CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42352.6, following is a concise explanatory statement:

AGENCY: **Department of Human Services**

DIVISION: **Rhode Island Office of Healthy Aging**

RULE IDENTIFIER: **218-RICR40004**

RULE TITLE: **Rules, Regulations, and Standards Governing the At Home Support Program**

REASON FOR RULEMAKING:

In the development of these rules, consideration was given to the following:

(1) rules governing the Home and Community Care Services to the Elderly program to include two hundred fifty percent (250%) of the Federal Poverty Level;

(2) to include the expansion of eligibility to individuals, age nineteen (19) to sixty-four (64), with a diagnosis of Alzheimer's and related dementia; and

(3) constructed the concise change memo to accompany rule changes to the home and community care statute.

The Department has implemented the following changes:

- Effective with this Amendment, the Division of Elderly Affairs has changed to the Office of Healthy Aging (R.I. Gen Laws § 42-66.3).
    - Throughout – changed references from the "Division" to the "Office"
- § 4.1.2 – changed to At Home Support rather than the Home and Community Care Services to the Elderly Program.
- § 4.1.3 – changed to At Home Support Program Services rather than home and community care services to the elderly.
- 4.1.5 – reformatting and rewording of the documents by clearly defining terms such as Activities of Daily Living (ADLs), Adult Day, Alzheimer's disease, Dementia, Case management, Determination of Medical Expenses, Home and Community Based Services, Home care agency, Instrumental Activities of Daily Living, Functional Impairments, Functional Assessment, Homebound, Homemaker services, Income,

Long Term Services and Supports, Medical expenses, Nursing Assistant, Person-Centered Counseling, Personal Care, and Spouse.

- 4.2.1 – The purpose of the Program is to provide eligible individuals rather than eligible seniors with individuals.
- 4.2.2 – Changed "Home and community care services" to "The Program"
    - Changed State funded co-payment to At Home Cost-Share program
    - Changed "care coordination" to "case management"
    - Added "adult day care services"
- 4.3.1 – Removed "client eligibility"
    - Removed "and who meet the financial guidelines of the Overview of Medicaid Integrated Care Coverage, 210-RICR-40-00-1"
- 4.3.2 – changed "Copay Client Eligibility" to "Home Cost-Share Program Eligibility"
    - Added the list of programs that are determined by the State for the At Home Cost-Share program eligibility.
- 4.3.3 – Changed "Medical Assistance" to "Medicaid"
    - Amended language to "Clients are responsible to pay their cost share directly to the vendor/service provider"
    - Changed "Copay" to "At Home Cost Share"
    - Update Level One (1) and Level Two (2) income guidelines
    - Added Level Three (3) income guidelines
- 4.4.1 (C) – Amended language
    - Removed item 4. Income Disregards
- 4.5.1 – amended language
    - Updated reference to Removed Medicaid Code of Administrative Rules, Section 0110, "Complaints and Hearings"
    - Added Consumer Rights, Responsibilities, and Protections

CHANGE TO TEXT OF THE RULE:

The comment period for this Amendment ended on January 07, 2022. The Office of Healthy Aging has reviewed the comments received, and made the following changes to clarify the proposed Amendment.

The Rhode Partnership for Home care suggested that the Rhode Island Office of Healthy Aging add the following to our Rules definition: define licensed nurse assistant, define homemaker services, and revise one medical expenses item.

The Rhode Island Senior Center Director commented on changes not included for elders as a priority in the home and community care as this group was expressly advocated for and seen to need the increase in access to two hundred fifty percent (250%) of the Federal Poverty Level guidelines for the copay options for elders' home and community care. The change in wording is a specific interest to the Director as this seems to be a Department of Health driven opportunity to change the focus from senior specific services and generalize the need across

all age cohorts (19-64). Senior advocates have for many years expressly focused on this being an unmet need for those elders we serve and increasing the scope may limit and/or take away this benefit from the many seniors in our state, many of whom are on the cusp of going into nursing home placements prematurely due to lack of resources to remain in the community.

§ 4.1.5 Definitions, A. 15.

The Rhode Island Office of Healthy Aging (RI OHA) has revised the homemaker services language to adopt the Rhode Island Department of Health (RIDOH) definition as defined in 216-RICR-40-10-17 §17.3 Definitions A. 17:

> "Homemaker services" means housekeeping services performed in the home for the sick, disabled, dependent, or infirm by a trained nonprofessional worker who is supervised in accordance with the requirements of RIDOH (216-RICR-40-17 § 17.5.3 Personnel, J. 2.)

§ 4.1.5 Definitions, A. 19. g.

The RI OHA agreed to amend the definition “Medical expenses” to removed reference to “personal care attendants, private duty nursing and home health aides” and replace with “Service provided by a home care agency”.

§ 4.1.5 Definitions, A. 20.

The RI OHA agreed to amend the definition of “Nursing Assistant” and adopted the definition as provided in RIDOH, 216-RICR-40-10-17, § 17.3 Definitions A. 22.:

> “Nursing Assistant” means a nurse’s aide, or home health aide, who is a paraprofessional, registered, pursuant to the provisions of R.I. Gen. Laws Chapter 23-17.9, and who is trained to give personal care and related health care and assistance based on his/her level of preparation to individuals who are sick, disabled, dependent or infirm, and who are residents of or receive services from health care facilities licensed pursuant to R.I. Gen. Laws Chapter 23-17, or who are receiving services from agencies licensed pursuant to R.I. Gen. Laws Chapter 23-17.7.1.

REGULATORY ANALYSIS: None.