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To Whom It May Concern:

We hereby submit the following comments in response to the notices of proposed rule making dated September 6, 2018. More specifically, comments relate to:

Rule Identifier	Title of Rule	Proposed Rule making Action
212-RICR-XXX-XX-1407	Rules and Regulations for the Licensing of Developmental Disability Organizations	Repeal
212-RICR-XXX-XX-1746	Rules & Regulations Relating to the Definition of Developmentally Disabled Adult and The Determination of Eligibility as a Developmentally Disabled Adult	Repeal
212-RICR-XXX-XX-2906	Rules and Regulations Licensing Procedure and Process for Facilities and Programs Licensed by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals	Repeal
221-RICR-10-00-1	Rules and Regulations for the Licensing of Organizations and Facilities Licensed by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals	Adoption
212-RICR-10-05-1	Rules and Regulations for Developmental Disability Organizations	Adoption

I am submitting the following comments as a member of the public and the parent of an adult with developmental disabilities. In submitting these comments, it is important to note that the Department is to be commended in the open shareholder process used to develop the proposed regulations. It is a refreshing reflection of recent efforts by the Department to attempt to reach out to the community it serves.

**General Comment:** My child has received services from the Department for a significant number of years and we have witnessed significant changes within the Department of its regulations and its policies and practices..not necessarily for the best interests of those served. That being said, we expect that the proposed regulations are intended to survive the current administration and it is important that as the regulations are streamlined with the intent to rely more on policies and practices and certification standards supported by the new regulations, transparency and accessibility to the community served should be at the forefront moving forward. This was a topic of concern raised at some of the shareholder work sessions which I attended and the Department's response was their intent to make policies and practices transparent and accessible (at least through the internet). As the proposed regulations are finally promulgated, this should become a priority.

### **Specific Comments:**

#### **A. 221-RICR-10-00-1**

1. The Impact Statement for the new combined regulation identifies approximately one half million dollars of additional costs to providers but does not address how these additional costs will be funded. What is the expectation for funding, reimbursement, absorption or some other mechanism?
2. Definitions Item 42 in part: "Participant" means an adult who has a developmental disability as defined herein." There is no definition "herein" of a developmental disability in the proposed regulations. Additionally the term "developmental disability is used through out without definition. The supporting information for the rule-making indicates that the definition of a "developmentally disabled adult" was removed because it is defined in the RIGL. There is no citation. Either add the definitions in entirety or by specific citation. (The definition in RIGL§ 40.1-21-4.3 (5) should be revised to remove the term retarded)

#### **B. 221-RICR-10-05-1**

1. The Impact Statement for the new combined regulation identifies approximately 137,000 dollars of additional costs to providers but does not address how these additional costs will be funded. What is the expectation for funding, reimbursement, absorption or some other mechanism?
2. Definitions Item 42 in part: "Participant" means an adult who has a

- developmental disability as defined herein.” There is no definition “herein” of a developmental disability in the proposed regulations. Additionally the term “developmental disability is used through out without definition. The supporting information for the rule-making indicates that the definition of a “developmentally disabled adult” was removed because it is defined in the RIGL. There is no citation. Either add the definition(s) in entirety or by specific citation. (The definition in RIGL§ **40.1-21-4.3** (5) should be revised to remove the term retarded)
3. There are a significant number of definitions which initially appear in **221-RICR-10-00-1** and are again repeated in their entirety in this chapter. A number of these are also defined in the RIGL. If reduction is a goal, why are they repeated and not just referenced.
  4. The definition for “Access to Shared Overnight Supports” in the existing regulation “means the availability of direct support and assistance on an on-call basis for Participants who live independently in the community in a setting where direct support can be easily shared among a group of Participants, such as an apartment building. The service is intended to be shared among Participants to help them achieve and/or maintain the outcomes of increased independence, productivity, and inclusion in the community, as outlined in his/her person-centered plan. Access to Overnight Shared Supports does not supplant nonpaid natural supports. This service is only offered to Participants who live independently in a residential setting not licensed by BHDDH where overnight supports are neither authorized nor funded. All staff shall be awake staff.” It has been removed in its entirety in the proposed regulation. The supporting documentation states “no longer referenced in regulation as it relates to funding level and not a regulated service.” Other than as a definition in the present regulation it discussed in the body of the regulation. This is a practical approach to allowing individuals to live in a least restrictive environment with the ability to develop skills for an even lesser restrictive environment. It is a practical approach between community resident and SLA. Is it being eliminated from use in the community? If this was recognized before why does the Department no longer recognize it?
  5. The section on “Severability” has been eliminated but is not addressed in the supporting documents. Are they or are they not severable?
  6. The supporting documents discuss “certification standards” in detail. Undertood that they stand apart from the regulation. Why are they not discussed at all.?

Thank you for consideration of the comments provided.

Respectfully submitted,

*signed electronically*

Howard I. Cohen