



## REGULATORY AGENDA - January 15, 2017

Agency Name and Address: **Rhode Island Executive Office of Health & Human Services (EOHHS)**  
**74 West Road, Second Floor, Hazard Building**  
**Cranston, Rhode Island 02920**

### PART I - Rules Promulgated *June 15, 2016 - January 15, 2017:*

Please indicate if your agency did not promulgate rules during this period, OR complete **all** sections of the following for **each** rule promulgated (add or delete rows accordingly).

**PLEASE DO NOT INCLUDE PROPOSED RULES, EMERGENCY RULES, OR TECHNICAL REVISIONS**

	ERLID #	Filing Type	Title	Effective Date
1.	8365	Amendment	Medicaid Code of Administrative Rules, Section #1309, "RIte Care Program"	July 28, 2016
2.	8366	Amendment	Medicaid Code of Administrative Rules, Section #1310, "Rhody Health Program"	July 28, 2016
3.	8367	Adoption	Medicaid Code of Administrative Rules, Section #1475, "Managed Care Service Delivery Options for Elders and Adults with Disabilities"	August 17, 2016
4.	8369	Repeal	Medicaid Code of Administrative Rules, Sections #0374/ #0375, "Community Supported Living Arrangements and Integrated Care Program"	August 17, 2016
5.	8368	Repeal	Medicaid Code of Administrative Rules, Section <b>0399.21</b> related to the "Program of All-Inclusive Care for the Elderly (PACE)"	August 17, 2016
6.	8353	Repeal	Medicaid Code of Administrative Rules, Section #0351, "Overview of Medical Assistance"	November 20, 2016
7.	8354	Repeal	Medicaid Code of Administrative Rules, Section 0352, "Characteristic Requirements"	November 20, 2016
8.	8355	Repeal	Medicaid Code of Administrative Rules, Section 0354, "Resources Generally"	November 20, 2016
9.	8356	Repeal	Medicaid Code of Administrative Rules, Section 0356, "Evaluation of Resources"	November 20, 2016
10.	8357	Repeal	Medicaid Code of Administrative Rules, Section 0358, "SSI-Related Deeming of Income"	November 20, 2016
11.	8358	Repeal	Medicaid Code of Administrative Rules, Section 0362, "Income Generally"	November 20, 2016
12.	8359	Repeal	Medicaid Code of Administrative Rules, Section 0364, "Treatment of Income"	November 20, 2016
13.	8360	Repeal	Medicaid Code of Administrative Rules, Section 0366, "SSI-Related Deeming of Income"	November 20, 2016
14.	8361	Repeal	Medicaid Code of Administrative Rules, Section 0368, "Flexible Test of Income"	November 20, 2016
15.	8362	Repeal	Medicaid Code of Administrative Rules, Section 0370, "SSI-Related Coverage Groups"	November 20, 2016
16.	8363	Repeal	Medicaid Code of Administrative Rules, Section 0372, "Special Treatment Coverage Groups"	November 20, 2016

	ERLID #	Filing Type	Title	Effective Date
17.	8352	Adoption	Medicaid Code of Administrative Rules, Section #1400, "Medicaid Integrated Health Care Coverage"	November 20, 2016
18.	8415	Amendment	Medicaid Code of Administrative Rules, Section #0392, "Post-Eligibility Treatment of Income"	November 28, 2016
19.	8425	Repeal	Medicaid Code of Administrative Rules (MCAR), Section #0310, "Retroactive Coverage"	January 4, 2017
20.	8424	Repeal	Medicaid Code of Administrative Rules, Section #0318, "Medical Assistance Redetermination"	January 4, 2017
21.	8423	Repeal	"Program of All-Inclusive Care for the Elderly (PACE)" State Plan Amendment	January 4, 2017

**PART II - Expected Rule-making Activity [January 15, 2017 - June 15, 2017](#):**

Please indicate if your agency does not anticipate rule-making activity during this period, OR complete **all** sections of the following for **each** rule anticipated (add or delete rows accordingly).

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact (Name <u>and</u> Telephone number)	Interested Parties
1. Repeal	Complaints and Hearings #0110	This regulation establishes an administrative appeal process for complainants.	RIGL Chapter 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Beneficiaries, advocates, state staff who implement the programs
2. Adoption	#1001 Appeals and Hearings	This regulation establishes an administrative fair hearing process for complainants. Existing rule is out-of-date and will be repealed and replaced by new rule.	RIGL Chapter 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Beneficiaries, advocates, state staff who implement the programs
3. Amendment	#0300 Overview of the RI Medicaid and Children's Health Insurance Program	Consolidate and repeal archaic provisions to ensure alignment with federal and state law	RIGL Chapters 40-6 and 40-8 Title XIX of the Social Security Act	May 2017	Elizabeth Shelov 401-462-1575	Medicaid beneficiaries and their families, advocates, and consumers
4. Repeal	#0342 Medicaid Coverage for Children and Families	Update and consolidate sections of 0342 on transitional Medicaid into MCAR #1300 and make revisions and corrections to be in conformity with federal regulations and current practice. Section 0342 is then repealed	RIGL Chapters 40-6 and 40-8 Title XIX of the Social Security Act	January 2017	Elizabeth Shelov 401-462-1575	Medicaid beneficiaries and their families, advocates, and consumers
5. Repeal	#0346 Medically Needy AFDC-Related Coverage Group	Repealing archaic provisions related to newborns and refugees	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	January 2017	Elizabeth Shelov	Medicaid beneficiaries and their families, advocates, and consumers

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6. Repeal	#0350 RIte Smiles	Incorporate provisions into MCAR #1300; reformatting and technical updates	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	January 2017	Elizabeth Shelov	Medicaid beneficiaries and their families, advocates, and consumers
7. Repeal	#0376 Overview of MA	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
8. Repeal	#0378 Institutional Care	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
9. Repeal	#0380 Resources Generally	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
10. Repeal	#0382 Evaluation of Resources	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
11. Repeal	#0384 Resource Transfers	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
12. Repeal	#0386 Income Generally	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
13. Repeal	#0388 Treatment of Income	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
14. Repeal	#0390 Flexible Test of Income	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
15. Repeal	#0392 Post-Eligibility Treatment of Income	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
16. Repeal	#0394 SSI-Related Coverage Groups	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact (Name <u>and</u> Telephone number)	Interested Parties
17. Repeal	#0396 Waiver Programs and Provisions	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
18. Repeal	#0398 Specific Waiver Programs	These rules will be replaced by MCAR #1500, "Medicaid Long-Term Services and Supports (LTSS)."	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid long-term care beneficiaries and their families, advocates, and consumers
19. Amendments	#1300 Medicaid Affordable Care Coverage Groups	Re-formatting and technical updates Incorporation of provisions from sections to be repealed (noted above)	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	January 2017	Elizabeth Shelov 401-462-1575	Medicaid beneficiaries and their families, advocates, and consumers
20. Amendments	#1360 Transportation Services	Re-formatting and technical updates Review copay requirements	42 Code of Federal Regulations § 431.53 "Assurance of Transportation" 42 Code of Federal Regulations § 440 "Medicaid Program; State Option to Establish Non-Emergency Medical Transportation Program" Section 1902(a)(70) of the Social Security Act ("Deficit Reduction Act of 2005") Rhode Island General Laws §§ 42-66-4(8) "Duties of the department"; 42-12-1.3 "Transfer of functions from the department of elderly affairs"; 31-36-20(a) "Motor fuel tax disposition of proceeds"	March 2017	Elizabeth Shelov 401-462-1575	Medicaid beneficiaries and their families, advocates, and consumers Providers
21. Amendments	#1373 Sherlock Program	Consolidate provisions from across existing rules and centralize into a single section	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	March 2017	Elizabeth Shelov 401-462-1575	Medicare and Medicaid beneficiaries and their families, persons with disabilities, advocates, and consumers
22. Amendments	#1400 Medicaid Integrated Health Care Coverage	Re-formatting and technical updates  Review Medicare Premium Payment Program sections  Direct final rule related to "emergency" filing on January 1, 2017	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicaid beneficiaries and their families, advocates, and consumers

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23. Adoption	#1500 Medicaid Long-Term Services and Supports (LTSS)	This is a new section of the MCAR. The purpose of this new Chapter is to set forth in clear language the provisions governing Medicaid-funded long-term services and supports (LTSS) in Rhode Island. Toward this end, the sections in Chapter 1500 amend or, as applicable, replace standing provisions to accurately reflect: changes in federal and/or State policies; the implementation of various federal authorities; the modernization of the application and eligibility determination processes; and the introduction of new service options and delivery system mechanisms.	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	March 2017	Elizabeth Shelov 401-462-1575	Medicare and Medicaid long-term care beneficiaries and their families, advocates, and consumers
24. Repeal	Medicaid Personal Choice Program	Incorporate provisions into MCAR #1500 (Home and community-based LTSS)	RIGL Chapters 40-6 and 40-8  Title XIX of the Social Security Act	February 2017	Elizabeth Shelov 401-462-1575	Medicare and Medicaid long-term care beneficiaries and their families, advocates, and consumers

