



The Providence
CENTER

Healthy minds for healthy lives

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a member of Care New England

October 5, 2018

Gail Theriault, Esq.

Department of Behavioral Health, Developmental Disabilities and Hospitals

BHDDH Office of Legal Counsel

Hazard Building, 41 West Road, Room 241

Cranston, RI 02920

Dear Ms. Theriault:

Please find attached written comments from The Providence Center on the proposed regulation "Rules and Regulations for the Licensing of Organizations and Facilities Licensed by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals" (212RICR100001). Thank you for your attention to these comments.

Sincerely,

Deborah M. O'Brien, BS, RN, MPA
President and Chief Operating Officer

Written Comments

The Providence Center
October 5, 2018

Comments on Rules and Regulations for the Licensing of Organizations and Facilities by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (212RICR100001)

Thank you for the opportunity to offer comments on these proposed regulations.

We have several concerns about these regulations. The first concerns an omission or typographical error in the proposed regulation. In Section 1.17.1.A.4, a phrase seems to be missing in the fourth line: At a minimum, one (1) Board member shall be an individual _____" and leaves off there.

Overall, in this section, we appreciate the effort to promote inclusion and representation of the communities served and the efforts of the Department to ensure that documentation of compliance with this regulation remains non-public.

Our more substantive concerns are in Section 1.21 Personnel.

In 1.21A. 1.c., we believe the Department should clarify that this is meant to apply to individuals who are consultants or contractors and not to corporations that are contracted to provide services or consulting.

More broadly, we have significant concerns about the procedures and list of disqualifying offenses outlined in Section 1.21.D. We believe that elements of this section of the proposed regulation run counter to the State's efforts to promote the employment of individuals in recovery from substance use disorders.

These regulations stipulate that an applicant against whom disqualifying information has been found may request that a copy of the criminal background check be sent to the employer. This element of the proposed regulation puts the onus on the candidate to advance his or her potential employment. The Providence Center has had extensive experience employing staff who are in recovery and who have potentially disqualifying criminal records. In our organization, we have established a process in which the Executive Committee of the Board of Trustees reviews such cases. This process relies on a partnership between the applicant and the organization and ensures prompt review of potentially disqualifying information. We ask all applicants to ask that a copy of the criminal background report be sent to our organization. Putting the onus on the applicants with potentially-disqualifying information to ask the State Police or local police department to forward a copy of the criminal background report reinforces the stigma associated with substance use disorder and will unnecessarily delay the review of people in recovery for potential employment.

These proposed regulations stipulate that the prospective employee must apply for BCI and NCIC background checks and receive reports in writing. This precludes use of the more advanced system in

which a prospective employee would provide permission via signature for an vendor to provide all state BCI and NCIC records through local and state databases.

Thank you for your consideration of these comments.