

CONCISE EXPLANATORY STATEMENT

RULES AND REGULATIONS FOR DEVELOPMENTAL DISABILITY ORGANIZATIONS

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES & HOSPITALS (BHDDH)

DIVISION: N/A

RULE IDENTIFIER: 212RICR100501, ERLID 8447

RULE TITLE: RULES AND REGULATIONS FOR DEVELOPMENTAL DISABILITY ORGANIZATIONS

REASON FOR RULEMAKING: By this rulemaking, BHDDH is adopting prevailing standards for the licensure and operation of facilities and programs providing rehabilitation, support, and guidance for individuals with developmental disabilities or cognitive disabilities.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: Please see attached testimony and comments.

CHANGE TO TEXT OF THE RULE: Please see attached response to comments.

REGULATORY ANALYSIS: Please see attached cost benefit analysis. Overall the proposed changes cover three areas:

First, the most significant change to the regulations is that BHDDH is no longer licensing individual I/DD services. BHDDH through regulations is licensing DDOs (providers). Licensed organizations will be approved to provide services by meeting certification standards. The regulation identifies how the certification standards are

to be met and enforced. The most notable change to the status quo related to certification standards relates to quality assurance/quality improvement.

Second, a significant change focuses on adding language to meet federal Home and Community Based Services (HCBS) requirements to bring the regulations, and by extension, provider requirements, into compliance with federal Medicaid standards.

Personcentered, community based themes and language were addressed throughout the document. Many of these changes are not discretionary, and are, therefore, not analyzed in this analysis.

The final significant changes are to remove redundancies and language that was nonregulatory in nature. The teams worked to ensure that rules were only stated once in the document. Policy statements were removed from the document to be addressed by the appropriate oversight authority. All language in the regulations that exceeds the Department's regulatory mandate was removed. The changes are documented and references are made on how those changes are addressed to maintain appropriate safeguards for the population served by these regulations.