

**RHODE ISLAND GOVERNMENT REGISTER**  
**AMENDED PUBLIC NOTICE OF PROPOSED RULEMAKING**  
**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

**Title of Rule:** Medicaid Payments and Providers

**Rule Identifier:** 210-RICR-20-00-1

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: April 7, 2023

Hearing Date: April 28, 2023

End of Public Comment: May 7, 2023

**Rulemaking Authority:**

Chapters 40-6

40-8

and 42-7.2 of the Rhode Island General Laws as amended

Title XIX of the Social Security Act

**Summary of Rulemaking Action:**

This amendment defines the provider types that are considered high, moderate, and limited risk. The FY2023 Budget as Enacted directed EOHHS to define these risk categories, which is also required by the Centers for Medicare and Medicaid Services (CMS). High risk providers will now be required to submit to a national criminal background check supported by fingerprints as required by federal program integrity regulations. This amendment also requires caregivers to submit to a national criminal background check supported by fingerprints prior to providing care to elderly and disabled individuals without the presence of other employees, as required by R.I. Gen. Laws § 42-7.2-18.3. This applies to caregivers in the shared living and self-directed programs. The amendment also defines the criteria for qualified providers and the bases for rejection or termination to ensure that this information is clearly stated to existing and prospective Medicaid providers.

**Additional Information and Public Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 7, 2023 by contacting the appropriate party at the address listed below:

Kathryn Thomas  
Executive Office of Health and Human Services  
3 West Road  
Cranston, RI 02920  
Kathryn.Thomas@ohhs.ri.gov

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

**Public Hearing Information:**

Date: April 28, 2023

Time: 1:00 P.M.

Location: Arnold Conference Center  
Eleanor Slater Hospital (Regan Building)  
111 Howard Avenue  
Cranston, RI, 02920

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-462-2598 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.

**Regulatory Analysis Summary and Supporting Documentation:**

This amendment is not discretionary.

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.