

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

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Title of Rule: Medicaid for Elders and Adults with Disabilities: Community Medicaid (210-RICR-40-05-1)

Rule Identifier: 210-RICR-40-05-1

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 03/31/2021

End of Public Comment: 04/30/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapters 40-6 ; 40-8; and 42-35; Title XIX of the Social Security Act

Summary of Rulemaking Action:

The purpose of this amendment is to update 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.

Additionally, this amendment clarifies that retro eligibility for the QI-1 population may be available for up to 3 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.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until April 30, 2021 by contacting the appropriate party at the address listed below:

Melody Lawrence
Executive Office of Health and Human Services
RI Executive Office of Health & Human Services
Virks Building, 3 West Road
Cranston, RI 02920
melody.lawrence@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:

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For full regulatory analysis or supporting documentation see agency contact person above.