

CONCISE EXPLANATORY STATEMENT

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

AGENCY: Department of Children, Youth and Families

DIVISION: General Administration

RULE IDENTIFIER: 214-RICR-10-00-1

REGULATION TITLE: Rules and Regulations of General Administration

REASON FOR RULEMAKING: This rule is being promulgated to replace several existing General Administration regulations.

R.I. Gen. Laws § 14-1-36.2 provides that children and youth placed in the custody of the Department of Children, Youth and Families receive suitable treatment, rehabilitation and care in the least restrictive environment.

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

TESTIMONY AND COMMENTS:

CHANGES TO THE REGULATION:

REGULATORY ANALYSIS:

Introduction

The Department of Children, Youth and Families (Department) proposes to amend the existing Rules and Regulations for the General Administration of the Department to be consistent with updated statutory requirements of the Administrative Procedures Act (APA), R.I. Gen. Laws § 42-352.9. Pursuant to § 42-352.9, the Department has conducted a regulatory analysis for the proposed regulation. The Department used the best available information at the time of publication to estimate the benefits and costs of the proposed regulatory provisions. The following analysis examines the costs and benefits of the discretionary decisions made by the Department.

The following regulations have been amended and consolidated into the singular regulation known as General Administration: Confidentiality (ERLID 1025); Confidentiality: Access to Information Contained in Department Service Records (ERLID 1028); Confidentiality: Access to Restricted Information (ERLID 1034); Confidentiality: Access to Computerized Information Maintained by the Department (ERLID 6532); Confidentiality: Access to Information Contained in Licensing Records (ERLID 1041); Confidential Information Requests Received through Masterfile (ERLID 1085); Child Support Enforcement for Children in DCYF Care (ERLID 3050); Complaints and Hearings (ERLID 1053); Request of a Change of Worker (ERLID 1054); Budget, Procurement, Contract and Fiscal Operations (ERLID 6111); Transportation Safety (ERLID 7588); Daily Work Schedules (ERLID 1056); Petition for Adoption of Rules (ERLID 1066); Identification Badges/Access Cards (ERLID 6239); Civil Rights: Federal Laws and Regulations Regarding Non-Discrimination (ERLID 1067); Sexual Orientation, Gender Identity and Expression (ERLID 8009); MA Funded Mental Health Services: Client Eligibility and Provider Guidelines (ERLID 6646); Code of Ethics (ERLID 6336); Child Fatality and Near Fatality Response (ERLID 7507); Effective Communication with Persons of Limited English Proficiency (LEP) (ERLID 1072); Title IV-B Planning Committee (ERLID 1073); Vision, Mission, and Guiding Principles (ERLID 7509); Computer Use Policy (ERLID 6531); Early Intervention Referral Process for Children Involved with DCYF (ERLID 4218); Licensing of Foster Care Homes (ERLID 5573); Media Interviewing or Photographing Children in DCYF Care (ERLID 6112); Criminal Record Background Check(s) (ERLID 6796); Employment Background Checks: Facility Operators/ Employees and Family Child Care Operators/Employees (ERLID 6798); Request for Removal of Child from Foster Care Home (ERLID: 2838); Services for Youth Exhibiting Wayward/Disobedient Behavior (ERLID 2517); In-House Trainers (ERLID 1167); Public Information and Relations (ERLID 6113); Training and Professional Development (ERLID 6617); CASA Volunteers – Case Record Access (ERLID 1088)

Background

Pursuant to the Governor's initiative to reduce the regulatory footprint by fifteen percent (15%) the Department reviewed the General Administration rules and regulations and removed non-regulatory language and redundancies, repealed sections in which the regulations exceeded its mandate and replaced in more appropriate formats, such as Department Operating Procedures or Practice Guidance documents. The project to rewrite the General Administration Regulations was, therefore, established to improve the regulations, make them more accessible and to ensure that they are reflective of industry standards and actual required practice.

Regulatory Development

In considering what constitutes “regulation,” the Department’s Policy Office regularly asked the following questions before committing the rule to the regulatory document:

- is it regulatory in nature;
- does it meet the standard of requiring the “force and effect of law;” and
- is it within the mandate of these regulations?

Their revisions were presented to a select group of DCYF staff for comment. The Department’s legal team reviewed the completed drafts.

Main Changes to Status Quo

Overall the proposed changes cover three (3) areas.

First, the most significant change to the regulations is that they have been modernized to conform with current practice, industry standards and best practice in the delivery of general administration services. Evidenced based, person-centered, and community based themes and language were addressed throughout the document. Safety of staff and clients was also a major focus.

The second significant focus is on clearly defining the types of services associated with the levels of care provided by social workers and ensuring alignment with best practice standards established by nationally recognized bodies.

The final significant changes were to remove redundancies and language that is non-regulatory in nature. The policy office worked to ensure that rules were only stated once in the document. Policy statements were removed from the document to be addressed by the appropriate oversight authority. For example, language in the regulations governing the Department was removed to be addressed under the Department’s Operating Procedures as regulations are not intended for agencies to regulate themselves. Similarly, all language in the regulations that exceeds the Department’s regulatory mandate was removed. The changes are documented and references are made on how those changes are addressed to maintain appropriate safeguards for the population served by these regulations.

Key Alternatives Considered

During the regulatory revision process described above, the Department and considered a number of options that would meet the goals for updating the regulations to meet the current required standards, practices and federal

requirements. It was vitally important that the final regulations would be evidence based and person-centered and that remained a guiding force throughout the process.

Determination

The Department has determined through its internal work and this analysis that the benefits of the proposed General Administration Regulation justify the costs, and that the proposed rule has greater net benefits than other regulatory alternatives.