

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ADMINISTRATION

Title of Rule: Rules and Regulations Pertaining to HealthSource RI (220-RICR-90-00-1)

Rule Identifier: 220-RICR-90-00-1

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/18/2019

End of Public Comment: 11/17/2019

Authority for this Rulemaking:

R.I. Gen. Laws c. 44-30

R.I. Gen. Laws c. 42-157

Summary of Rulemaking Action:

The Health Benefits Exchange ("Exchange") is proposing to amend the Rules and Regulations Pertaining to HealthSource RI, which establish the eligibility requirements for enrollment in a Qualified Health Plan, premium tax credits and cost sharing reductions, operation of a SHOP Exchange, and establishment of a trust to facilitate the collection and payment of premiums to qualified health plan issuers, among other requirements.

The proposed amendment to this regulation is in support of implementing the recent statutory revisions to R.I. Gen. Laws c. 42-157 and 44-30 under Article 11 of H5151, titled "Relating to Healthcare Market Stability" ("Article 11").

A summary of the proposed amendment is as follows:

1. Incorporates the special enrollment period set forth in R.I. Gen. Laws § 42-157-12 for qualified individuals who are assessed a shared responsibility payment penalty ("SRP") (See § 1.6);
2. Establishes rules for processing exemptions from the SRP, including the development of a new SRP exemption application (See § 1.11);
3. Creates a new exemption to the shared responsibility payment penalty for individuals who are members of a religious sect or division thereof which is not described in 26 U.S. Code § 5000A, who rely solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the religious beliefs of the individual (See §1.11(B));

4. Establishes a process for adjudicating appeals from the SRP in accordance with R.I. Gen. Laws § 42-157-11 (See § 1.11 and 1.14); and

5. Clarifies that exchange appeals must be filed within thirty days of the contested agency action, and that the thirty-day period begins five days after the mailing date of the notice of an agency action (See § 1.14).

Additionally, the Exchange seeks comment on whether an exemption should be available to individuals below 138% of the Federal Poverty Level. This change is not currently included in the text of the proposed amendment.

The Exchange also seeks comment on whether the requirements relating to Exchange processing of exemptions from the federal individual responsibility penalty should be deleted from this regulation now that the federal penalty is \$0. This change is not currently included in the text of the proposed amendment.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 17, 2019 by contacting the appropriate party at the address listed below:

Benjamin B. Gagliardi, Esq.
Department of Administration
501 Wampanoag Trail
Suite 400
East Providence, RI 02915
HBE.Regulations@exchange.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

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Regulatory Analysis Summary and Supporting Documentation:

The proposed amendment creates a clear and fair process for obtaining an exemption in relation to the statutory updates in Article 11. Further, the proposed amendment serves to assure Rhode Island residents of their opportunities for exemptions from the SRP and related appeal rights. Upon review of all the costs and benefits, the Exchange has determined that the benefits of the proposed amendments justify the costs.

For full regulatory analysis or supporting documentation see agency contact person above.