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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND
HUMAN SERVICES

Introduced By: Senators Miller, Sosnowski, Metts, Archambault, and Conley

Date Introduced: March 11, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled "Office of
2 Health and Human Services" is hereby amended to read as follows:

3 **42-7.2-5. Duties of the secretary.** -- The secretary shall be subject to the direction and
4 supervision of the governor for the oversight, coordination and cohesive direction of state
5 administered health and human services and in ensuring the laws are faithfully executed, not
6 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
7 Services shall be authorized to:

8 (1) Coordinate the administration and financing of health care benefits, human services
9 and programs including those authorized by the Global Consumer Choice Compact Waiver and,
10 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,
11 nothing in this section shall be construed as transferring to the secretary the powers, duties or
12 functions conferred upon the departments by Rhode Island public and general laws for the
13 administration of federal/state programs financed in whole or in part with Medicaid funds or the
14 administrative responsibility for the preparation and submission of any state plans, state plan
15 amendments, or authorized federal waiver applications, once approved by the secretary.

16 (2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid
17 reform issues as well as the principal point of contact in the state on any such related matters.

18 (3) Review and ensure the coordination of any Global Consumer Choice Compact

1 Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
2 the Medicaid state plan or category two (II) or three (III) changes, as described in the special
3 terms and conditions of the Global Consumer Choice Compact Waiver with the potential to affect
4 the scope, amount or duration of publicly-funded health care services, provider payments or
5 reimbursements, or access to or the availability of benefits and services as provided by Rhode
6 Island general and public laws. The secretary shall consider whether any such changes are legally
7 and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
8 also assess whether a proposed change is capable of obtaining the necessary approvals from
9 federal officials and achieving the expected positive consumer outcomes. Department directors
10 shall, within the timelines specified, provide any information and resources the secretary deems
11 necessary in order to perform the reviews authorized in this section;

12 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
13 and senate finance committees, the caseload estimating conference, and to the joint legislative
14 committee for health care oversight, by no later than March 15 of each year, a comprehensive
15 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
16 include, but not be limited to, the following information:

17 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

18 (ii) Expenditures, outcomes and utilization rates by population and sub-population
19 served (e.g. families with children, children with disabilities, children in foster care, children
20 receiving adoption assistance, adults with disabilities, and the elderly);

21 (iii) Expenditures, outcomes and utilization rates by each state department or other
22 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the
23 Social Security Act, as amended; and

24 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
25 provider.

26 The directors of the departments, as well as local governments and school departments,
27 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
28 resources, information and support shall be necessary.

29 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts
30 among departments and their executive staffs and make necessary recommendations to the
31 governor.

32 (6) Assure continued progress toward improving the quality, the economy, the
33 accountability and the efficiency of state-administered health and human services. In this
34 capacity, the secretary shall:

1 (i) Direct implementation of reforms in the human resources practices of the departments
2 that streamline and upgrade services, achieve greater economies of scale and establish the
3 coordinated system of the staff education, cross-training, and career development services
4 necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
5 services workforce;

6 (ii) Encourage the departments to utilize consumer-centered approaches to service design
7 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
8 changing needs of the people and communities they serve;

9 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
10 power, centralizing fiscal service functions related to budget, finance, and procurement,
11 centralizing communication, policy analysis and planning, and information systems and data
12 management, pursuing alternative funding sources through grants, awards and partnerships and
13 securing all available federal financial participation for programs and services provided through
14 the departments;

15 (iv) Improve the coordination and efficiency of health and human services legal
16 functions by centralizing adjudicative and legal services and overseeing their timely and judicious
17 administration;

18 (v) Facilitate the rebalancing of the long term system by creating an assessment and
19 coordination organization or unit for the expressed purpose of developing and implementing
20 procedures across departments that ensure that the appropriate publicly-funded health services are
21 provided at the right time and in the most appropriate and least restrictive setting; and

22 (vi) Strengthen health and human services program integrity, quality control and
23 collections, and recovery activities by consolidating functions within the office in a single unit
24 that ensures all affected parties pay their fair share of the cost of services and are aware of
25 alternative financing.

26 (vii) Broaden access to publicly funded food and nutrition services by consolidating
27 agency programs and initiatives to eliminate duplication and overlap and improve the availability
28 and quality of services; and

29 (viii) Assure protective services are available to vulnerable elders and adults with
30 developmental and other disabilities by reorganizing existing services, establishing new services
31 where gaps exist and centralizing administrative responsibility for oversight of all related
32 initiatives and programs.

33 [\(ix\) Create and evaluate an evidence-based behavioral health care program for](#)
34 [incarcerated adults with co-occurring substance use and mental disorders, that includes clinically](#)

1 [appropriate assessment and treatment of individuals during their incarceration, and the provision](#)
2 [of treatment to facilitate the successful reintegration of individuals returning from incarceration to](#)
3 [their communities.](#)

4 (7) Prepare and integrate comprehensive budgets for the health and human services
5 departments and any other functions and duties assigned to the office. The budgets shall be
6 submitted to the state budget office by the secretary, for consideration by the governor, on behalf
7 of the state's health and human services in accordance with the provisions set forth in § 35-3-4 of
8 the Rhode Island general laws.

9 (8) Utilize objective data to evaluate health and human services policy goals, resource
10 use and outcome evaluation and to perform short and long-term policy planning and
11 development.

12 (9) Establishment of an integrated approach to interdepartmental information and data
13 management that complements and furthers the goals of the CHOICES initiative and that will
14 facilitate the transition to consumer-centered system of state administered health and human
15 services.

16 (10) At the direction of the governor or the general assembly, conduct independent
17 reviews of state-administered health and human services programs, policies and related agency
18 actions and activities and assist the department directors in identifying strategies to address any
19 issues or areas of concern that may emerge thereof. The department directors shall provide any
20 information and assistance deemed necessary by the secretary when undertaking such
21 independent reviews.

22 (11) Provide regular and timely reports to the governor and make recommendations with
23 respect to the state's health and human services agenda.

24 (12) Employ such personnel and contract for such consulting services as may be required
25 to perform the powers and duties lawfully conferred upon the secretary.

26 (13) Implement the provisions of any general or public law or regulation related to the
27 disclosure, confidentiality and privacy of any information or records, in the possession or under
28 the control of the executive office or the departments assigned to the executive office, that may be
29 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

30 (14) Hold the director of each health and human services department accountable for
31 their administrative, fiscal and program actions in the conduct of the respective powers and duties
32 of their agencies.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND
HUMAN SERVICES

1 This act would require the secretary of the office of health and human services to create
2 an evidence-based behavioral health care program for incarcerated adults with co-occurring
3 substance use and mental disorders.

4 This act would take effect upon passage.

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