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TESTIMONY TO THE DEPARTMENT OF LABOR AND TRAINING ON PROPOSED RULES AND REGULATIONS ON "UNEMPLOYMENT INSURANCE AND TEMPORARY DISABILITY INSURANCE PROGRAMS"
260-RICR-40-05-1
October 2024

The ACLU of Rhode Island appreciates the opportunity to provide testimony in support of these draft regulations which would allow health care providers licensed outside the United States to be deemed "qualified healthcare providers" for purposes of implementing the state's temporary disability program.

As worded, the Department's current regulation essentially makes the Temporary Caregiver Income (TCI) benefits program unavailable to any Rhode Island resident who needs to provide care to a family member outside of the country. We believe that is contrary to both the letter and spirit of the state law establishing this program and therefore warrants this revision.

As the Department is aware, earlier this year the ACLU assisted a Rhode Island resident who was initially denied TCI benefits based on this regulation because, after caring for her seriously ill father in his native country, Croatia, the medical documentation she provided to qualify for benefits was from a physician licensed in that country, and not the United States. She was ultimately awarded the benefits, so we are pleased that this proposed amendment will ensure that otherwise eligible claimants for the program like her will no longer face similar obstacles in qualifying for the program.

The proposal is also justified, in our view, because the current regulation's declared application solely to U.S. physicians is in conflict with the statute establishing the TCI program. R.I.G.L. § 28-41-40(b) explicitly refers to "a physician or other qualified healthcare provider licensed by a foreign country" certifying medical conditions under the TCI program.

In conclusion, we fully share the Department's view that the proposed amendment "promotes inclusivity and accommodates diverse healthcare backgrounds, ensuring equitable access to benefits for all eligible claimants." We therefore strongly support adoption of this amendment.

Thank you for your consideration of this testimony.

Submitted by: Steven Brown, Executive Director