



TO: Interested Parties
FROM: Office of Policy and Innovation
DATE: June 3, 2020
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-40-05-1 Medicaid for Elders and Adults with Disabilities: Community Medicaid

The Secretary of the Rhode Island Executive Office of Health and Human Services (EOHHS) has under consideration amendments to the Medicaid regulation entitled, 210-RICR-40-05-1 Medicaid for Elders and Adults with Disabilities: Community Medicaid.

This regulation is being amended to update processes on applying for Preventive Services so that to qualify for preventive LTSS, applicants will no longer be required to submit documentation through the Office of Medical Review (OMR). A beneficiary’s physician will need to submit documentation that one or more LTSS preventive services will improve or maintain the ability of a beneficiary to perform Activities of Daily Living (ADLs) or Instrumental Activities of Daily Living (IADLs) and/or delay or mitigate the need for intensive home and community-based or institutionally based care.

It also provides a clarification that non applicant spousal retirement funds are not counted towards applicant resources.

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 **July 2, 2020** to Gretchen Bell, RI Executive Office of Health & Human Services, Virks Building, Cranston, RI 02920 or gretchen.bell@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.