



TO: Interested Parties
FROM: Rhode Island Executive Office of Health and Human Services (EOHHS)
DATE: July 13, 2021
SUBJECT: Public Notice of Proposed Rulemaking

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-40-00-3 Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations

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-40-00-3 Medicaid Integrated Health Care Coverage, SSI Financial Eligibility Determinations.

Certain Medicaid income and resource standards are adjusted annually in accordance with changes in the SSI federal benefit rate (FBR) and the Consumer Price Index (CPI). These include some of the standards described in section 1924 of the Social Security Act (the Act), which describes the financial eligibility rules (the “spousal impoverishment rules”) that apply when married individuals seek coverage of certain long-term services and supports.

While some of the spousal impoverishment standards, such as the maximum community spouse income maintenance allowance and community spouse minimum and maximum resource allowances, are adjusted each January, section 1924 of the Act directs that the community spouse’s minimum monthly maintenance needs allowance (MMMNA) be adjusted, in accordance with changes to the federal poverty level, effective July 1st of each year. Additionally, as the community spouse’s monthly housing allowance (which is the basis for determining if the community spouse may have an excess shelter allowance) is calculated based on a percentage of the MMMNA, the housing allowance is adjusted each July 1 as well.

These amendments reflect the revised 2021 community spouse’s minimum monthly maintenance needs allowance (MMMNA) and Community Spouse Monthly Housing Allowance in effect July 1, 2021.

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 (401 462-1501 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by **August 12, 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.

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.