

Introduced By: Representatives Giarrusso, McNamara, Mendonca, Bennett, and
Shekarchi

Date Introduced: May 18, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-1-13 of the General Laws in Chapter 40.1-1 entitled
2 "Department of Behavioral Healthcare, Developmental Disabilities and Hospitals" is hereby
3 amended to read as follows:

4 **40.1-1-13. Powers and duties of the office.**

5 (a) Notwithstanding any provision of the Rhode Island general laws to the contrary, the
6 department of behavioral healthcare, developmental disabilities and hospitals shall have the
7 following powers and duties:

8 (1) To establish and promulgate the overall plans, policies, objectives, and priorities for
9 state substance-abuse education, prevention, and treatment; provided, however, that the director
10 shall obtain and consider input from all interested state departments and agencies prior to the
11 promulgation of any such plans or policies;

12 (2) Evaluate and monitor all state grants and contracts to local substance-abuse service
13 providers;

14 (3) Develop, provide for, and coordinate the implementation of a comprehensive state
15 plan for substance-abuse education, prevention, and treatment;

16 (4) Ensure the collection, analysis, and dissemination of information for planning and
17 evaluation of substance-abuse services;

18 (5) Provide support, guidance, and technical assistance to individuals, local governments,

1 community service providers, public and private organizations in their substance-abuse education,
2 prevention, and treatment activities;

3 (6) Confer with all interested department directors to coordinate the administration of
4 state programs and policies that directly affect substance-abuse treatment and prevention;

5 (7) Seek and receive funds from the federal government and private sources in order to
6 further the purposes of this chapter;

7 (8) To act in conjunction with the executive office of health and human services as the
8 state's co-designated agency (42 U.S.C. § 300x-30(a)) for administering federal aid and for the
9 purposes of the calculation of the expenditures relative to the substance-abuse block grant and
10 federal funding maintenance of effort. The department of behavioral healthcare, developmental
11 disabilities and hospitals, as the state's substance-abuse authority, will have the sole responsibility
12 for the planning, policy and implementation efforts as it relates to the requirements set forth in
13 pertinent substance-abuse laws and regulations including 42 U.S.C. § 300x-21 et seq.;

14 (9) Propose, review, and/or approve, as appropriate, proposals, policies, or plans
15 involving insurance and managed care systems for substance-abuse services in Rhode Island;

16 (10) To enter into, in compliance with the provisions of chapter 2 of title 37, contractual
17 relationships and memoranda of agreement as necessary for the purposes of this chapter;

18 (11) To license facilities and programs for the care and treatment of substance abusers
19 and for the prevention of substance abuse, [and provide the list of licensed chemical dependency](#)
20 [professionals \(LCDP\) and licensed chemical dependency clinical supervisors \(LCDCS\) \(licensed](#)
21 [by the department of health pursuant to chapter 69 of title 5\) for use by state agencies including,](#)
22 [but not limited to, the adjudication office of the department of transportation, the district court](#)
23 [and superior court and the division of probation and parole for referral of individuals requiring](#)
24 [substance use disorder treatment;](#)

25 (12) To promulgate rules and regulations necessary to carry out the requirements of this
26 chapter;

27 (13) Perform other acts and exercise any other powers necessary or convenient to carry
28 out the intent and purposes of this chapter;

29 (14) To exercise the authority and responsibilities relating to education, prevention, and
30 treatment of substance abuse, as contained in, but not limited to, the following chapters: chapter
31 1.10 of title 23; chapter 10.1 of title 23; chapter 28.2 of title 23; chapter 21.2 of title 16; chapter
32 21.3 of title 16; chapter 50.1 of title 42; chapter 109 of title 42; chapter 69 of title 5 and § 35-4-
33 18;

34 (15) To establish a Medicare Part D restricted-receipt account in the hospitals and

1 community rehabilitation services program to receive and expend Medicare Part D
2 reimbursements from pharmacy benefit providers consistent with the purposes of this chapter;

3 (16) To establish a RICLAS group home operations restricted-receipt account in the
4 services for the developmentally disabled program to receive and expend rental income from
5 RICLAS group clients for group home-related expenditures, including food, utilities, community
6 activities, and the maintenance of group homes;

7 (17) To establish a non-Medicaid, third-party payor restricted-receipt account in the
8 hospitals and community rehabilitation services program to receive and expend reimbursement
9 from non-Medicaid, third-party payors to fund hospital patient services that are not Medicaid
10 eligible; and

11 (18) To certify recovery housing facilities directly, or through a contracted entity, as
12 defined by department guidelines, which includes adherence to using National Alliance for
13 Recovery Residences (NARR) standards. In accordance with a schedule to be determined by the
14 department, all referrals from state agencies or state-funded facilities shall be to certified houses,
15 and only certified recovery housing facilities shall be eligible to receive state funding to deliver
16 recovery housing services.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO THE DEPARTMENT OF BEHAVIORAL HEALTHCARE,
DEVELOPMENTAL DISABILITIES AND HOSPITALS -- POWERS AND DUTIES --
CHEMICAL DEPENDENCY PROFESSIONALS

1 This act would provide that the department of behavioral healthcare, developmental
2 disabilities and hospitals shall have the power and duty to certify a list of chemical dependency
3 professionals for use by state agencies and for referral of individuals requiring treatment.

4 This act would take effect upon passage.

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