

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF BEHAVIORAL HEALTH, DEVELOPMENTAL DISABILITIES  
AND HOSPITALS**

**Title of Rule:** Rules and Regulations for Developmental Disability Organizations

**Rule Identifier:** 212-RICR-10-05-1

**Rulemaking Action:** Proposed Adoption

**Important Dates:**

Date of Public Notice: 09/06/2018

Hearing Date: 09/18/2018

End of Public Comment: 10/06/2018

**Authority for this Rulemaking:**

R.I. Gen. Laws § 40.1-1-13(a)(12)

**Summary of Rulemaking Action:**

By this rulemaking, BHDDH is proposing to:

Adopt prevailing standards for the licensure and operation of facilities and programs providing rehabilitation, support, and guidance for individuals with developmental disabilities or cognitive disabilities.

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until October 6, 2018 by contacting the appropriate party at the address listed below:

Gail Theriault, Esq.

Department of Behavioral Health, Developmental Disabilities and Hospitals

BHDDH Office of Legal Counsel

Hazard Building, 41 West Road, Room 2-41

Cranston, RI 02920

[gail.theriault@ohhs.ri.gov](mailto:gail.theriault@ohhs.ri.gov)

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed adoption shall be held on September 18, 2018 at 11:00 am at BHDDH Arnold Conference Center , 111 Howard Ave., Regan Building, Bldg #60 , Cranston, RI 02920 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons

participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-462-2317 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

### **Regulatory Analysis Summary and Supporting Documentation:**

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. Person-centered, 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 non-regulatory 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.

For full regulatory analysis or supporting documentation see agency contact person above.