

CONCISE EXPLANATORY STATEMENT

RULES AND REGULATIONS FOR THE LICENSING OF ORGANIZATIONS AND FACILITIES LICENSED BY THE DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: RHODE ISLAND DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES & HOSPITALS (BHDDH)

DIVISION: N/A

RULE IDENTIFIER: 212RICR100001, ERLID 7340

RULE TITLE: RULES AND REGULATIONS FOR THE LICENSING OF ORGANIZATIONS AND FACILITIES LICENSED BY THE DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

REASON FOR RULEMAKING: By this rulemaking, BHDDH is adopting prevailing standards for the licensure and operation of facilities and programs providing rehabilitation, support, and guidance for individuals with developmental and/or cognitive disabilities and behavioral health services for adults.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: Please see attached testimony and comments.

CHANGE TO TEXT OF THE RULE: Please see attached response to comments.

REGULATORY ANALYSIS: Please see attached cost benefit analysis. Overall the proposed changes cover two (2) areas.

First, the most significant change to the regulations is that BHDDH will no longer

licensing individual I/DD services. Through regulations, BHDDH is licensing DDOs and BHOs (providers). Licensed providers 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 is around quality assurance/quality improvement and client safety considerations.

The other significant change is the consolidation and standardization of licensing and other general regulatory requirements across both BHOs and DDOs. Significant sections of the DDO and BHO regulations were moved to these Licensing Regulations and combined into standards that apply to both entities. For example, employee criminal background check and organizational ethical requirements have been standardized for all BHDDH licensed entities. The teams worked to ensure that rules were only stated once in the document. Often times, these requirements were adapted from current language that applied only to DDOs, and was made general so as to apply to both types of providers.