

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

**11/16/2021 PUBLIC NOTICE OF PROPOSED AMENDMENT TO RHODE ISLAND MEDICAID
STATE PLAN**

In accordance Rhode Island General Laws 42-35, notice is hereby given that the Executive Office of Health and Human Services (EOHHS) proposes to make the following amendment to the Rhode Island State Plan under Title XIX of the Social Security Act:

Third Party Liability Requirement Updates

EOHHS is seeking approval from the Centers for Medicare and Medicaid Services (CMS) to update Rhode Island's Medicaid State Plan to comply with third party liability (TPL) requirements per updates that have occurred under the Bipartisan Budget Act (BBA) of 2018 (Pub. L. 115- 123) and the Medicaid Services Investment and Accountability Act (MSIAA) of 2019.

These changes are proposed to take effect on December 1, 2021. No fiscal impact is anticipated.

This proposed amendment is accessible on the EOHHS website (www.eohhs.ri.gov) or available in hard copy upon request (401-462-2598 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by December 16, 2021 to Katy Thomas, Executive Office of Health and Human Services, 3 West Rd, Cranston, RI, 02920, or Kathryn.Thomas@ohhs.ri.gov or via phone at (401) 462-2598.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on the proposed State Plan Amendment if requested by twenty-five (25) persons, 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.

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.

**Original Signed by: Womazetta Jones, Secretary,
Signed this 15th day of November, 2021**

Proposed Revisions to State Plan Pages

Requirements for Third Party Liability- Payment of Claims

The Rhode Island Medical Assistance Program seeks reimbursement in all instances regardless of amount involved except in specific circumstances in accordance with federal law as detailed below:

1. Rhode Island will use a standard coordination of benefits cost avoidance when processing claims for prenatal services, including labor and delivery, and postpartum care claims. If the State Medicaid Agency has determined a third party is liable for a prenatal claim, the agency will reject the claim and return the claim to the provider requesting the provider seek payment from the legally responsible third party.

The provider must bill the liable third party for the cost of care. If after the provider bills the liable third party and a balance remains, or the claim is rejected for a substantial reason, the provider can resubmit the claim to the State Medicaid Agency for payment of the balance up to the maximum Medicaid payment amount established in the fee schedule authorized by the state plan for the service billed.

2. Effective December 1, 2021 The State Medicaid Agency shall make payments without regard to third party liability for claims related to pediatric preventive services unless the State Medicaid Agency has made a determination related to cost-effectiveness and access to care that warrants cost avoidance for 90 days in paying the claim.
3. Effective December 1, 2021 the State Medicaid Agency may pay a claim related to child support enforcement without regard to third party liability for up to 100 days after a claim is submitted.