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Memorandum

To: Scott Fraser, President and Chief Executive Officer, Rhode Island Health Care Association,
James Nyberg, Director LeadingAge RI

CC: Womazetta Jones, Secretary, State of Rhode Island Executive Office of Health and Human
Services
Dacia Read, Deputy Chief of Staff, Governor's Office

From: Benjamin Shaffer, Medicaid Program Director, State of Rhode Island Executive Office of
Health and Human Services

Date: November 16, 2020

Re: State of Rhode Island Medicaid Program Long-Term Services and Supports Medicaid Licensed
Bed Capacity Statement of Policy Intent

Statement of Policy Intent

The State of Rhode Island Executive Office of Health and Human Services (EOHHS) is providing this memorandum outlining a statement of policy intent related to the Medicaid Director's authority to approve an increase in licensed bed capacity, new beds, or beds out of service brought back into service. Based upon the Rhode Island Medicaid State Plan, Principles of Reimbursement for Nursing Facilities, Attachment 4.19D, Participation, page 8 (approved June 25, 2015) the Medicaid Director is responsible for approving an increase in the licensed bed capacity, new beds, or beds out of service brought back into service, for participation and payment in Title XIX Medicaid, and this is a condition of provider participation in the Medicaid program.

The purpose of this policy statement is to provide guidance and to outline the process by which LTSS providers shall submit requests to EOHHS for review and approval of:

- 1) Increasing Medicaid licensed beds, either through a request for new beds or a request that beds that have been taken out of service be brought back into service, or
- 2) Delicensing Medicaid beds/taking beds out of service.

This statement of policy intent is intended to answer questions re have received from nursing homes regarding Medicaid licensed beds in general, and to align with requirements set forth in the COVID-19 Long Term Services and Supports Resiliency Program: Nursing Facility Change and Supports Program.



Administrative Steps

EOHHS is undertaking all necessary administrative steps to allow for policy implementation in line with the policy intent stated above. The agency has instituted a business process to provide clear guidance on timelines and information required for the Medicaid Director to consider a provider's request for a change in Licensed Beds.

Submission of Requests for changes in Licensed Medicaid beds

Applications requesting a change in the licensed number of Medicaid beds are made by completing the *Nursing Facility Change in Licensed Bed Capacity Request Application*. The application and all required supporting documentation should be sent to OHHS.LTSSLicensedBeds@ohhs.ri.gov.

EOHHS will have 60 days from the date on which a complete application is received to review all documentation submitted and provide approval or denial to the provider in writing. An application is only considered complete if all required sections have been completed and all supporting documentation has been provided. EOHHS reserves the right to request any additional information needed to support approval of additional licensed Medicaid beds even after a complete application is submitted. If EOHHS requests additional information, the 60-day period will begin after the additional information is submitted.

Preference will be given to requests for changes in the number Medicaid licensed beds for providers that:

1. Have an average Medicaid Occupancy greater than or equal to 95% for the last six (6) months
2. Have a total average occupancy greater than or equal to 93% for the last six (6) months
3. Will use newly licensed beds to meet a demonstrated Medicaid population or service need
4. Have a strong quality rating from CMS (four or higher on all measures)
5. Have no open investigations with any state/federal authority; nor any Immediate Jeopardy (IJ) findings in the past six months
6. Are determined by EOHHS to be in a favorable financial position

Thank you for your engagement, leadership and partnership as we continue to work together to serve vulnerable Rhode Islanders.

