

## CONCISE EXPLANATORY STATEMENT

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In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

**AGENCY:** Executive Office of Health and Human Services

**DIVISION:** *(If any)* Medicaid Policy Unit

**RULE IDENTIFIER:** 210-RICR-50-10-1

**RULE TITLE:** “Medicaid Long-Term Services and Supports: Home and Community-Based Services (HCBS)”

**REASON FOR RULEMAKING:** This is a newly adopted regulation. Rhode Island has established a core set of home and community-based services which are available to LTSS beneficiaries in multiple living arrangements. The scope of HCBS available to a beneficiary varies somewhat depending on the type of institutional eligibility a person is seeking (i.e., nursing facility, ICF/I-DD, or hospital), level of need as measured by the applicable evaluation instrument (e.g., high or highest need for the nursing facility services or service intensity scale for ICF/I-DD), and the person-centered planning process. The purpose of this Part is to identify the full range of Medicaid HCBS options available to LTSS beneficiaries, depending on their level of need, as determined in Part 50-00-1 of this Title.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:** *(if any)* N/A

**TESTIMONY AND COMMENTS:** Please see attachment for public comments and EOHHS’ responses.

**CHANGE TO TEXT OF THE RULE:** See sections 1.2 (A)(2); 1.3(A)(1); 1.5(B); 1.5.1(A)(1); 1.5.1(A)(1)(b); 1.5.1(A)(1)(d); 1.5.1(A)(1)(e); 1.5.1(A)(2); 1.7(A)(1); 1.7(A)(3); 1.7.2(A); 1.7.2(A)(1); 1.8(B). Please see comments and EOHHS’ responses.

**REGULATORY ANALYSIS:** Societal costs and benefits have not been calculated in this instance. To be in conformity with the state and federal requirements, the state has little discretion in promulgating this rule. For full regulatory analysis or supporting documentation see agency contact person.

**DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD:** [Please see date of electronic signature.](#)

