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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

\* \* \* \* \*

PUBLIC HEARING IN RE:  
  
TRANSITION PLAN FOR HOME AND  
COMMUNITY BASED SERVICES FOR  
THE CENTER OF MEDICARE AND  
MEDICAID SERVICES, CMS, FINAL  
RULE JANUARY, 2014

**ORIGINAL**

\* \* \* \* \*

DAVINCI CENTER  
470 CHARLES STREET  
PROVIDENCE, RHODE ISLAND  
MAY 5, 2015  
4:00 P.M.

BEFORE: THOMAS MARTIN, HEARING OFFICER

M.E. HALL COURT REPORTING  
108 WALNUT STREET  
WARWICK, RI 02888  
(401) 461-3331

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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1 (COMMENCED AT 4:16 P.M.)

2 THE HEARING OFFICER: Welcome.

3 We are here today regarding a public hearing  
4 concerning Rhode Island's Transition Plan  
5 related to the Centers for Medicare and  
6 Medicaid Services, Home Community-based  
7 Services Rule. The hearing is being conducted  
8 under the provisions of Chapters 40-6, 40-8,  
9 42-7.2, 42-35 and 42-46 of the Rhode Island  
10 General Laws, as amended.

11 THE HEARING OFFICER: Today is  
12 Tuesday, May 5, 2015. My name is Thomas  
13 Martin, and I will be the Hearing Officer for  
14 today's proceeding.

15 Before we start, and so as not  
16 to interrupt the proceedings, I would like to  
17 ask that those of you with cell phones, pagers,  
18 and watch alarms to turn them off at this time.

19 The purpose of the hearing today  
20 is to afford interested parties an opportunity  
21 to comment on the proposed Transition Plan.  
22 This hearing is intended for your participation  
23 only. It is not intended as a means of  
24 providing a forum for discussing, debating,

1           arguing or otherwise having any dialogue on the  
2           record with Members of the Executive Office of  
3           Health and Human Services. If you care to  
4           speak, the procedure we will use is as follows:

5                     One, register at the side of the  
6           room.

7                     Two, speakers will be taken in  
8           order of registration.

9                     Three, five minutes will be  
10          allowed for your presentation, unless the lack  
11          of speakers allows for additional time.

12                    Four, when you are called, come  
13          to the desk at the front of the room.

14                    B, identify yourself by name and  
15          affiliation, if any.

16                    C, make your presentation.

17                    D, if you have a written copy of  
18          your statement, we would appreciate having that  
19          for the record. After the time has elapsed for  
20          submission of written commentary, the Executive  
21          Office of Health and Human Services has three  
22          options under State law.

23                    First option, file as is with  
24          the Federal Centers for Medicare and Medicaid

1 Services, CMS.

2 Second option, file with minor  
3 changes. Example, spelling, punctuation.

4 Third option, make major changes  
5 in what you see before you today, which would  
6 necessitate a new public hearing. Are there  
7 any questions on how the public hearing will be  
8 conducted today?

9 (PAUSE)

10 THE HEARING OFFICER: If not, at  
11 this time, for the record, we will have a  
12 presentation of the exhibits.

13 Exhibit 1 is a Notice of Public  
14 Comment posted on the Executive Office of  
15 Health and Human Services web site on April 15,  
16 2015.

17 (EXHIBIT 1, NOTICE OF PUBLIC  
18 COMMENT, MARKED)

19 THE HEARING OFFICER: Exhibit 2  
20 is an electronic confirmation of posting on the  
21 Rhode Island Secretary of State's web site on  
22 April 30, 2015, under the provisions of Rhode  
23 Island General Laws 42-46.

24 (EXHIBIT 2, ELECTRONIC AD,

1 MARKED)

2 THE HEARING OFFICER: Exhibit 3,  
3 advanced notice of public hearing sent via  
4 electronic mail from the Rhode Island Executive  
5 Office of Health and Human Services, Interested  
6 Parties List, on April 14, 2015.

7 (EXHIBIT 3, NOTICE OF PUBLIC  
8 HEARING SENT TO INTERESTED PARTIES LIST,  
9 MARKED)

10 THE HEARING OFFICER: A copy of  
11 Chapters -- Exhibit 4, a copy of Chapters 40-6,  
12 40-8 and 42-72 of the Rhode Island General  
13 Laws, as amended.

14 (EXHIBIT 4, CHAPTERS 40-6, 40-8  
15 AND 42-72 OF THE R.I. GENERAL LAWS, AS AMENDED,  
16 MARKED)

17 THE HEARING OFFICER: Exhibit 5,  
18 a copy of the proposed Transition Plan to  
19 Implement the Settings Requirement for Home  
20 Community-based Services, CMS, Final Rule,  
21 January, 2014.

22 (EXHIBIT 5, PROPOSED TRANSITION  
23 PLAN)

24 THE HEARING OFFICER: At this

1 time, I would like to call the first speaker.  
2 Jennifer Crosby.

3 MS. CROSBY: I'm not going -- my  
4 name is Jennifer Crosby. I work with Senior  
5 Link, the parent organization of Care Givers  
6 Homes, which is a supportive living arrangement  
7 provider here in Rhode Island. I work in  
8 government relations for Senior Link and  
9 address and access other states that are also  
10 providing this service. Care Givers Homes, we  
11 operate supportive living-like arrangement  
12 services in five other states, Massachusetts,  
13 Connecticut, Ohio, Indiana, and newest  
14 Louisiana and we will be operating in Texas by  
15 the end of calendar year 2015.

16 My comments today have been  
17 submitted for the record. My speaking comments  
18 are in regards to the five states, the five  
19 other states in which we operate, excluding  
20 Rhode Island. We have been, supportive living  
21 services have been deemed compliant with the  
22 HCBS Final Rule, and Rhode Island is the one  
23 state thus far to require providers' self  
24 assessments of shared living or supportive

1 living arrangement-like services.

2 While the service here in Rhode  
3 Island is fully implemented and operational and  
4 has been since 2010, it still remains largely  
5 inaccessible to many Rhode Islanders. Some of  
6 that is due to the lengthy enrollment process.  
7 Consumers on average takes about three to nine  
8 months to enroll in the program or some  
9 withdraw their application based on the length  
10 of time it requires to enroll. Other states  
11 that we operate in -- Rhode Island also has the  
12 most restrictive requirements allowing only one  
13 consumer to be served at a time. So, families  
14 where daughters and sons are caring for both  
15 mom and dad are disallowed to participate in  
16 the program and receive care-giver support  
17 through care teams, RN's and managers. So, as  
18 a fully compliant home and community-based  
19 service through this HGBS Final Rule,  
20 supportive living arrangements provide a  
21 24-hour benefit at roughly half the cost of a  
22 nursing facility stay and is a useful tool in  
23 all the states in which we operate to rebalance  
24 their long-term care expenditures.

1 My comments, my spoken comments  
2 here today are to urge the State to identify  
3 efficiencies and programmatic changes to allow  
4 more Rhode Islanders to access right at home  
5 services which are the supportive living  
6 arrangement services authorized under the 1115  
7 waiver. Thank you.

8 THE HEARING OFFICER: Thank you.  
9 Are there any other other persons here present  
10 who would like to make a statement concerning  
11 the proposed Transition Plan?

12 (PAUSE)

13 THE HEARING OFFICER: If not,  
14 this submission of any written commentary and  
15 proposed Transition Plan will be accepted until  
16 the close of business on Friday, May 29, 2015.  
17 If there's not any other comments, we thank you  
18 for your attendance. We will still stay around  
19 a little bit longer for anybody else that comes  
20 in for comments. Thank you.

21 (OFF THE RECORD FROM 4:26 to  
22 5:58 P.M.)

23 THE HEARING OFFICER: This  
24 hearing is officially closed. Thank you.

(HEARING CLOSED AT 5:58 P.M.)

\* \* \* \* \*

C E R T I F I C A T E

I, Mary Ellen Hall, hereby certify that the foregoing is a true, accurate and complete transcript of my notes taken at the above-entitled public hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of May, 2015.

*Mary Ellen Hall*

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MARY ELLEN HALL, NOTARY PUBLIC/  
CERTIFIED COURT REPORTER

DATE: MAY 3, 2015

IN RE: PUBLIC HEARING IN RE: TRANSITION PLAN

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