

**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:

**Tribal Reimbursement**

EOHHS is seeking approval from the Centers for Medicare and Medicaid Services (CMS) to update Rhode Island's Medicaid State Plan to allow Tribal Facilities recognized as 638 FQHCs the option to be reimbursed by an alternative payment method. The amendment also clarifies what constitutes a "single encounter" for payment and that the State will use a Prospective Payment System (PPS) to determine the encounter payment rate.

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](http://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](mailto: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**

#### (z) Alternative Payment Methodology for Tribal Facilities Recognized as 638 FQHCs

For Tribal Facilities recognized as 638 FQHCs, dates of service July 1, 2017 and forward, these FQHCs may elect to be reimbursed under the Alternate Payment Methodology. Reimbursement to an Indian Health Services (IHS) clinic enrolled as an FQHC shall be as follows:

1. IHS/Tribal 638 facilities are reimbursed in accordance with the most recently published Federal Register notice addressing the I.H.S. encounter rate.
2. Encounters with more than one health professional for the same type of service and multiple interactions with the same health professional that take place on the same day constitute a single encounter eligible for one payment, except when the patient after the first interaction, suffers illness or injury requiring additional diagnosis and treatment. Payment is allowed for one medical encounter, one behavioral health encounter and one dental encounter per day.
3. The state will use a Prospective Payment System (PPS) methodology for 638 FQHCs so that the agency can determine on an annual basis that the published encounter rate is higher than the PPS rate. The Alternative Payment Methodology for Tribal Facilities Recognized as 638 FQHCs will be compared to the average PPS rates based on the average of each health center's reasonable costs per visit in 1999 and 2000, adjusted annually for inflation using the Medicare Economic Index (MEI). EOHHS will determine the PPS rate for each FQHC according to the methodology defined in federal law by March 31, 2019.