

RI HCBS Settings Systemic Assessments & Remediation
January 15, 2016

RI Department	Regulation Citation	Regulation Name/Description	Web Link	Compliant/Conflict With/Silent	Proposed Remedial Action to Achieve Compliance	Start Date	End Date	Milestones
DEA	N/A	DEA Assisted Living Certification Standards	No Link	Non-Compliant Standards do not meet some of the applicable person-centered objectives for home and community-based settings.	Revise standards to include applicable HCBS Rule language for home and community-based settings.	6/30/2016	6/30/2017	See Transition Plan Matrix
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EOHHS	0398.30.05 and 0399.20.02 Facility Certification Standards Participation requirements	EOHHS Specific Waiver Programs	http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/7999.pdf	The physical plant, financial capacity, adequacy of services, and commitment to servicing low income individuals will be evaluated prior to approval for participation in program.	Rewrite certification standards for AL facilities to be a participating Facility. Possible change in wording to denote yearly monitoring.	6/30/2016	6/30/2017	See Transition Plan Matrix
EOHHS	0398.30.05 DEA Responsibilities	EOHHS Specific Waiver Programs	http://sos.ri.gov/documents/archives/regdocs/released/pdf/DOH/7999.pdf	Discusses availability of services plan of care	Language needs to be updated to person centered planning language	6/30/2016	6/30/2017	See Transition Plan Matrix
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EOHHS	Agency Standards	Rite @ Home Program Standards	http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12.pdf	Non-Compliant	Program Standards and Agencies Policies and Procedures to be modified for full compliance.	6/30/2016	6/30/2017	See Transition Plan Matrix
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BHDDH	20.09-9	Participant Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the word reasonable	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	20.09-10	Participant Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the words "all reasonable hours", add words "any time"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	20.09-11	Participant Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the words "a reasonable amount of"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	20.09-18(c)(b)	Participant Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the words "Every effort ..made by the DDO to give" add the words "A prospective resident given"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	20.14	Residential Participants' Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the words "Every effort ..made by the DDO to give" add the words "A prospective resident given"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	20.15	Residential Participants' Rights	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the word "reasonable"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	22.01(a)	Participant/Family Involvement	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Conflict With	Strike the words "or his/her home"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	Residential Support Services: • Section 39.0 Residential Support Services General Requirements • Section 40.0 Community Residence Requirements • Section 41.0 Non-congregant Residential Support Services • Section 42.0 Shared Living Arrangements	Residential Support Services	http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf	Silent	Add a regulation with language addressing a lease or formal resident contract for all SLA and all Residential placements	6/30/2016	6/30/2017	See Transition Plan Matrix
RI Department	Rhode Island General Laws	Description of Statute	Web Link	Compliant/Conflict With/Silent	Proposed Remedial Action to Achieve Compliance	Start Date	End Date	Milestones
BHDDH	RIGL § 40.1-21-4.3	Division of Developmental Disabilities - Definitions	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Silent	Amend to include definition of Home and Community Based Services.	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-22-13	Visits	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend to strike "however, in special circumstances when the client is ill or incapacitated and a visit would not be in his or her best interest, visitation may be restricted temporarily during the illness or incapacity."	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-26-3	Participants' rights/Telephone Communications	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend (9) to strike "reasonable" and add "at any time"	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-26-3	Participants' rights/Visitors	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend (10) to strike "all reasonable hours" and add "at any time."	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-26-3	Participants' rights/Money	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend (11) to strike "a reasonable amount of."	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-26-3	Participants' rights/Access to Newspapers, Magazines, Radio and Television Programming	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend (16) to strike "reasonable."	6/30/2016	6/30/2017	See Transition Plan Matrix
BHDDH	RIGL § 40.1-22-23	Emergency Medical and Surgical Care	http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM	Conflict With	Amend to ensure person-centered planning process provides necessary information and support to the individual to ensure that the individual directs the process to the maximum extent possible.	6/30/2016	6/30/2017	See Transition Plan Matrix