

2018 -- S 2080

LC003199

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

Introduced By: Senators DiPalma, Miller, Lombardi, Sheehan, and Cote

Date Introduced: January 18, 2018

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40.1-21-4.3 of the General Laws in Chapter 40.1-21 entitled  
2 "Division of Developmental Disabilities" is hereby amended to read as follows:

3 **40.1-21-4.3. Definitions.**

4 As used in this chapter and in chapter 22 of this title the words:

5 (1) "Ancillary services" means those services provided, and shall include, but not be  
6 limited to, transportation, housing, housing adaptation, personal attendant care, and homemaker  
7 services.

8 (2) "Case management" means the implementation of an individual's program by  
9 providing information, by referral to appropriate service providers, by procurement of services,  
10 and by the coordination of the necessary services.

11 (3) "Department" means the Rhode Island department of behavioral healthcare,  
12 developmental disabilities and hospitals.

13 (4) "Developmental services" means those services provided to developmentally disabled  
14 adults, and shall include, but not be limited to, habilitation and rehabilitation services, and day  
15 services.

16 (5) "Developmentally disabled adult" means a person, eighteen (18) years old or older  
17 and not under the jurisdiction of the department of children, youth and families who is either a  
18 mentally retarded developmentally disabled adult or is a person with a severe, chronic disability

1 which:

2 (i) Is attributable to a mental or physical impairment or combination of mental and  
3 physical impairments;

4 (ii) Is manifested before the person attains age twenty-two (22);

5 (iii) Is likely to continue indefinitely;

6 (iv) Results in substantial functional limitations in three (3) or more of the following  
7 areas of major life activity:

8 (A) Self care,

9 (B) Receptive and expressive language,

10 (C) Learning,

11 (D) Mobility,

12 (E) Self-direction,

13 (F) Capacity for independent living,

14 (G) Economic self-sufficiency; and

15 (v) Reflects the person's need for a combination and sequence of special,  
16 interdisciplinary, or generic care, treatment, or other services, which are of lifelong or extended  
17 duration and are individually planned and coordinated. For purposes of funding, it is understood  
18 that students enrolled in school will continue to receive education from their local education  
19 authority in accordance with § 16-24-1 et seq.

20 (6) "Diagnosis and evaluation" means a process to determine whether and to what extent  
21 an individual is developmentally disabled and a study of the individual's condition, situation, and  
22 needs which lead to a recommendation of what services, if any, would benefit the individual.

23 (7) "Individualized program plan" or "general service plan" means a plan, however  
24 named, which includes, but shall not be limited to, the following:

25 (i) An evaluation of the strengths, difficulties, needs, and goals of the individual  
26 [accomplished via an independent third party](#);

27 (ii) A description of those services found to be necessary or appropriate to assist the  
28 individual in realizing his or her potential for self-sufficiency in major life activities;

29 (iii) A description of the agencies and/or individuals, which are proposed to provide each  
30 of the recommended services;

31 (iv) The intermediate and long-range objectives for the individual's development and  
32 habilitation;

33 (v) The expected duration for the provision of the services;

34 (vi) A description of the tests and other evaluative devices used and their results;

1 (vii) Proposed criteria for monitoring and evaluating the success of the services in  
2 meeting the individual's needs; and

3 (viii) The signatures of the preparers of the plan and the date.

4 The individual program plan shall indicate developmental, supportive, or ancillary  
5 services by function and frequency, the manner of subsidy and delivery and the categories of need  
6 for services such as transportation, job training, or occupation, housing, housing adaptation,  
7 personal attendant care, homemaker, or other services. This plan shall be reviewed at least  
8 annually; provided, however, that authorizations for services and funding issued prior to July 1,  
9 2011 are null and void. Authorizations will be paid at the rate effective in the quarter the service  
10 was provided.

11 (8) "Mentally retarded developmentally disabled adult" means a person eighteen (18)  
12 years old or older and not under the jurisdiction of the department of children, youth and  
13 families, with significant sub-average, general intellectual functioning two (2) standard deviations  
14 below the norm, existing concurrently with deficits in adaptive behavior and manifested during  
15 the developmental period. For purposes of funding, it is understood that students enrolled in  
16 school will continue to receive education from their local education authority in accordance with  
17 § 16-24-1 et seq.

18 (9) "Service broker" means that individual who assists in facilitating the connection  
19 between the developmentally disabled person and the services required by the individual program  
20 plan.

21 (10) "Subsidized access to service" means the provisions of financial resources through  
22 vouchers to a developmentally disabled person to enable the person to gain access to appropriate  
23 generic and/or special services as required by the individual program plan.

24 (11) "Supportive services" means those services provided to developmentally disabled  
25 adults, and shall include, but not be limited to, occupational therapy, physical therapy,  
26 psychological services, counseling, nursing services, and medical services.

27 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

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1           This act would amend the definition of "individualized program plan" for purposes of the  
2 state's division of developmental disabilities to include evaluation of skill sets taught by outside  
3 sources.

4           This act would take effect upon passage.

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