

2022 -- S 2894

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LC005808
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS

Introduced By: Senators DiPalma, Euer, and Seveney

Date Introduced: April 26, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40.1-1 of the General Laws entitled "Department of Behavioral
2 Healthcare, Developmental Disabilities and Hospitals" is hereby amended by adding thereto the
3 following section:

4 **40.1-1-22. Authorization for use of American Rescue Plan Act funding for community**
5 **mental health facilities.**

6 (a) There is hereby established a separate fund within the treasury to be known as the
7 community mental health services revolving fund (the "fund"). This fund shall be administered by
8 the general treasurer in accordance with the same laws and fiscal procedures as the general funds
9 of the state, and in consultation with the director (the "director") of the department of behavioral
10 healthcare, developmental disabilities and hospitals ("BHDDH"), and except as otherwise provided
11 for herein. The fund shall consist of such sums as the state may from time to time appropriate, as
12 well as seventy-five million dollars (\$75,000,000) as set forth in subsection (b) of this section. This
13 fund shall also consist of interest earnings, money received from the federal government, and gifts,
14 bequests, donations, or otherwise from any public or private source. Amounts credited to the fund,
15 including, but not limited to, interest, shall be subject to appropriation, and money remaining in the
16 fund at the end of a fiscal year shall not revert to the general fund, but shall remain in the fund and
17 be available to for expenditure in the subsequent fiscal year.

18 (b) The general assembly hereby authorizes and allocates seventy-five million dollars

1 (\$75,000,000) to the community mental health services revolving fund from federal funds allocated
2 to the state pursuant to federal legislation enacted after December 4, 2020 and in response to the
3 COVID-19 outbreak or related economic recovery, including, but not limited to, funds from the
4 American Rescue Plan Act of 2021, Pub. L. No. 117-2, but excluding federal grants that are not
5 subject to appropriation and funds related to increased federal medical assistance percentage rates
6 under section 1905(b) of the Social Security Act; provided that, federal funds made available in the
7 form of newly created reimbursement programs may also be authorized by the general assembly
8 and designated to be credited to the community mental health services revolving fund.

9 (c) The fund shall be used for the purpose of the capital projects, including the acquisition,
10 construction, renovation, and related capital costs including, but not limited to, architectural costs
11 of building and also the acquisition of permits, for facilities to be used to provide community mental
12 health services to children and adults with mental health and substance use conditions.

13 (d)(1) The director of the BHDDH shall be authorized to make awards of grants from the
14 funds, based on a competitive application process. By way of illustration, and without being an
15 exclusive listing, providers eligible for receipt of grants from the fund would include community
16 mental health organizations licensed by BHDDH, federally funded certified behavioral health
17 clinics, behavioral health providers and their direct contract organization subcontract funded
18 partners.

19 (2) The director of BHDDH shall promulgate rules and regulations for the administration
20 of and the awarding of grants from the fund, in consultation with the legislative advisory group
21 established by this section.

22 (3) Upon making a determination to award a grant from the fund, the director shall so
23 inform the general treasurer, who shall then draw monies from the fund and provide them to the
24 entity or entities as directed by the director.

25 (e) There is hereby established a seven (7) member legislative advisory group to advise the
26 director of BHDDH on the awarding of funding for requested capital projects. Three (3) members
27 shall be selected by the speaker of the house of representatives, two (2) members shall be selected
28 by the president of the senate, and two (2) members shall be selected by the governor. Legislative
29 members shall serve terms of two (2) years, and appointments of the governor shall serve terms of
30 three (3) years. Any member appointed may be reappointed by the appointing officer.

1 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 BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS

1 This act would establish the community mental health services revolving fund, to be used
2 to provide awards of grants to fund the capital costs for constructing and renovating facilities to
3 provide community mental health services to children and adults. Initial monies for the fund would
4 come from a grant of \$75,000,000 from American Rescue Plan funds.

5 This act would take effect upon passage.

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