

CONCISE EXPLANATORY STATEMENT

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-50-00-5

RULE TITLE: “Medicaid Long-Term Services and Supports: Functional/Clinical Eligibility”

REASON FOR RULEMAKING: Under the terms of the Medicaid State Plan and the State's Title XIX, Section 1115 demonstration waiver, a person must have a functional/clinical level of need and meet both the non-financial and financial eligibility requirements as set forth in this Part to qualify for Medicaid LTSS coverage in one of the institutions cited, at home, or in a community-based service (HCBS) setting. This new rule, when adopted, will replace the provisions of the Medicaid Code of Administrative Rules, Section #0399, “The Global Consumer Choice Waiver” (ERLID #8368) last amended in August 2016 that will be repealed in its entirety.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: *(if any)* N/A

TESTIMONY AND COMMENTS: YES, please see attached.

CHANGE TO TEXT OF THE RULE: Yes. Track-changed copy provided to the Office of Regulatory Reform.

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.