

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

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v.

DOCKET NO. 25-3539

DEPARTMENT OF BEHAVIORAL HEALTHCARE,
DEVELOPMENTAL DISABILITIES AND HOSPITALS

DECISION

I. INTRODUCTION

A Microsoft Teams hearing was held via video on the above-entitled matter on August 28, 2025. █ (Appellant) is a Medicaid recipient receiving self-directed services through the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH) Division of Developmental Disabilities (DDD). Participants utilizing the self-directed model are able to exercise choice and control in how their support services are provided, based on an approved person-centered Individual Support Plan (ISP) and in compliance with Medicaid rules and regulations. Every participant in self-directed services has a Fiscal Intermediary who implements written policies and procedures for the handling and management of the participant's budget and services, including submitting the participants annual ISP and Purchase order (PO) to BDDH for approval.

The Appellant's Fiscal Intermediary refused to submit the Appellant's annual ISP and PO as written to BDDH. As a result, BDDH has not rendered a decision on the Appellant's annual renewal of self-directed services. The Appellant filed for an Administrative Hearing to dispute BHDDH's inaction, and to request approval of his ISP and PO as written. For the reasons discussed in more detail below, the Appellant's appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by R.I. General Laws (R.I.G.L.) §42-7.2-6.1 and the RI Code of Regulations 210-RICR-10-05-2 to be the principal entity responsible for appeals and hearings related to BHDDH programs and services. The administrative hearing was held in accordance with the Administrative Procedures Act (R.I.G.L. §42-35-1 et. seq.) and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue is whether BHDDH's inaction, or non-decision on the renewal of the Appellant's self-directed services is in compliance with state regulations as set forth below.

IV. PARTIES AND EXHIBITS

Present for BHDDH was Thomas Corrigan, Esq., Assistant Director of the Division of Developmental Disabilities, Heather Mincey, and BHDDH Coordinator of community planning for the division of developmental disabilities, Jackie Camilloni. The following exhibits were presented as evidence:

- Exhibit #1: BHDDH Technical Bulletin #24-02 entitled "Employing DSPs in the Self-Direct Service Model" dated April 29, 2024.
- Exhibit #2: Email chain regarding Purchase Order dated July 22, 2025.

- Exhibit #3: Email from Finance Director Cindy LaChance entitled “Suspension of benefits” dated August 27, 2025.
- Exhibit #4: Previous year Individual Support Plan with a renewal date of September 1, 2025.
- Exhibit #5: ISP Addendum/Amendment to add/change a service provider dated March 1, 2025.
- Exhibit #6: Billing Policy Manual page 45 entitled “Self-Direction Guidelines”.
- Exhibit #7: Legal Basis: Rhode Island Section 1115 Demonstration Waiver approved by CMS dated March 2024.

The Appellant’s Authorized Representative, [REDACTED], was present and testified on behalf of the Appellant. The following exhibits were presented as evidence:

- Exhibit #1: Previous EOHHS Hearing Decision Docket #24-5828 held December 2024 and concluded on January 24, 2025.
- Exhibit #2: Email chain between Jackie Camillioni, Plan writer Jean DeSimone and AR [REDACTED] dated July 22, 2025.
- Exhibit #3: Letter from Associate Director Linda Vollaro of Options requesting Immediate Action dated August 27, 2025.

V. RELEVANT LAW/REGULATIONS

Support and services received by disabled individuals through BHDDH’s Division of Developmental Disabilities are customized to meet the needs of the participants in the least restrictive environment. 212-RICR-10-05-1.1B Person-centered is defined as the formal process that organizes services and supports around a self-directed, self-determined and goal-directed future, and includes the process by which a participant identifies the direction of his/her future

activities, including future vocational and employment related activities, based on his/her skills, interests, strengths, and abilities, regardless of whether the participant has the verbal ability to express such information. 212-RICR-10-05-1.2(A)(42).

A Developmental Disability Organization (DDO) is an organization licensed by BHDDH to provide services to individuals with developmental disabilities. DDOs must respect and support each participant's control over their own ISP and setting of goals and objectives meaningful to the participant. The DDO's support coordinator or Fiscal Intermediary is responsible for ensuring that a plan is person-centered, agreed to and signed by the participant, and amended as needed or requested. 212-RICR-10-05-1.9(A)(B). All Participants receiving services from a DDO are required to submit an ISP annually for approval. If the ISP is submitted after the individual's anniversary date, the authorization will be suspended until a new plan is accepted. 212-RICR-10-05-1.9(C).

VI. FINDINGS OF FACT

1. The Appellant is a Medicaid recipient receiving BHDDH DD self-directed services.
2. The Appellant's current ISP is scheduled to end on September 1, 2025.
3. The Appellant's renewal request with new ISP/PO was to be submitted by July 17, 2025.
4. As of the date of the hearing, neither an ISP nor PO has been submitted to BHDDH for renewal.
5. According to the Appellant, the Fiscal Intermediary had expressed concerns to him that his new PO would not be approved by BHDDH as it is written, because it includes requests for personal time and a wage increase for his direct support provider beyond the maximum limit of \$35.00 per hour.

6. The Fiscal Intermediary refused the Appellant's request to submit his new ISP and PO to BHDDH as written.
7. BHDDH has not made a formal decision regarding continuation of the Appellant's self-directed services and states they will not do so unless an ISP and PO is submitted.
8. At hearing, BHDDH offered to reach out to both the Appellant's Fiscal Intermediary and plan writer to have them submit the ISP and PO as written. However, the Appellant declined such assistance and requested that BHDDH render a decision on the renewal of his self-directed services without any further submissions.

VII. DISCUSSION

All participants receiving BHDDH DDD self-directed services must submit an ISP annually for approval in order for services and funding to continue. A participant's DDO must respect and support the participant's control over their own ISP and the setting of goals and objectives meaningful to the participant. 212-RICR-10-05-1.9(A)(B). The Appellant's Fiscal Intermediary should have submitted the renewal ISP and PO, as written and agreed to by the Appellant, to BHDDH for approval or denial. BHDDH agrees and offered to assist and advise the DDO to submit the renewal as it is written. The Appellant, however, refused BHDDH's assistance and seeks an approval of his requested services without submission of the ISP and PO. As no renewal has been submitted, BHDDH has not rendered, nor are they required to render, a decision on the Appellant's anticipated request.

While the Appellant offered several arguments at hearing as to why the services/expenditures contained in his unsubmitted PO should be approved, the Hearing Officer

does not have jurisdiction to render a decision on his specific requests prior to BHDDH rendering a decision on them.

VIII. CONCLUSION OF LAW

After careful consideration of the testimony and evidence presented at the Administrative Hearing, it is clear by a preponderance of evidence that BHDDH is not required to render a decision as to the renewal of the Appellant's self-directed services unless and until a renewal ISP is submitted in accordance with 212 RICR 10-05-1.9(C). Moreover, in the absence of a formal decision by BHDDH as to the specific services/expenditures contained in the unsubmitted ISP and PO, there can be no Administrative Hearing decision on the specific renewal requests.

IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to warrant BHDDH's inaction, or non-decision, on the renewal of the Appellant's self-directed services.

APPEAL DENIED

/s/ Vermont Richardson

Appeals Officer

NOTICE OF APPELLANT RIGHTS

This final order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this

order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED]

[REDACTED]; copies were sent, via email, to [REDACTED].

Authorized Representative [REDACTED] and to BHDDH

Representatives Kate Breslin-Harden, Thomas Corrigan, Donna Standish, Karen Lowell, and

Natalie Munoz on this 24th day of September, 2025.

