

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 14-175-JJM-PAS
	)	
STATE OF RHODE ISLAND,	)	
Defendant.	)	
_____	)	

ORDER CONCERNING FISCAL ISSUES AND  
ADMINISTRATIVE BARRIERS

The Court recognizes the following issues—identified by the Monitor in consultations with individuals, families, and service providers—as fiscal and administrative barriers to efficient implementation of the goals of the Consent Decree. The Court orders the State to review, address, and develop a strategy for resolving each of these issues.

1. The process for determining the support needs of each individual found eligible for services through the R.I. Division of Developmental Disabilities.
2. The process and timeline for developing annual individual budgets.
3. The need to consolidate the application (by individuals) for all pertinent R.I. services into one process. This includes outreach and communication to families, simplifying language on all forms and directions, shortening timelines for the various stages of application and eligibility, and melding the various eligibility processes (e.g., Medicaid eligibility and developmental disability eligibility) into one process.
4. The need for eligible individuals to re-determine eligibility more than once.
5. The appeals process for individuals as it relates to eligibility, level of need, or funding level.

6. Quarterly authorizations
7. Ratios.
8. 15-minute billing units.
9. The need to develop a clearly defined list of functions and activities for which funding is allowable. Definitions for each function or activity approved for funding and the rates connected to each.
10. The need to provide different funding levels for each function or activity that are responsive to individual support needs.
11. The need for guidance concerning the flexibility permitted within each function or activity.
12. The need for guidance about combining of individual budgets, at the request of individuals.
13. The L9 process for requesting additional funding.
14. The S109 process for appealing funding decisions.
15. The process and timeline by which individuals contract with provider organizations.
16. Provider contractual and billing procedures.

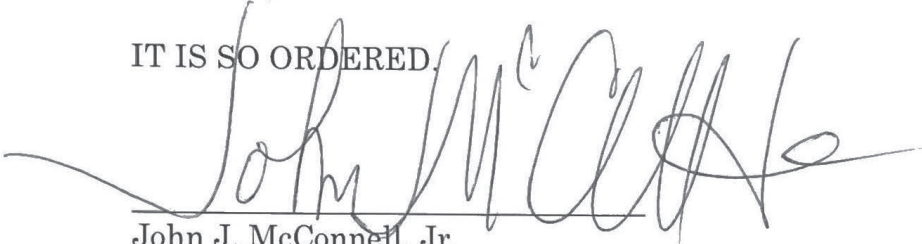
By August 30, 2020, the State will describe (a) the process or strategy through which each of the issues listed above will be addressed, (b) the timeline for addressing each issue, and (c) the state agency or agencies with primary responsibility for resolving each issue.

By June 30, 2021, the State will complete the review of each issue and the development of strategies for resolving each issue. The solution developed to address and reach issues will be approved by the Court.

The State will collaborate with family and provider organizations in completing this review and in developing solutions. Other pertinent executive branch offices (e.g., Executive Office of Health and Human Services, Medicaid, Administration, Governor's Office) and the legislative branch will participate as needed in this review and in developing solutions.

The State will report the status of these activities to the Court by the end of every second month—August 30, 2020; October 31, 2020; December 31, 2020; February 28, 2021; April 30, 2021; and June 30, 2021.

IT IS SO ORDERED.



John J. McConnell, Jr.  
Chief Judge  
United States District Court

July 31, 2020