

## REGULATORY AGENDA – June 16, 2013

**Agency Name and Address:** **Rhode Island Executive Office of Health & Human Services (EOHHS)**  
**57 Howard Avenue, Louis Pasteur Building**  
**Cranston, Rhode Island 02920**

### **PART I - Rules Promulgated *January 15, 2013 through June 16, 2013:***

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 | Type Filing | Title                                     | Effective Date |
|-------|-------------|---|----------------|
| 7198  | Amendment   | 0348 Rite Care Program                    | 02/27/2013     |
| 7243  | Amendment   | 0300 Medical Assistance Program Overview  | 02/27/2013     |
| 7193  | Amendment   | 0370 SSI Related Coverage Groups          | 02/27/2013     |
| 7194  | Amendment   | 0372 Special Treatment Coverage Groups    | 02/27/2013     |
| 7195  | Amendment   | 0380 Resources Generally                  | 02/27/2013     |
| 7196  | Amendment   | 0382 Evaluation of Resources              | 02/27/2013     |
| 7197  | Amendment   | 0392 Post-Eligibility Treatment of Income | 02/27/2013     |
| 7220  | Amendment   | 0330 Income Generally                     | 04/01/2013     |
| 7223  | Amendment   | 0362 Income Generally                     | 04/01/2013     |

### **PART II - Expected Rule-making Activity *June 16, 2013 through January 15, 2014:***

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<br>(Name <u>and</u> Telephone number) | Interested Parties  |
|--------------|--|--|--|----------------------|--|---|
| 1. Amendment | Section 0399:<br>The Global Consumer Choice Waiver | The purpose of the proposed amendments is to clarify the definitional language in 0399.12.03 for “preventive need” and to create a new section 0399.15: “Limitations on Environmental Modifications, Minor Environmental Modifications, and Special Medical Equipment” that describes the limitations and special considerations for members who meet the “highest” and “high” levels of | RIGL Chapter 40-8 (Medical Assistance) | July 2013            | Elizabeth Shelov<br>401-222-1254                     | Home and community-based care beneficiaries and their families, and community advocates |

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|              |   | care for core home and community-based services and who have a functional necessity need for environmental modifications, minor environmental and special medical equipment.  |  |                      |  |   |
| 2. Adoption  | MIPPA (Medicare Improvements and Patient Provider Act) Provisions Related to Medicaid Outpatient Drug Coverage                | Effective January 1, 2013, it is no longer necessary for Medicaid to cover certain medications, such as benzodiazepines and barbiturates, for “dual eligibles”, as the Medicare Program will cover these medications as of that date. EOHHS is pursuing a state plan amendment with the federal Centers for Medicare and Medicaid Services related to payment for these classes of medications.   | RIGL Chapter 40-8<br><br>Title XIX of the Social Security Act  | July 2013            | Elizabeth Shelov<br>401-222-1254                     | “Dual eligible” beneficiaries who receive both Medical Assistance and Medicare and their families |
| 3. Amendment | Community Supported Living Arrangement and Integrated Care Program Medicare and Medicaid Eligible and Medicaid-Only Eligibles | The purpose of the proposed amendments is to build upon, improve, and integrate this Program with current care management programs and to better meet the needs of the target population. Beginning July 1, 2013, EOHHS will enroll all Medicaid members, including Medicare and Medicaid-eligibles into a managed care organization or primary care case management program.   | RIGL Chapter 40-8 and the federal Patient Protection and Affordable Care Act (U.S. Public Law 111-148) | Summer 2013          | Elizabeth Shelov<br>401-222-1254                     | Medicare and Medicaid beneficiaries and their families, advocates, and consumers                  |
| 4. Amendment | Nursing Home Payment Methodology  | The purpose of the proposed amendments is to implement a transitional price-based per diem reimbursement methodology for nursing homes in Rhode Island. This new reimbursement methodology, which replaces the previous cost-based methodology, will reimburse nursing homes higher rates for persons with higher needs. It will also ensure that the care and services paid by the state are based upon the person’s needs and not upon an individual facility’s cost structure. | RIGL Chapter 40-8<br><br>Title XIX of the Social Security Act  | July 2013            | Elizabeth Shelov<br>401-222-1254                     | Nursing homes, their residents and families, and advocates  |
| 5. Adoption  | Rhode Island Medicaid State Plan  | The purpose of this regulation is to amend the Medicaid State Plan to enable EOHHS and the state Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals to create health home services for persons receiving medication-assisted treatment for opioid   | RIGL Chapter 40-8<br><br>Title XIX of the Social   | July 2013            | Elizabeth Shelov<br>401-222-1254                     | Clients receiving medication-assisted treatment and their families                                |

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|--------------|--|---|---|----------------------|---|---|
|              |  | dependence.   | Security Act  |                      |   |   |
| 6. Adoption  | Increased Payment for Primary Care Physicians  | The purpose of this regulation is to implement section 1202 of the federal Patient Protection and Affordable Care Act, that requires state Medicaid programs to increase their levels of reimbursement for certain physicians to enhanced Medicare rates for specified primary care serves for calendar years 2013 and 2014.  | RIGL Chapter 40-8<br>The federal Patient Protection and Affordable Care Act (U.S. Public Law 111-148) | Summer 2013          | Elizabeth Shelov<br>401-222-1254                  | Physicians who provide certain primary care services, and consumers   |
| 7. Amendment | Long Term Services and Supports (LTSS) Category II Change                                      | The purpose of this regulation is to enable EOHHS to enroll all Medicaid members, including Medicare and Medicaid-eligibles into a managed care organization or primary care case management program beginning in September 2013. LTSS includes nursing home care as well as home and community-based supports that enable beneficiaries to live independently in the community.  | RIGL Chapter 40-8<br>The federal Patient Protection and Affordable Care Act (U.S. Public Law 111-148) | August 2013          | Elizabeth Shelov<br>401-222-1254                  | Medicare and Medicaid beneficiaries and their families  |
| 8. Adoption  | Payment Adjustment for Provider-Preventable Conditions, Including Hospital-Acquired Conditions | The purpose of this regulation is to adopt the provisions of 42 CFR §447 related to “provider -preventable conditions.” Provider-preventable conditions include health care-acquired conditions in inpatient hospitals and other provider-preventable conditions in any health care setting, including but not limited to, inpatient and outpatient hospitals, ambulatory surgery centers, physician offices, and nursing facilities. | RIGL Chapter 40-8<br><br>42 CFR § 447   | Fall 2013            | Elizabeth Shelov<br>401-222-1254                  | Health care facilities, such as inpatient and outpatient hospitals, ambulatory surgery centers, physician offices, and nursing facilities as well as patients and consumers |
| 9. Amendment | 0110 Complaints and Hearings`  | Establishes an administrative appeal process for complainants   | RIGL Chapter 40-8<br><br>Title XIX of the Social Security Act   | Fall 2013            | Elizabeth Shelov<br>401-222-1254                  | Beneficiaries, advocates, state staff who implement the programs  |

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| 10. Amendment | 0304 Technical Eligibility Requirements | The purposed of proposed amendments is to provide guidance related to the implementation of a Social Security number–matching process to verify the citizenship and identify of Medical Assistance recipients who are subject to the citizenship and identify requirements of the federal Deficit Reduction Act of 2005. | RIGL Chapter 40-8<br><br>Federal Deficit Reduction Act of 2005 | Fall 2013            | Elizabeth Shelov<br>401-222-1254                     | Certain Medical Assistance recipients and advocates |
|               |   |  |  |                      |  |   |