

**RHODE ISLAND GOVERNMENT REGISTER  
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

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  
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Cranston, RI 02920  
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In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by a governmental 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 the publication of this notice.

**Regulatory Analysis Summary and Supporting Documentation:**

This amendment is not discretionary.

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