



**TO: Interested Parties**  
**FROM: Rhode Island Executive Office of Health and Human Services (EOHHS)**  
**DATE: May 26, 2021**  
**SUBJECT: Public Notice of Proposed Rulemaking**

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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.

### **210-RICR-50-00-6 Medicaid Long-Term Services and Supports: Financial Eligibility**

The Secretary of the Rhode Island Executive Office of Health and Human Services (EOHHS) has under consideration an amendment to the Medicaid regulations entitled, 210-RICR-50-00-6 Medicaid Long-Term Services and Supports: Financial Eligibility.

The CARES Act enabled any taxpayer with a Required Minimum Distribution (RMD) due in 2020 from a defined-contribution retirement plan, including a 401(k) or 403(b) plan, or an IRA, to skip those RMDs in 2020. This amendment describes the IRS waiver and is included in this regulation because it affects treatment of retirement funds for financial eligibility for LTSS.

The second amendment in this regulation allows nursing facility residents to claim a hardship exemption for penalty periods that would otherwise be imposed due to transferring up to \$10,000 of assets during the COVID-19 PHE due to the temporary prohibition on Cost of Care.

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](http://www.eohhs.ri.gov), or available in hard copy upon request (401 462-1501 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by **June 25, 2021** to Melody Lawrence, RI Executive Office of Health & Human Services, Virks Building, 3 West Rd, Cranston, RI 02920 or [melody.lawrence@ohhs.ri.gov](mailto:melody.lawrence@ohhs.ri.gov).

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.

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.