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TITLE 212 – DEPARTMENT OF BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS

CHAPTER 30 – SELF-SUFFICIENCY FUND

SUBCHAPTER 00 - N/A

PART 1– Self Sufficiency Trust Fund

1.1 INTRODUCTION

These rules and regulations are promulgated pursuant to R.I. Gen. Laws §§ 40.1-21-15 through 40.1-21-17 for the purpose of providing rules and regulations for the administration of the Self-Sufficiency Trust fund.

1.2 PURPOSE AND SCOPE

- A. The Self-Sufficiency Trust is a comprehensive life-care planning option designed to meet the supplemental service needs of persons with disabilities. The Self Sufficiency Trust provides a mutually beneficial public/private working relationship between families of disabled individuals, the State and the community based service network.
- B. Pursuant to enabling legislation, the Department is responsible for various administrative, programmatic and financial requirements. The Self-Sufficiency Trust Board, a private Board established in accordance with R.I. Gen. Laws § 40.1-21-15, is responsible for the Private Trust Fund and the Private Charitable Fund and shall control and disburse these funds in accordance with the trust documents. The State shall establish counterpart funds, the Self-Sufficiency Trust fund and the Fund for the Disabled, and shall be responsible for the disbursements from each of these funds.
- C. Both the private and public sector funds shall be utilized to provide supplemental services to persons with mental illness, developmental disabilities, or persons otherwise eligible for Department services.

1.3 DEFINITIONS

- A. “Community provider” or “Provider” means those community agencies which are licensed or certified by the Department or other State agency to provide services

to persons with developmental disabilities, mental illness, or other eligible individuals.

- B. “Data profile” mean a document describing the details of the Life Care Plan in terms of specific services required by the Participant and projected dates on which these services are needed.
- C. “Department” means the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals.
- D. “Director” means the Director of the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals.
- E. “Financial plan” means a plan describing the amount of principal required to be contributed to the Self-Sufficiency Trust to pay for the services described in the Life Care Plan with earnings generated by the principal.
- F. “Life care plan” means the plan developed between the donor and the Self-Sufficiency Trust which includes the services expected to be required by the Participant throughout his or her life. The plan projects when the services are likely to be needed and their anticipated costs.
- G. “Participant” means an individual beneficiary enrolled with a Self-Sufficiency Trust for whom services and/or goods are being funded in whole or in part by the Self-Sufficiency Trust or an individual beneficiary of the Public-Sector Fund for the Disabled. An otherwise qualified Participant does not have to be eligible for or receiving services from the Department in order to be an enrolled beneficiary.
- H. “Private charitable fund” means the fund established from residual assets of the Private Trust Fund of deceased beneficiaries and from other bequests, gifts, or monies which the Board may receive.
- I. “Private trust fund” means the pooled assets of each family participating in the Self-Sufficiency Trust.
- J. “Private vendor” means an agency or an individual able to provide goods and/or services not available through community providers. The Board may contract with private vendors to provide goods and/or services in accordance with the Participant’s Life Care Plan when the goods and/or services are not otherwise available from a community provider.
- K. “Public-sector fund for the disabled” means the special restricted receipt fund established pursuant to R.I. Gen. Laws § 40.1-21-17. The Director may accept money from any source for deposit into the fund and the Director shall also receive earnings from the principal of the Private Charitable Fund. The money in

this fund shall be used by the Department for the purpose of providing for the care and treatment of low-income, persons with mental illness, developmental disabilities, and persons otherwise eligible for Department services.

- L. "Self-sufficiency trust" means the trust created pursuant to R.I. Gen. Laws § 40.1-21-15 to provide for the care, encouragement and treatment of persons with developmental disabilities, mental illness, or persons otherwise eligible for the services of the Department.
- M. "Self-Sufficiency Trust Board of Trustees" or "Board" means the individuals who establish policies, contract for necessary services for the Self-Sufficiency Trust and control the Private Trust Fund and the Private Charitable Fund.

1.4 SERVICES PROVIDED

- A. Services to be funded by the trust may include those services otherwise available to eligible individuals from community providers and other services only available from private vendors subject to the following provisions:
 1. Trust fund dollars will not be used to meet basic food, shelter, clothing, personal needs, room/board and medical needs of the Participant; income paid for supplemental services and goods is exempt from determining eligibility for programs, services and means tested entitlements administered through any and all State agencies.
 2. Trust fund dollars will not be spent on goods or services from private vendors if the services are otherwise available from community providers.
 3. Trust fund dollars will cease if the Participant moves out of state, effective the date of the move.
 4. All services and goods purchased from community providers with trust fund dollars will be purchased by way of a per diem or service rate that is consistent with the current Department rate-setting methodologies as appropriate, or in accordance with current negotiated local market rates. When the Department adjusts rates on cost of living, the Self-Sufficiency Trust fund per diems or service rates will be increased based upon the same percentage factor.
 5. Trust fund dollars will not be used to supplement established rates determined by the Department.

1.5 AGREEMENT

- A. An agreement between the Department and the Board has been developed which outlines the responsibilities and obligations of the Board and the Department with respect to the services and goods operated pursuant to R.I. Gen. Laws §§ 40.1-21-15 through 40.1-21-17.
- B. This agreement is renewable for successive periods of one (1) year each and may be modified upon agreement of both parties.
- C. This agreement may be terminated for the following reasons:
 - 1. Pursuant to the law of the State of Rhode Island; or
 - 2. Dissolution of the trust; or
 - 3. By the terms of the agreement

1.6 SELF-SUFFICIENCY TRUST BOARD RESPONSIBILITIES

- A. The Board shall have all responsibility for the solicitation and enrollment of Participants into the Self-Sufficiency Trust. Specific responsibilities include:
 - 1. Explaining the general trust activities to all those individuals, families/responsible relatives or Participants approaching the trust.
 - 2. Enrolling those wanting to participate through the application process.
 - 3. Gathering the necessary clinical assessment and evaluation data pertaining to the Participant and making the necessary referrals for such information.
 - 4. Meeting with the family/responsible relative, legal guardian or interested individual and, when appropriate, the Participant, to refine and prioritize the service needs of the Participant.
 - 5. Developing and maintaining a standard data profile on all service needs of the Participant and the projected date of such service.
 - 6. Development of a Life Care Plan based on the standard data profile projecting specific services required, dates of such services and projected costs of such services.
 - 7. Development of a financial plan itemizing the means by which services outlined in the Life Care Plan are to be funded through contributions to the Self-Sufficiency Trust.

8. Development and execution of all necessary contractual and legal requirements between the sponsor of the Participant and the Self-Sufficiency Trust.
- B. The Board shall transmit and communicate to the Department all data profiles or other related information developed by the trust requested by the Department.
 - C. The Board shall meet with the Department prior to the beginning of each fiscal year to determine the following:
 1. Specific Participants enrolled in the trust whose financial target has been reached or will be reached in the upcoming fiscal year.
 2. Specific services requested by trust Participants.
 3. The community provider and/or private vendor which will provide the specified services.
 4. The amount of funds that will be transferred to the Self-Sufficiency Trust fund for services to be provided for individual trust Participants.
 - D. The Board controls the private pooled-income trust funds for the benefit of the named Participants and shall have all responsibility in managing its private trust to provide for sufficient earnings to fund those services, in whole or in part, that are described in each Participant's Life Care Plan.
 - E. The Board controls the Private Charitable Fund and may transfer to the Public-Sector Fund for the Disabled earnings on the principal of the Private Charitable Fund. These private dollars may be used to provide for the supplemental benefit of eligible individuals, in accordance with these regulations.
 - F. The Board shall, before the 5th working day of each quarter, transmit funds from its private trust to the Self-Sufficiency Trust fund for the anticipated monthly required expenditures. Concurrent with this transfer, sufficient information will be given to the Department describing specific services/goods to be purchased for trust Participants, dates of service for which the amount of funds being transferred are to fund, in whole or in part, such services.
 - G. The Self-Sufficiency Trust shall submit an annual certified financial statement performed by its independent auditors to the Department.

1.7 DEPARTMENT RESPONSIBILITIES

- A. The Department shall be responsible for accounting for the Self-Sufficiency Trust fund on behalf of those Participants for which funds have been deposited into such fund.
- B. If a disagreement arises between the Board and a service provider regarding specific service issues or service levels, the Board and the service provider shall first attempt to resolve the dispute among themselves. If a satisfactory resolution cannot be reached, it shall be resolved pursuant to current Department procedures regarding disputes relating to the provision of services to clients.
- C. The Department shall pay community providers at the negotiated or current approved rate of payment or reimbursement for providing services covered in the Life Care Plan. The Department will utilize its existing purchase of care and grant-in-aid agreements as the authorization for service provision and payment.
- D. The Department shall, on a monthly basis conduct a reconciliation to determine any differences between the amount of funds received from the Board for services to be provided during the month and the amount the Department allows the providers to be paid based on the services actually provided. The Department shall provide the Board with periodic statements which identify any adjustments necessary to future fund transfers from the Board based upon the results of each reconciliation. Statements for the Self-Sufficiency Trust fund shall be provided not less frequently than quarterly.
- E. The Department will ensure that the Participant's provider agency is notified of the specific services to be provided to the Participant, effective dates of such services and the appropriate procedures to be followed for reimbursement under the Department's community service system.

1.8 SELECTION OF INDIGENT PARTICIPANTS PURSUANT TO THE CHARITABLE TRUST

- A. When the Charitable Trust Fund has sufficient earnings on the principal to enable supplemental services or goods to be provided to an indigent Participant or Participants, the Board shall notify the Department that such funds are available and the amount of such funds.
- B. Upon such notification by the Board, the Department shall request the assistance of individuals and/or agencies concerned with the care and treatment of persons with mental illness, developmental disabilities, and other eligible individuals, to ascertain the manner in which the funds shall be used for the benefit of low-income individuals.

- C. The Department may request proposals from individuals and/or agencies in order to ascertain the manner in which the funds may best be used for the benefit of low-income individuals.
- D. The Department may utilize these moneys to expand services available through already existing state or federal programs.
- E. The Department may utilize these moneys to provide supplemental services to a group of low-income individuals or may use these moneys to provide supplemental services to one or more individuals.
- F. The Department shall inform the Board of the specific services or goods which the Department has determined shall be purchased with the funds. The Department shall provide the following information to the Board regarding the use of the funds:
 - 1. The specific individual(s) to be served;
 - 2. The type of service to be provided;
 - 3. The provider of the services;
 - 4. The period of time for which services will be provided.

1.9 FINANCIAL PROVISIONS

- A. Pursuant to R.I. Gen. Laws § 40.1-21-15, The Rhode Island State treasurer, ex officio, is the custodian of the Self-Sufficiency Trust fund.
- B. The treasurer shall credit interest on the trust fund to the trust fund and the Department shall allocate such interest pro rata to the respective accounts of the named beneficiaries of the trust fund.
- C. When the goods or services to the Participant are being provided by a community provider, the Board shall transfer the interest earnings on the private trust fund assets to the Self-Sufficiency Trust and these funds shall be disbursed by the State to the appropriate community provider. The controller of the State of Rhode Island shall direct payments transferred from the private trust fund to the Self-Sufficiency Trust upon vouchers properly certified by the Department.
- D. Accompanying each transfer to the Self-Sufficiency Trust will be an itemized list which identifies the following:
 - 1. Each individual for whom the funds are being transferred to provide services.

2. The total amount of funds transferred on behalf of each Participant
 3. The period of time for which the transferred funds are to be paid to provide services.
 4. An invoice identifying services and the amount to be paid.
- E. When the goods or services to the Participant are being provided by the private vendor, the Board shall direct payment from the private trust fund to the private vendor in accordance with the Life Care Plan for the Participant.
- F. The controller of the State of Rhode Island shall direct payments transferred from the Private Charitable Fund to the Public-Sector Fund for the Disabled for services provided to low income individuals upon vouchers properly certified by the Department.