

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

**2/21/2023 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:

Enhanced MHPRR Services

On December 8, 2023, EOHHS notified the public of its intent to submit to the Centers for Medicare and Medicaid Services (CMS) a State Plan Amendment (SPA) to revise state plan language regarding Enhanced MHPRR (E-MHPRR) services. Due to an error in the posted revisions, EOHHS has revised the proposed E-MHPRR State Plan pages. The revisions included with this posting reflect additional feedback from CMS.

EOHHS is seeking approval from the Centers for Medicare and Medicaid Services (CMS) to update Rhode Island's Medicaid State Plan to revise state plan language regarding Enhanced MHPRR (E-MHPRR) services. Language is being revised to clarify details regarding provider qualifications. These changes will not substantively affect the delivery of E-MHPRR services.

The proposed changes will not have a fiscal impact.

This proposed amendment is accessible on 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 **March 21, 2024** 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 Richard Charest, Secretary, Rhode Island Executive Office of Health and Human Services

Signed this 20th day of February, 2024

13D. Rehabilitative Services (cont.)

Adult Behavioral Health Services

Residential Rehab Services

Definition:

Residential services are services provided in facilities of no more than sixteen (16) beds that provide 24-hour staffing in which the clients receive a wide range of care management, treatment, psychiatric rehabilitation and individual care services. The services elements offered by a residential program shall include but not be limited to the provision of or linkage to the following based on each resident's individualized treatment plan:

- Behavioral health therapeutic and rehabilitative services that are necessary for the resident to attain recovery and that are recommended by a physician who is licensed by the RI Department of Health in accordance with state law; or an Advanced Practice Registered Nurse (APRN) who is licensed by the RI Department of Health in accordance with state law.
 - "Rehabilitation service" means a service specifically tailored to assist a person to restore physical and psychosocial functioning. Behavioral health therapeutic services include the delivery of interventions and enhanced supervision focused on a client's emerging clinical needs including, but not limited to, symptom management and de-escalation strategies, to increase awareness of emotional triggers and manage personal safety without the need for transfer to a higher level of care.
- Individual, group, and family counseling; medication prescription-management, administration, education, and cueing and monitoring, symptom management;
 - Family therapy involves participation of non-Medicaid eligible person for the direct benefit of the beneficiary. The service must actively involve the beneficiary in the sense of being tailored to the beneficiary's individual needs. There may be times when, based on clinical judgment, the beneficiary is not present during the delivery of the service, but remains the focus of the service.
- Behavioral Management means any intervention or treatment that utilizes positive reinforcement and/or restrictions to help an individual receiving services to restore and/or strengthen recovery-oriented behaviors and to address and correct targeted behaviors;
- Nutrition education and counseling;
- Skill training regarding health and hygiene;
- ~~Budgeting skills training and/or assistance;~~
- Crisis intervention means short-term emergency mental health services, available on a twenty-four-hour basis, seven days a week. These services shall meet all of the applicable requirements of all Rhode Island rules and regulations of behavioral health organizations.
- Community and daily living skills training;
- Community resource information and access;
- ~~Social skills training and assistance in developing natural social support networks;~~

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In addition to the services above, Enhanced Mental Health Psychiatric Rehabilitative Residences (E-MHPRRs) will provide a safe and less restrictive environment for individuals with high intensity and acuity service needs. These individuals do not require hospital inpatient psychiatric services but have care needs that exceed existing MHPRR services.

Providers that meet the E-MHPRR certification standards will provide planned and integrated medical and behavioral supports through person centered treatment and care. Services shall include the daily participation of each client in an active treatment program in accordance with plan individualized to the needs of the client.

E-MHPRRs will provide services for patients with complex mental health needs that are being discharged from hospital settings and require enhanced services beyond those offered in a traditional community setting. Individuals are eligible for these high intensity enhanced services based on medical necessity criteria.

Payment for room and board is excluded.

Provider Qualifications:

Residential Services are provided through Behavioral Health Organizations licensed by the State.

Residential programs promoting their services as a specialty program for individuals with co-occurring disorders must have an appropriate ratio of qualified mental health and substance abuse personnel.

Staff Qualifications

Direct services staff in residential programs shall have, at a minimum, the following qualifications relevant to the service they are providing:

- Residential Treatment Workers (RTWs)
 - A license as a Registered Nurse or an Associate's Degree in a human services field; or a combination of education and prior work or life experience that the organization determines is comparable; or
- Certified Nursing Assistants (CNAs)
 - Active and current certification as a CNA through the Rhode Island Department of Health.

In addition to the direct service staff described above, each E-MHPRR is required to have the following three full-time staff positions for at least each daytime shift, five days per week:

- Residential Manager
 - The residential manager shall be assigned only to the E-MHPRR and shall have at least one of the following qualifications:
 - Independent Practitioner licensed by the Rhode Island Department of Health; or

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- Licensed Chemical Dependency Clinical Supervisor licensed by the Rhode Island Department of Health; or
- Licensed Chemical Dependency Professional who has completed a department approved course in clinical supervision and is licensed by the Rhode Island Department of Health; or
- Clinician with relevant Master's Degree and license by the Rhode Island Department of Health and at least two (2) years full time experience providing relevant behavioral health services; or
- Registered nurse who is licensed by the Rhode Island Department of Health and has American Nurses Credentialing Center (ANCC) certification as a Psychiatric and Mental Health Nurse or, at least, two (2) years full time experience providing relevant behavioral health services.
- A combination of education and experience that is determined by the E-MHPRR program to be a substantial equivalent to those qualifications to the above-listed qualifications and has received written approval from the Department of the Residential Manager's qualifications.

~~Residential programs promoting their services as a specialty program for individuals with co-occurring disorders must have an appropriate ratio of qualified mental health and substance abuse personnel. Clinical supervisors of residential staff shall have, at a minimum, the following qualifications with education, license, and experience relevant to the services they are supervising:~~

- ~~● Licensed Independent Practitioner; or~~
- ~~● Licensed Chemical Dependency Clinical Supervisor; or~~
- ~~● Licensed Chemical Dependency Professional who has completed a department approved course in clinical supervision; or~~
- ~~● Clinician with relevant Master's Degree and license and, at least, two (2) years full time experience providing relevant behavioral health services; or~~
- ~~● Registered nurse with ANCC certification as a Psychiatric and Mental Health Nurse or, at least, two (2) years full time experience providing relevant behavioral health services.~~

~~Enhanced MHPRRs will have a 3:3:2 staffing pattern and will have the following additional full time staff positions:~~

- ~~● Licensed Occupational Therapist
 - ~~○ The licensed occupational therapist will provide services that include but are not limited to:
The evaluation and provision of treatment in consultation with the individual, family, or other appropriate persons;
Interventions directed toward developing, improving, sustaining, or restoring daily living skills, including self-care skills and activities that involve interactions with others and the environment, work readiness or work performance, play skills or leisure capacities or educational performance skills;
Developing, improving, sustaining, or restoring sensorimotor, oral-motor, perceptual or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial components of performance; and~~~~
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- ~~▪ Education of the individual, family, or other appropriate persons in carrying out appropriate interventions.~~
 - ~~▪ These services may encompass evaluation of need and the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication or~~
 - ~~▪ Application of rehabilitative technology, such as selected orthotic devices; training in the functional use of orthotic or prosthetic devices; the application of therapeutic activities, modalities, or exercise as an adjunct to or in preparation for functional performance; the application of ergonomic principles; the adaptation of environments and processes to enhance daily living skills; or the promotion of health and wellness.~~
- ~~● Licensed RN Residential Manager
 - ~~○ Assigned only to the Enhanced MHPRR who can provide additional staff support for clinical interventions. The Residential Manager shall have at least a bachelor's degree in psychology, social work, or other behavioral health related field. Experience may be considered in lieu of a bachelor's degree.~~~~

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