

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-50-00-2

RULE TITLE: “Medicaid Long-Term Services and Supports: Medically Needy Eligibility Pathway”

REASON FOR RULEMAKING: This rule sets forth requirements related to “Medically Needy (MN)” eligibility for Medicaid long-term services and supports (LTSS), previously referred to as the “Flexible Test of Income”, that enables people with income above the federal benefit cap to obtain Medicaid LTSS coverage in certain circumstances. The federal benefit cap rate is 300 percent of the Supplemental Security Income (SSI) benefit rate and is the income eligibility ceiling for both the “special income” and home and community-based services (HCBS) LTSS pathways identified in Part 50-00-1 of this Title. Under federal law, the LTSS MN pathway is for LTSS beneficiaries only without regard to type of care --institutional or HCBS settings. The provisions related to MN Non-LTSS Community Medicaid are set forth in Part 40-05-2 of this Title. LTSS MN is distinguished from MN Community Medicaid in that the spenddown is based on monthly projected expenses rather than the costs that must be incurred over a six (6) month budget period.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

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

TESTIMONY AND COMMENTS: N/A

CHANGE TO TEXT OF THE RULE: N/A

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.](#)