



TO: Interested Parties
FROM: Rhode Island Executive Office of Health and Human Services (EOHHS)
DATE: March 31, 2021
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 Community Medicaid

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-40-05-1 Community Medicaid.

The purpose of this amendment is twofold. The first objective is to clarify that retro eligibility for the QI-1 population may be available for up to three calendar months prior to application if the individual met all QI eligibility criteria in the retroactive period, and the retroactive period is no earlier than January 1 of that calendar year.

Secondly, this amendment updates language regarding the Medical Assistance Review Team (MART) Five Step Determination Process. Reference to the de minimis standard has been incorporated into Step 2 to come into compliance with the Williams et al. v. Alexander, C.A. No. 07-4165. This amendment also adds reference to SSI regulations 20 CFR section 416.920-416.985 and removes reference to the Disability Evaluation Under Social Security/bluebook.

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 **April 30, 2021** to Melody Lawrence, RI Executive Office of Health & Human Services, Virks Building, 3 West Rd, Cranston, RI 02920 or melody.lawrence@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.