

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

**5/4/2020 PUBLIC NOTICE OF RHODE ISLAND COVID-19 SECTION 1135 WAIVER
AMENDMENT REQUEST**

In accordance Rhode Island General Laws 42-35, notice is hereby given that the Rhode Island Executive Office of Health and Human Services (EOHHS) has submitted to the Centers for Medicare and Medicaid Services (CMS) its request to amend the Section 1135 Waiver in response to the novel Coronavirus Disease (COVID-19) effective March 1, 2020.

COVID-19 Section 1135 Waiver Amendment Request

When the President declares a disaster or emergency under the Stafford Act or National Emergencies Act and the HHS Secretary declares a public health emergency under Section 319 of the Public Health Service Act, the Secretary is authorized to take certain actions in addition to their regular authorities. Under section 1135 of the Social Security Act, the Secretary may temporarily waive or modify certain Medicaid or Children's Health Insurance Program (CHIP) requirements to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Social Security Act programs in the emergency area and time periods and that providers who provide such services in good faith can be reimbursed and exempted from sanctions (absent any determination of fraud or abuse). These waivers under section 1135 of the Social Security Act typically end no later than the termination of the emergency period, or 60 days from the date the waiver or modification is first published unless the Secretary of HHS extends the waiver by notice for additional periods of up to 60 days, up to the end of the emergency period.

As the COVID-19 emergency continues, EOHHS anticipates that there may be a need to provide home and community-based services in alternative settings, that do not meet the HCBS Settings Rules. EOHHS has submitted a request to implement a new Section 1135 Waiver Demonstration in response to COVID-19 effective March 1, 2020, that will allow care to be provided temporarily, if needed, in HCBS settings that do not meet the HCBS Settings Rule.

The goal of the waiver request is to ensure that Medicaid members continue to receive medically necessary Medicaid-covered services while minimizing exposure to the virus. The existing RI Comprehensive 1115 Demonstration Waiver ("Demonstration"), will remain in force unless described in this emergency 1135 request.

Public Comment Process

Given that this request is intended to address an emergency, as declared by the President on March 13, 2020, EOHHS will not be conducting a prior 30-day public notice, nor will public hearings be held. However, written public comments will be accepted.

The waiver request is accessible on the EOHHS website (<http://www.eohhs.ri.gov/ReferenceCenter/MedicaidStatePlanand1115Waiver.aspx>) or available in hard copy upon request (401-462-6348 or RI Relay, dial 711). Interested persons should submit data,

views, or written comments by **June 3, 2020** to Melody Lawrence, Executive Office of Health and Human Services, 3 West Rd, Cranston, RI, 02920, or Melody.Lawrence@ohhs.ri.gov.

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