

## #13LIC ProvCenter

### Public Comment

The Providence Center

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

Thank you for the opportunity to offer comments on these proposed regulations. We will submit a fuller set of written comments by the October 6, 2018 deadline.

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 \_\_\_\_\_.” Otherwise, 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 or other similar entities 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 runs 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 in cases in which potentially disqualifying information has been reported. This element of the proposed regulation puts the onus on the candidate. 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 prompt review of potentially disqualifying information. We ask all applicants to ask that a copy of the criminal background report be sent to the organization. Putting the onus on the applicant to ask the State Police or local police department to forward a copy of the criminal background report may reinforce the stigma associated with substance use disorder and unnecessarily delay the review of people in recovery for potential employment.