



RHODE ISLAND EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICES

Notice of Public Hearing and Public Review of Rules

The Secretary of the Executive Office of Health & Human Services (EOHHS) has under consideration a series of proposed new sections (as well as amendments to existing sections) of the Medicaid Code of Administrative Rules (MCAR) (“Regulations”) related to the expansion of the Medicaid Program under the provisions of health care reform statutes. (A summary of the rule changes appears below).

Under the authority granted in the federal Patient Protection and Affordable Care Act of 2010 (ACA) and applicable State law, including Executive Order 11-09, Rhode Island created its own health insurance marketplace and on-line eligibility system, previously referred to as a “health benefit exchange”, and elected to expand Medicaid eligibility to the new ACA coverage group of adults, without dependent children, who have income up to 133% of the Federal Poverty Level (FPL). On October 1, 2013 Rhode Islanders interested in obtaining health coverage under this new expansion group began applying through the health insurance marketplace (HealthSourceRI), the Department of Human Services (DHS) field offices or website, and/or the Executive Office of Health and Human Services website (EOHHS). Applicants deemed to be eligible began enrolling in one of two Medicaid health plans during the period from October 1, 2013 to December 31, 2013. Actual coverage begins on January 1, 2014.

There will be no changes in Medicaid coverage until January 1, 2014. The proposed rules seek to accomplish the following:

01. To describe the new income standard that will be used to determine access to coverage for the ACA expansion group beginning on January 1, 2014;
02. To amend existing Medicaid rules to provide for persons participating in Medicaid prior to January 1, 2014;
03. To identify the principal roles and responsibilities of the Medicaid agency and the State with respect to persons seeking eligibility for the new ACA expansion coverage group; and
04. To inform Rhode Islanders of their rights and responsibilities when seeking Medicaid eligibility as a member of the new ACA or existing coverage groups during this same period.

These regulations are being promulgated pursuant to the authority contained in Rhode Island General Laws Chapter 40-8 (Medical Assistance) as amended, including Public Law 13-144; Title XIX of the Social Security Act; Patient Protection and Affordable Care Act (ACA) of 2010 (U.S. Public Law 111-148); Health Care and Education Reconciliation Act of 2010 (U.S. Public Law 111-15); Rhode Island Executive Order 11-09; Code of Federal Regulations 42 CFR Parts 431, 435, 436 *et. seq.*; Chapter 42-35 of the Rhode Island General Laws, as amended; and Chapter 42-7.2 of the Rhode Island General Laws, as amended.

In the development of these proposed Regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small businesses in Rhode Island. No alternative approach, duplication or overlap, or impact upon small businesses were identified based upon available information.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Secretary will hold two Public Hearings on the above mentioned matter on **TUESDAY, 3 DECEMBER 2013** at which time and place all persons interested therein will be heard.

Hearings will be convened as follows:

Tuesday, December 3, 2013 2:00 p.m.	Tuesday, December 3, 2013 6:00 p.m.
Arnold Conference Center 111 Howard Avenue Regan Building Pastore Complex Cranston RI 02920	DaVinci Center 470 Charles Street Providence, RI 02904

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the Regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or mailed prior to the hearing date to: Steven M. Costantino, Secretary, Rhode Island Executive Office of Health & Human Services, Louis Pasteur Building, 57 Howard Avenue, Cranston, Rhode Island, 02920 or via email to the attention of: eshelov@ohhs.ri.gov.

Interested persons may inspect said Regulations and other related materials on the Rhode Island Secretary of State's website: www.sec.state.ri.us/rules, on the Executive Office of Health & Human Services' website: www.eohhs.ri.gov or at the Executive Office of Health & Human Services, 57 Howard Avenue, Cranston, Rhode Island, 02920 between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday; by calling (401) 462-1575 {via RI Relay 711} or by emailing Eshelov@ohhs.ri.gov.

The Rhode Island Executive Office of Health & Human Services in the Louis Pasteur Building is accessible to persons with disabilities. If communication assistance (readers /interpreters /captioners) is needed, or any other accommodation to ensure equal participation, please notify the Executive Office at (401) 462-6266 (hearing/speech impaired, dial 711) at least three (3) business days prior to the Public Hearing so arrangements can be made to provide such assistance at no cost to the person requesting.



Steven M. Costantino, Secretary
Signed this 25th day of October 2013

Significant ACA-Related Changes in the Medicaid Program

The following provides a summary of the major changes in the Medicaid program authorized or mandated by the ACA and the applicable rules in this chapter:

- Consolidation and simplification of Medicaid coverage groups subject to MAGI-based eligibility determinations – MCAR section 1301.
- Elimination of Medicaid eligibility for parents/caretakers with income from 133% to 175% of the FPL – MCAR 1301.
- Expansion of Medicaid eligibility to adults, ages 19 to 64, without dependent children and establishment of a new Medicaid affordable care coverage group – MCAR section 1301.
- Streamlined application process through the automated affordable care eligibility system – MCAR 1303.
- Standardization of Medicaid eligibility requirements for MACC coverage groups – MCAR Section 1305.

- Establishment of passive renewal process for making determinations of continuing eligibility – MCAR section 1306.
- Implementation of the MAGI-based income standard – MCAR section 1307.
- Automated verification of eligibility requirements through federal and State data sources – MCAR section 1308.
- Elimination of premiums in the RItE Care managed care delivery system and redefinition of RItE Care coverage groups – MCAR section 1309.
- Enrollment of the MACC coverage group for adults without dependent children in a Rhody Health Partners managed care plans with a modified benefit package – MCAR section 1310.
- Modifications of the managed care enrollment system to complement changes in the application and eligibility determination processes – MCAR section 1311.
- Changes in the RItE Share premium assistance program to complement ACA initiatives, remove premiums, and add a buy-in requirement – MCAR section 1312.
- Extension of the Communities of Care requirement to MACC expansion group – MCAR section 1314.
- Implementation of a limited subsidy program for parents/caretakers with income from 133% to 175% of the FPL who are no longer eligible for Medicaid affordable care coverage – MCAR section 1315.

0316 Medical Assistance for Aliens

Repealed October 2013

~~0316.05 Impact of Alien Status on Scope of Services~~

~~REV:04/2010~~

~~A. An Alien who meets all other requirements of the Medical Assistance Program is either eligible for the full scope of Medical Assistance benefits or eligible for restricted services, depending on alien status.~~

~~1. Aliens who are potentially eligible for the full scope of Medical Assistance benefits as Categorically Needy or Medically Needy include:~~

~~a. Aliens admitted for permanent residence;~~

~~b. Certain American Indians born in Canada and some Amerasians;~~

~~c. Refugees, Amerasian Immigrants or Cuban/Haitian entrants;~~

~~d. Aliens Permanently Residing in the U.S. Under Color of Law (PRUCOL);~~

~~e. Parolees;~~

~~f. Asylees;~~

~~g. Lawfully residing aliens who are members of the state-funded coverage group as defined in 0304.05.45.~~

~~2. Aliens who are potentially eligible for restricted services include:~~

~~a. Undocumented Aliens who are in the U.S. without permission from the Immigration and Naturalization Service and who are not otherwise defined as PRUCOL;~~

~~b. Aliens with temporary status who are admitted to the U.S. for a temporary period, usually for travel, visits, study or diplomatic service. Included in this group are foreign government representatives, crewman on shore leave, foreign students, temporary workers, members of the foreign media and film crews.~~

~~B. Undocumented pregnant women are potentially eligible for Medical Assistance benefits through Title XIX or XXI. (See Manual Section 0348.10 through 0348.10.10 for state-funded Rite Care Coverage Group benefits.)~~

~~0316.05.05 SAVE Requirement~~

~~REV:04/2010~~

~~A. Aliens who are potentially eligible for MA as either Categorically Needy or Medically Needy must:~~

~~1. Provide documentation of alien status;~~

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- ~~2. Sign a statement attesting to their satisfactory alien status;~~
- ~~3. Permit DHS to verify their documentation and alien status directly with the Immigration and Naturalization Service. Once the documentation and verification requirements are met, eligibility determination proceeds in the same manner as eligibility determination for applicants who are U.S. citizens.~~

~~0316.05.10 Refugee Medical Assistance~~

~~REV: 01/2002~~

~~Refugees who have resided in the United States for eight (8) months or less, and who have been determined ineligible for one of the categorical programs due to lack of a characteristic may be eligible for Refugee Medical Assistance (RMA). Family cases will have eligibility determined according to family related (Rite Care) rules. Individuals and couples will have RMA eligibility determined according to SSI-related rules.~~

~~0316.10 Inelig Aliens Receiving Restricted Services~~

~~REV:06/1994~~

~~Aliens whose status renders them ineligible for Medical Assistance as Categorically or Medically Needy may be eligible for restricted services only. Restricted services are emergency in-patient hospital services and hospital emergency room services, including labor and delivery services. No other services are covered for this group.~~

~~0316.10.05 Restricted Services Eligibility Requirements~~

~~REV:06/1994~~

~~Normally, eligibility for persons in restricted services is determined retroactively. The alien must have received and incurred expenses for the services in the month of application, or in one of the three months prior to the month of application.~~

~~However, a pregnant woman in the third trimester of pregnancy may be certified for restricted services until the end of the month in which her estimated date of confinement falls.~~

~~To be eligible under this restricted services provision, an alien must meet all eligibility requirements of the Medical Assistance Program except for citizenship, enumeration and SAVE requirements.~~

~~Eligibility for Medical Assistance must exist at the time the services are rendered.~~

~~0316.10.05.05 Restricted Services Eligibility Requirement~~

~~REV:06/1994~~

~~The alien must be a resident of Rhode Island. Residency is an eligibility condition for all individuals and families. The determination of residency is largely based on the intent of the applicant to reside in Rhode Island, with no retrospective or prospective durational requirement.~~

~~0316.10.05.10 Exception to SAVE Requirement~~

~~REV:06/1994~~

Draft Rule: For Public Comment

~~Aliens who are admitted to the U.S. for a temporary purpose, or as Legal Temporary Residents or Legal Permanent Residents must provide documentation of their legal status. However, signing the DHS/SAV 1 to certify that s/he is in satisfactory alien status is NOT a requirement for aliens eligible only for restricted services.~~

~~Aliens who cannot receive INS documentation need not declare themselves to be in satisfactory alien status.~~

~~0316.10.05.15 Exception to Enumeration Requirement~~

~~REV:06/1994~~

~~Ineligible aliens eligible for restricted services only are exempt from the enumeration requirement and are not required to file for or provide a Social Security number. However, an alien must provide his/her Social Security number if one has been issued by the Social Security Administration.~~