

DD COMMENTS

FINAL 10/7/18

COMMENT #	FROM	RESPONDING	COMMENT	RESPONSE
#1DD Comment ID: #10307-1	Deb Kney 09/07/2018 Online	Kathy DONE	It looks like the link for the proposed rule is broken. It does not open the Rules and Regs for DDOs. It opens 'Title 200: Board of Education'	SOS system error. Fixed.
#2DD Comment ID: #10307-4	Claire Rosenbaum 09/18/2018 Online	Heather Kerri	I want to commend the process through which these regulations were developed. I am the parent of a person receiving supports through DDD and also an advocate. The process was open and inclusive of all stakeholders points of view. In particular, the leadership and facilitation of Keven Savage was outstanding. I have a few comments and have also commented on the Licensing regs. 1.4 Section on Human Rights Committee-- I think that it is worth reiterating the definition here. Otherwise, it is unclear what we mean by a 'Human Rights Committee' -- its constitution (people with disabilities, families, advocates, etc.) or purpose. I see that the definition does this, but should be reiterated here. A prior draft of the regulations (and also the RIGL 40.1-26-4) state that 'employees, their spouses, or other persons with a potential for a conflict of interest shall not participate as voting members in that Organization's human rights committee.' This is important enough to be stated overtly. Otherwise, it is truly unclear that this is prohibited. 1.9 B. States that the DDO's support coordinator is responsible for a variety or tasks related to the ISP development and monitoring. According to HCBS rules, a provider of service must NOT develop the plan or provide case management (synonymous with support coordination according to the definitions in this part). This is in violation of those rules. 1.9 D -- These regulations regarding modifications of participants rights are a reflection of the HCBS rules. (a good thing). We need to somehow make reference to where a reader can find those 'participant rights' -- perhaps 212 - RICR-10-00-1.26 G 1-5. However, there are problems there with conflict between the RIGL 40.26.3 and the HCBS rules. See my comments on that	

			<p>under the Licensing regs (10-00) 1.12.7 Use of Restrictive Intervention -- I question whether there should ever be use of 'restrictive intervention.' HCBS rules state that supports must 'ensure an individual's rights ... freedom from coercion and restraint.' However, at the very least we should state a reminder that all of the requirements for 'modifications of a participants rights' listed at 1.9D will need to be followed (and documented in the ISP) in the event that interventions restrict a person's rights (in addition to all the other conditions listed here.) In addition to these specific comments, I want to share some general comments. Have two sets of regs (or pertinent information in two separate chapters) is confusing to the reader. It is easy to miss some important information. A Table of contents for both chapters would be very helpful in that regard. During the development of these regs there was much conversation about how they would go hand in hand with the certification standards. Yet I see very little reference to certification standards or the specific services a provider might become certified in. It would also be good if those certification standards could also undergo a similar public hearing / comment period. Several people have shared with me that they were looking for the section of the regs on eligibiltiy, application (for participants), components of the ISP, information on conflict free case management (a requirement of the HCBS regs). I know that during our discussion, it was emphasized that THESE regs are purely for licensing of provider organizations and these other processes live within the BHDDH Department - Division of Developmental Disabilities. And that those items really belong in 'policy.' However, since they have been eliminated with the repeal of the old DDD regs, there is no currently published substitute for participants and their families to turn to for guidance, understanding of what they can expect for timelines, process, etc. as they begin to enter the system or engage in the development of an ISP -- which should not be facilitated by a provider organization. This is of major concern to people using these supports and their families. Thank you for considering these comments.</p>	
#3DD Comment ID: #10307-	Howard Cohen 10/06/2018	Heather Kerri	#3DD LIC DD Howard Cohen1 #3DD LIC DD Howard Cohen2	

30	Online Email			
#4DD	C. Moseley Email redline	Heather Kerri	#4DD CMoseley redline	
#5DD	RI DLC Email	Heather Kerri	#5DD RIDLC	
#6DD	C. Moseley Email	Heather Kerri	Certification standards: #6DD Employment #6DD Day Services	