

## 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-20-00-3

**RULE TITLE:** Chapter 20 – Medicaid Payments and Providers, Subchapter 00 – N/A, Part 3 Medicaid Payments for Out-of-State Care

**REASON FOR RULEMAKING:**

Most prior authorization requirements had been suspended. This amendment will resume all prior authorization requirements except behavioral health on 10/1. Behavioral health prior authorization requirements will resume 1/1/22.

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

**TESTIMONY AND COMMENTS:**

<b>Respondent</b>	<b>Nature of Comments</b>	<b>EOHHS' Response</b>
James Carney Director of Advocacy and Government Relations Rhode Island Academy of Physician Assistants 8/30/21	Request amendment to allow PAs to provide the written medical justification for Medicaid beneficiaries to receive out of state services as they have the training and experience that qualifies them to do so, and limiting this responsibility to physicians may create delays to necessary care for Rhode Island Medicaid beneficiaries.	EOHHS appreciates this feedback. At this time, EOHHS will not be changing its policy to allow providers who are not licensed physicians to submit requests for prior authorizations. However, EOHHS will take this into consideration and research whether it has the authority to do so, whether there are any federal prohibitions against doing so, and whether such a policy change is warranted. If EOHHS decides to change this policy, a proposed regulation will be posted for a 30-day public comment period.

**CHANGE TO TEXT OF THE RULE:** Comments were received but the final rule is the same as what was proposed.

**REGULATORY ANALYSIS:**

This amendment will support access to care for Medicaid patients. 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.