

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

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Title of Rule: "Medicaid Long-Term Services and Supports: Financial Eligibility"

Rule Identifier: 210-RICR-50-00-6

Rulemaking Action: Proposed Adoption

Important Dates:

Date of Public Notice: 09/26/2018

End of Public Comment: 10/29/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 40-6

R.I. Gen. Laws § 40-8

42 C.F.R. §§ 435.723(c)(2), 435.733(c)(2), 435.832(c)(2) and §§ 840-845 602, 441.180, 441.300 to 310, 441.350 to 365 and 42 C.F.R. §§ 430.25, 435.217, 440.180 and 460.92(b)

Summary of Rulemaking Action:

This newly adopted regulation generally updates and clarifies the financial eligibility requirements for Medicaid long-term services and supports (LTSS) to comply with federal regulations. In addition, proposed changes include:

- Sets forth regulations for determining financial eligibility for Affordable Care Act (ACA) expansion adults who have been eligible since 2014;
- Explains "otherwise eligible" as the point in which penalty periods for disqualifying transfers begin;
- Clarifies treatment of prepayment of loans during penalty periods;
- Establishes provisions for evaluating personal service/caregiver contracts for transfer of assets; and
- Consolidates and refines hardship exemption requirements for failure to meet financial eligibility criteria.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until October 29, 2018 by contacting the appropriate party at the address listed below:

Tarah Provencal
Executive Office of Health and Human Services
3 West Road, Virks Building
Cranston, RI 02920
Tarah.Provencal@ohhs.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.

Regulatory Analysis Summary and Supporting Documentation:

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 above.

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