

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 (EOHHS)

DIVISION: Medicaid Policy Unit

RULE IDENTIFIER: 210-RICR-50-00-6

RULE TITLE: Chapter 50 – Medicaid Long-Term Services and Supports, Subchapter 00 – Long-Term Services, Part 6 Medicaid Long-Term Services and Supports: Financial Eligibility

REASON FOR RULEMAKING:

The CARES Act enabled any taxpayer with a Required Minimum Distribution (RMD) due in 2020 from a defined-contribution retirement plan, including a 401(k) or 403(b) plan, or an IRA, to skip those RMDs in 2020. This amendment describes the IRS waiver and is included in this regulation because it affects treatment of retirement funds for financial eligibility for LTSS.

The second amendment in this regulation allows nursing facility residents to claim a hardship exemption for penalty periods that would otherwise be imposed due to transferring up to \$10,000 of assets during the COVID-19 PHE due to the temporary prohibition on Cost of Care.

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. Therefore, the final rule is the same as what was proposed.

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.