

Rhode Island Disability Law Center, Inc.

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« The Designated Protection and Advocacy System for Rhode Island »

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By email: gail.theriault@ohhs.ri.gov
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 2-41
Cranston, RI 02920

Re: Comments on Proposed Rule 212-RICR -10-00-1

Dear Attorney Theriault:

On behalf of the Rhode Island Disability Law Center, Inc. (RIDLC), we are submitting comments on the above-referenced rule. RIDLC is the non-profit law office designated as the state's Protection and Advocacy (P&A) agency for individuals with disabilities within Rhode Island. As the state's P&A, we have a strong interest in assuring that the Department's rules promote community integration and recovery principles. Our comments focus on the negative impact this proposed rule may have on the employment and community inclusion of individuals in recovery.

For many individuals with behavioral health needs, employment is essential to their recovery and community inclusion. In the past, the Department has promoted employment opportunities in the behavioral health field for individuals in recovery. Individuals in recovery may have had interactions with the criminal justice system for disability-related reasons. We are concerned that the list of disqualifying interactions with the criminal justice system found in § 1.21 will limit the opportunities for individuals in recovery to be employed within the behavioral health field. This result may not only be a personal loss, but may result in the loss of valuable peer experience for the behavioral health community.


The further restriction of preventing a person from residing in the household where services are provided would require a family member in recovery with the specified criminal justice history to leave home. For example, this restriction would appear to apply to a situation where a family member in recovery is present in the home where developmental disability supports are being provided to another family member. That result may be harmful both to the person in recovery as well as the family member with a developmental disability.


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We are aware of the joint comments of the ACLU of Rhode Island, the Rhode Island Commission for Human Rights, Direct Action for Rights and Equality, and JustLeadershipUSA. We concur with the detailed concerns expressed by these organizations, regarding the overly broad scope of the disqualifying criminal convictions and the use of arrest records to disqualify individuals.

We urge the Department to reconsider and revise this overly broad rule.

Sincerely,


Anne Mulready
Supervising Attorney


Kate Sherlock
Supervising Attorney