

2021 -- H 5283 SUBSTITUTE A

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LC000057/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND
MONITORING OF CHILD PLACING AGENCIES, CHILD CARING AGENCIES, FOSTER
AND ADOPTIVE HOMES, AND CHILDREN'S BEHAVIORAL HEALTH PROGRAMS

Introduced By: Representatives Williams, Vella-Wilkinson, McEntee, Alzate, and Felix

Date Introduced: January 29, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72.1-5 of the General Laws in Chapter 42-72.1 entitled "Licensing
2 and Monitoring of Child Placing Agencies, Child Caring Agencies, Foster and Adoptive Homes,
3 and Children's Behavioral Health Programs" is hereby amended to read as follows:

4 **42-72.1-5. General licensing provisions.**

5 The following general licensing provisions shall apply:

6 (1) A license issued under this chapter is not transferable and applies only to the licensee
7 and the location stated in the application and remains the property of the department. A license
8 shall be publicly displayed. A license shall be valid for one year from the date of issue and upon
9 continuing compliance with the regulations. A license issued to a foster parent, and/or a license
10 issued to a program for mental health services for "seriously emotionally disturbed children" as
11 defined in § 42-72-5(b)(24) shall be valid for two (2) years from the date of issue.

12 (2) Every license application issued pursuant to § 42-72.1-4 shall be accompanied by a
13 nonrefundable application fee paid to the State of Rhode Island as follows:

14 (a) Adoption and foster care child placing agency license -- one thousand dollars (\$1,000);

15 (b) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

16 (c) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

17 (d) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

18 (3) All fees collected by the state pursuant to subsection (2) of this section shall be

1 deposited by the general treasurer as general revenues.

2 (4) A licensee shall comply with applicable state fire and health safety standards.

3 (5) The department may grant a provisional license to an applicant, excluding any foster
4 parent applicant, who is not able to demonstrate compliance with all of the regulations because the
5 program or residence is not in full operation; however, the applicant must meet all regulations that
6 can be met in the opinion of the administrator before the program is fully operational. The
7 provisional license shall be granted for a limited period not to exceed six (6) months and shall be
8 subject to review every three (3) months.

9 (6)The department may grant a probationary license to a licensee who is temporarily unable
10 to comply with a rule or rules when the noncompliance does not present an immediate threat to the
11 health and well-being of the children, and when the licensee has obtained a plan approved by the
12 administrator to correct the areas of noncompliance within the probationary period. A probationary
13 license shall be issued for up to twelve (12) months; it may be extended for an additional six (6)
14 months at the discretion of the administrator. A probationary license that states the conditions of
15 probation may be issued by the administrator at any time for due cause. Any prior existing license
16 is invalidated when a probationary license is issued. When the probationary license expires, the
17 administrator may reinstate the original license to the end of its term, issue a new license or revoke
18 the license.

19 (7) The administrator will establish criteria and procedure for granting variances as part of
20 the regulations.

21 (8) The above exceptions (probationary and provisional licensing and variances) do not
22 apply to and shall not be deemed to constitute any variance from state fire and health safety
23 standards. However, if a request for a variance of fire inspection deficiencies has been submitted
24 to the fire safety code board of appeal and review, DCYF may grant a provisional license to
25 terminate no later than thirty (30) days following the board's decision on said variance.

26 (9) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

27 [\(10\) All persons granted a foster care license shall be required to undertake ongoing](#)
28 [training to promote their sensitivity to their foster child's culture.](#)

29 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 STATE AFFAIRS AND GOVERNMENT -- LICENSING AND
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- 1 This act would require all persons granted a foster care license to undertake ongoing
- 2 training to promote their sensitivity to their foster child's culture.
- 3 This act would take effect upon passage.

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