

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

DIVISION: Medicaid

RULE IDENTIFIER: 210-RICR-20-00-1

RULE TITLE: Medicaid Payments and Providers

REASON FOR RULEMAKING: The changes are being made to comply with state risk screening requirements, fingerprinting requirements, and federal regulations governing the enrollment, screening and termination of Medicaid providers pursuant to 42 CFR § 455. EOHHS originally proposed these changes in the December 2023 emergency version of this regulation.

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

TESTIMONY AND COMMENTS: One comment was received from Careforth arguing against the categorization of shared living providers as high risk. EOHHS did not accept the argument Careforth presented because:

- Shared living providers include “individual[s] . . . who are engaged in the delivery of medical/behavioral health care services” under Section 1.3(A)(6), which includes shared living caregivers who are reimbursed by Medicaid to provide routine, unsupervised care to participants enrolled in the program.
- Shared living caregivers are not required to be licensed by the state and are engaged in the provision of unsupervised direct care services to older adults and adults with disabilities in the home. This presents a health and safety concern and an increased risk of abuse.
- EOHHS will include fingerprinting requirements in the Program Standards that are currently being revised. Fingerprinting requirements must also be stated in

regulation.

- This language does not change current practice, as Shared Living caregivers are already required to undergo a national criminal records check supported by fingerprints under § 1.6(C)(3) of the regulation and associated provisions of R.I. Gen. Laws § 42-7.2-18.3. This additional language solidifies that this requirement also exists under a separate provision, R.I. Gen. Laws § 42-7.2-18.1.

CHANGE TO TEXT OF THE RULE: No changes have been made between the version of the regulation amendment that was posted for public comment and the version being submitted for final promulgation.

REGULATORY ANALYSIS: Improved screening of providers will help protect the health and safety of Rhode Island Medicaid members and preserve FMAP. 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.