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-50-10-1

RULE TITLE: Chapter 50 – Medicaid Long-Term Services and Supports, Subchapter 10 – Home and Community-Based Services, Part 1 LTSS Home and Community Based Services (HCBS)

REASON FOR RULEMAKING:
This regulation requires updates to align with federal requirements under 42 CFR Part 441 and two Corrective Action Plans with CMS. This regulation is being amended to reflect the HCBS person-centered planning and Conflict-Free Case Management program that has been in development with extensive stakeholder/CMS engagement and cross-agency collaboration over the last several years. This update also includes a more detailed description of EOHHS' ongoing monitoring process for compliance with the federal HCBS Settings requirements consistent with the CMS approved Statewide Transition Plan. The regulation also incorporates the CMS accepted definitions of HCBS as authorized under the approved 1115 waiver and makes other technical changes (remove duplication of language across multiple regulations, utilize the preferred term "participant," proper SOS formatting, etc.).

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

TESTIMONY AND COMMENTS: Two comments were received.

CHANGE TO TEXT OF THE RULE: No changes have been made to the text of the rule following the public comment period.

REGULATORY ANALYSIS:

All HCBS participants will now receive a comprehensive functional needs assessment, person-centered planning, and case management services from an unbiased case manager of their choice. This will improve identification, authorization, and access to needed services for all Medicaid HCBS participants, including older adults and adults with disabilities, including I/DD. Most participants currently either (1) receive case management from a party that has a conflict of interest or (2) receive no case management at all, impeding their ability to learn about the full scope of programs and services that are available for support. The

new CFCM service and rate were approved by the legislature in the FY2024 budget as enacted and approved by CMS in March 2024. By implementing this initiative, EOHHS will come into compliance with federal regulations and maintain federal financial participation for HCBS, consistent with the goal of access to HCBS as an alternative to institutional care. 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.