



RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Executive Office of Health and Human Services

DIVISION: Medicaid Policy Unit

RULE IDENTIFIER: 210-RICR-50-00-3

REGULATION TITLE: "SSI-Related Coverage Groups"

RULEMAKING ACTION: Regular promulgation process

Direct Final: N/A

TYPE OF FILING: Repeal

TIMETABLE FOR ACTION ON THE PROPOSED RULE: Public comment will end on **Monday, October 29, 2018**.

SUMMARY OF PROPOSED RULE: The purpose of this rule is to set forth provisions related to eligibility determination for SSI-coverage groups.

COMMENTS INVITED: All interested parties are invited to submit written or oral comments concerning the proposed regulations by **Monday, October 29, 2018** to the address listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

All written comments or objections should be sent to the Secretary of EOHHS, Eric J. Beane, c/o Elizabeth Shelov, Medicaid Policy Office, Rhode Island Executive Office of Health & Human Services

Mailing Address: Virks Building, Room 315, 3 West Road, Cranston, RI 02920

Email Address: Elizabeth.Shelov@ohhs.ri.gov

WHERE COMMENTS MAY BE INSPECTED: Mailing Address: Executive Office of Health & Human Services, Virks Building, Room 315, 3 West Road, Cranston, RI 02920

PUBLIC HEARING INFORMATION:

If a public hearing is requested, the place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 462-1575 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.



ALTERNATIVE PUBLIC HEARING TEXT:

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within ten (10) days of this notice.

FOR FUTURE INFORMATION CONTACT: Elizabeth Shelov, Interdepartmental Project Manager, Medicaid Policy Office, Rhode Island Executive Office of Health & Human Services, Virks Building, Room 315, 3 West Road, Cranston, RI 02920 or Elizabeth.Shelov@ohhs.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

Societal costs and benefits have not been calculated in this instance. To be in conformity with federal law, regulations, guidance and state law, the state has little discretion in promulgating this rule. For full regulatory analysis or supporting documentation see agency contact person above.

Authority for This Rulemaking: R.I. Gen. Laws Chapters 40-6 and 40-8; Title XIX of the Social Security Act

Regulatory Findings:

In the development of the proposed regulation, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Repeal:

These rules are obsolete and are proposed to be repealed. They have been replaced by regulations in Chapter 40 of Title 210 that include "Medicaid for Elders and Adults with Disabilities, Overview of Integrated Health Care Coverage Groups" (210-RICR-40-00-1) and 210-RICR-40-00-3, "SSI Financial Eligibility Determinations."



STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICES
PUBLIC NOTICE OF PROPOSED RULE-MAKING

“SSI-Related Coverage Groups”

The Secretary of the Executive Office of Health and Human Services (EOHHS) has under consideration the repeal of a Medicaid regulation entitled, “SSI-Related Coverage Groups - 210-RICR-50-00-3.” These rules are obsolete and are proposed to be repealed. They have been replaced by regulations in Chapter 40 of Title 210 that include “Medicaid for Elders and Adults with Disabilities, Overview of Integrated Health Care Coverage Groups” (210-RICR-40-00-1) and “SSI Financial Eligibility Determinations” (210-RICR-40-00-3).”

These regulations are being promulgated pursuant to the authority contained in R.I. Gen. Laws Chapter 40-8 (Medical Assistance); R.I. Gen. Laws Chapter 40-6 (“Public Assistance”); R.I. Gen. Laws Chapter 42-7.2; R.I. Gen. Laws Chapter 42-35; and Title XIX of the Social Security Act.

In accordance with R.I. Gen. Laws 42-35-2.8(c), an opportunity for a hearing will be granted if a request is received by twenty-five (25) persons, or by a governmental agency, or by an association having not less than twenty-five (25) members, within ten (10) days of this notice that is posted in accordance with R.I. Gen. Laws 42-35-2.8(a). A hearing must be open to the public, recorded, and held at least five (5) days before the end of the public comment period.

In the development of these proposed regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small businesses in Rhode Island. No alternative approach, duplication or overlap, or impact upon small businesses was identified based upon available information.

These proposed rules are accessible on the R.I. Secretary of State’s website: <http://www.sos.ri.gov/ProposedRules/>, the EOHHS website: www.eohhs.ri.gov, or available in hard copy upon request (401 462-1575 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by **Monday, October 29, 2018** to: Elizabeth Shelov, Medicaid Policy Office, RI Executive Office of Health & Human Services, Virks Building, 3 West Road, Room 315, Cranston, RI 02920 or Elizabeth.Shelov@ohhs.ri.gov.

The Executive Office of Health and Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.

The EOHHS in the Virks Building is accessible to persons with disabilities. If communication assistance (readers /interpreters /captioners) is needed, or any other accommodation to ensure equal participation,



please notify the EOHHS at (401) 462-1575 (hearing/speech impaired, dial 711) at least three (3) business days prior to the event so arrangements can be made to provide such assistance at no cost to the person requesting.

Original signed by:

Eric J. Beane, Secretary

Signed this 21st day of September 2018

SEPTEMBER 2018 THIS RULE IS PROPOSED TO BE REPEALED IN ITS ENTIRETY:

~~210-RICR-50-00-3~~

~~TITLE 210 – EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES~~

~~CHAPTER 50 – MEDICAID LONG TERM SERVICES AND SUPPORTS (LTSS)~~

~~SUBCHAPTER 00 – LONG TERM SERVICES~~

~~Part 3 – SSI Related Coverage Groups~~

~~3.1 – Institutionalized SSI Beneficiaries~~

~~— This coverage group consists of individuals in a medical or nursing facility who would be eligible for SSI if living in the community. This includes individuals with sufficient income to meet personal needs while in the facility, but not enough income to meet their needs outside the community according to SSI and State Supplement Standards.~~

~~3.2 – Non Institutionalized SSI Beneficiaries~~

~~— This coverage group consists of individuals in a medical or nursing facility who would not be eligible for SSI if s/he were living in the community. While in the facility these individuals are Medicaid eligible under a special income level for institutionalized individuals (the Federal Cap). The resources of institutionalized persons in this coverage group must be within SSI limits.~~

~~3.3 – Residents of Long Term Care Facilities~~

~~A. — This coverage group consists of individuals who were eligible for Medicaid as residents or inpatients of Title XIX facilities or were, on the basis of need for institutional care, considered to be eligible for Medicaid in the month of December 1973. The Title XIX facilities are the Eleanor Slater Hospital and Zambarano Hospital.~~

~~B. — Eligibility for Medicaid continues for these individuals as long as they:~~

- ~~1. — Remain residents of the Title XIX facilities; and~~
- ~~2. — Meet the eligibility conditions of Medicaid as of December 1973; and~~
- ~~3. — Are in need of institutionalized care.~~

~~3.4 – Short Inpatient Stays~~

~~A. — This coverage group consists of SSI recipients who enter medical facilities, including acute care hospitals and Nursing facilities, and who intend to return to their community residences within ninety (90) days. The Omnibus Budget Reconciliation Act (OBRA) of 1987 provides for the continuation of full SSI benefits for up to three months. The intent~~

~~of the OBRA provision is to allow individuals to retain their community residences while temporarily confined to a hospital or Long Term Care facility.~~

~~B. The eligibility requirements for continued SSI benefits are:~~

- ~~1. A physician must certify in writing that the individual's medical confinement is not expected to exceed ninety (90) days; and~~
- ~~2. The individual must certify in writing that s/he needs the benefit to maintain the home; and~~
- ~~3. Documents attesting to the above conditions must be received by the SSA not later than ten (10) days after the end of the month in which the individual entered the hospital.~~

~~3.5 Working Disabled~~

~~A. This coverage group consists of disabled persons who are working and who receive special SSI payments under Section 1619b of the Social Security Act. Individuals who received SSI payments in the month prior to institutionalization receive two (2) months of continued benefits when admitted to:~~

- ~~1. Eleanor Slater Hospital;~~
- ~~2. Zambarano Hospital.~~

~~3.6 Cash Assistance Beneficiaries~~

~~A. This coverage group consists of individuals who, whether or not they actually received cash assistance in December 1973 satisfy the following criteria:~~

- ~~1. Eligibility for cash assistance in December 1973 because they were blind or disabled under the State's approved Medicaid plan; and~~
- ~~2. For each consecutive month after December 1973, continued eligibility based on the December 1973 conditions of blindness or disability, and the other conditions of the plan in effect in December 1973; and~~
- ~~3. Income and resources within current SSI standards.~~