

## 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 (EOHHS)

**DIVISION:** Medicaid Policy Unit

**RULE IDENTIFIER:** 210-RICR-40-05-1

**RULE TITLE:** Chapter 40 – Medicaid for Elders and Adults with Disabilities,  
Subchapter 05 – Community Medicaid, Part 1 Community Medicaid

### **REASON FOR RULEMAKING:**

The purpose of this amendment is twofold. The first objective is to clarify that retro eligibility for the QI-1 population may be available for up to three calendar months prior to application if the individual met all QI eligibility criteria in the retroactive period, and the retroactive period is no earlier than January 1 of that calendar year.

Secondly, this amendment updates language regarding the Medical Assistance Review Team (MART) Five Step Determination Process. Reference to the de minimis standard has been incorporated into Step 2 to come into compliance with the Williams et al. v. Alexander, C.A. No. 07-4165. This amendment also adds reference to SSI regulations 20 CFR section 416.920-416.985 and removes reference to the Disability Evaluation Under Social Security/bluebook.

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

**TESTIMONY AND COMMENTS:** No objections or comments were received.

**CHANGE TO TEXT OF THE RULE:** No objections or comments were received. Therefore, the final rule is the same as what was proposed.

### **REGULATORY ANALYSIS:**

This regulation does not impact small business. In the development of the proposed adoption, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

