

TO: Interested Parties
FROM: Rhode Island Executive Office of Health and Human Services (EOHHS)
DATE: January 25, 2022
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-40-05-2 Community Medicaid: Medically Needy 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-40-05-2 Community Medicaid: Medically Needy Eligibility.

This amendment is being promulgated to reflect updated guidance from the federal government related to Medicaid eligibility during the PHE. The federal government has clarified that Medicaid beneficiaries may be moved within tiers of coverage during the PHE and this amendment adds language to clarify that medically needy ABD Medicaid beneficiaries will only have their coverage extended if they are not enrolled in another tier 1 coverage. If they are enrolled in another tier 1 coverage their medically needy coverage will end at the end of their 6 month coverage period and they will switch to the other tier 1 coverage for which they are eligible.

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 **February 24, 2022** to Katy Thomas, RI Executive Office of Health & Human Services, Virks Building, 3 West Rd, Cranston, RI 02920 or Kathryn.thomas@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.