Rhode Island Executive Office of Health and Human Services
3 West Road, Virks Building, Cranston, RI 02920
phone: 401.462.5274 fax: 401.462.3677

Name of Regulation: 210-RICR-50-10-1 "Medicaid Long-Term Services and Supports: Home and Community-Based Services (HCBS)"
Posted for Public Comment on 11/6/2024
Comment Period Ended on 12/6/2024
Summary Response to Comments: 1/8/25

	Respondent	Nature of the Comments	EOHHS' Response
	Kyle Zebley Executive Director ATA Action 12/6/24	ATA encourages the State to ensure that home delivered meal services, medically tailored meals, and nutrition counseling can be delivered via Virtual Food Care telehealth platforms without the requirement of an in-person contact at least once every six months.	The regulation reflects HCBS definitions, including home-delivered meals, as currently approved by CMS. EOHHS cannot change the definition of a Medicaid waiver service via regulation only; such a change would first require federal authority CMS under the 1115 Waiver. HCBS case management services require monthly contact (which may be virtual) with an in-person contact at least once every six months, per CMS rules and in alignment with Rhode Island's approved 1115 Waiver. HCBS case management services are distinct from the home-delivered meal service, which cannot be delivered via telehealth. Please note that medically tailored meals and nutrition counseling are not considered LTSS-HCBS services and are not within the scope of this regulation.

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1.			

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2.	Paula L. Hopper Director of Government Affairs and Advocacy Mom's Meals 12/6/24	Mom's Meals suggests a revision of the definition of Home Delivered Meals at section 1.7 to include refrigerated meals: Home delivered meals -- The delivery of hot, refrigerated, frozen, or shelf stable, including culturally appropriate, meals to the participant's residence. Meals are available to a participant who is unable to care for their own nutritional needs because of a functional dependency/disability and who requires this assistance to live in the community. Meals provided under this service do not constitute a full daily nutritional requirement. Meals must provide a minimum of one third (1/3) of the current recommended dietary allowance. Provision of home delivered meals result in less assistance being authorized for meal preparation for individual participants, if applicable.	The regulation reflects HCBS definitions, including home-delivered meals, as currently approved by CMS. EOHHS cannot change the definition of a Medicaid waiver service via regulation only; such a change would first require federal authority CMS under the 1115 Waiver. Please note that Rhode Island Medicaid recognizes the provision of refrigerated meals under the existing definition of home-delivered meals.

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