



Summary of Rhode Island’s Federal Authorities Requests in Response to COVID-19

The Rhode Island Executive Office of Health and Human Services (EOHHS) has sought numerous federal authorities to make necessary, temporary changes to the Medicaid program to ensure that Medicaid members continue to receive medically necessary services covered by Medicaid while minimizing exposure to the Coronavirus Disease (COVID-19). This document describes the requests that were sent to the Centers for Medicare and Medicaid Services (CMS). Please note the approval status in the fourth column. Not all requests have been approved for implementation. Prior to implementation, these changes need to be approved by CMS, the Governor’s Office, and the Office of Management and Budget (OMB).

EOHHS does not intend to carry these authorities forward after the termination of the COVID-19 emergency declaration. The existing RI Comprehensive 1115 Demonstration Waiver will remain in force unless described in the emergency federal authority requests.

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Limit non-emergency medical transportation (NEMT) to essential appointments	16-Mar-20	1115 Waiver	Pending Approval
Payment of LTSS not updated in Plan of Care or provided in alternative settings	27-Mar-20	1115 Waiver	Request withdrawn; operationally unnecessary
Pay higher rates for HCBS	27-Mar-20	1115 Waiver	Request withdrawn; requested higher rates for AL and DD through Appendix K
Coverage of Home Delivered Meals & Critical Supplies to all individuals 60 years and older, regardless of Medicaid eligibility	27-Mar-20	1115 Waiver	Pending Approval
Self-attestation of assets	27-Mar-20	1115 Waiver	Pending Approval
Modify eligibility criteria for LTSS	27-Mar-20	1115 Waiver	Request withdrawn; operationally unnecessary
Reduce or delay functional assessments for Level of Care	27-Mar-20	1115 Waiver	Request withdrawn; operationally unnecessary
Waive requirement to reduce payment to Nursing Homes and other LTSS Providers by patient share amount	27-Mar-20	1115 Waiver	Request withdrawn; operationally unnecessary

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Waive the rule under 42 CFR 438.60 that prohibits states from making additional payments for services	27-Mar-20	1115 Waiver	Pending Approval
Waive the rule under 42 CFR 438.6 that restricts state authority to make “pass-through” payments	27-Mar-20	1115 Waiver	Pending Approval
Retainer payments to habilitation and personal care providers	27-Mar-20	1115 Waiver	Closed, requested through Appendix K
Retainer payments to Adult Day Service Providers	27-Mar-20	1115 Waiver	Approved
Retainer payments to Rehabilitation Service Providers	27-Mar-20	1115 Waiver	Pending Approval
Retainer payments to Hospitals	27-Mar-20	1115 Waiver	Pending Approval
Permit the state to accept unsigned applications from individuals diagnosed with COVID-19 who are under isolation or otherwise physically unable to sign	27-Mar-20	1115 Waiver	Pending Approval
Accept self-attestation for Medicaid & CHIP applicants	27-Mar-20	1115 Waiver	Formal CMS Approval No Longer Required
Allow self-attestation of all eligibility criteria except citizenship and immigration	27-Mar-20	1115 Waiver	Formal CMS Approval No Longer Required
Flexibility with the least expensive option for NEMT	27-Mar-20	1115 Waiver	Pending Approval
Coverage of childcare for healthcare workers	27-Mar-20	1115 Waiver	Pending Approval
Waive public notice rules for duration of COVID-19	27-Mar-20	1115 Waiver	Pending Approval
Payments for emergency case management to homeless Medicaid-eligible individuals	8-Apr-20	1115 Waiver	No Longer Needed, Requested through SPA 20-007
Payments for meals in emergency shelters to homeless Medicaid-eligible individuals	8-Apr-20	1115 Waiver	Pending Approval
Payments for temporary housing to homeless Medicaid-eligible individuals	8-Apr-20	1115 Waiver	Pending Approval
Payment of rent for Medicaid-eligible, at-risk of homelessness	8-Apr-20	1115 Waiver	Pending Approval
Payment for mobile phone minutes for homeless Medicaid-eligible individuals	8-Apr-20	1115 Waiver	Pending Approval

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Permit payment to an IMD for individuals that need to be transferred out of an acute-care facility	8-Apr-20	1115 Waiver	Pending Approval
Allow managed-care enrollees to proceed almost immediately to a state fair hearing	16-Mar-20	1135 Waiver	Approved
Extend duration for which an enrollee can request a fair hearing	16-Mar-20	1135 Waiver	Approved
Delay scheduling fair hearings	16-Mar-20	1135 Waiver	Pending Approval
Suspend Medicaid FFS prior authorization requirements	16-Mar-20	1135 Waiver	Approved
Extend pre-existing service authorizations	16-Mar-20	1135 Waiver	Approved
Waive provider application fee	16-Mar-20	1135 Waiver	Approved
Waive criminal background checks for Medicaid providers upon enrollment	16-Mar-20	1135 Waiver	Approved
Waive provider site visits	16-Mar-20	1135 Waiver	Approved
Permit practice and reimbursement to out-of-state providers	16-Mar-20	1135 Waiver	Approved
Streamline provider enrollment	16-Mar-20	1135 Waiver	Approved
Postpone provider revalidation	16-Mar-20	1135 Waiver	Approved
Allow physicians/health care professionals to practice in RI temporarily if they are licensed in another state	16-Mar-20	1135 Waiver	Approved
Suspend 2-week aide supervision requirement	25-Mar-20	1135 Waiver	No longer needed- Covered in CMS Blanket Waiver
Suspend supervision of hospice aides	25-Mar-20	1135 Waiver	No longer needed- Covered in CMS Blanket Waiver
Suspend pre-admission screening and annual resident review	25-Mar-20	1135 Waiver	Approved
Waive reconditions/requirements for providers servicing in alternative/unlicensed facilities	25-Mar-20	1135 Waiver	Approved
Extend minimum data set authorizations	25-Mar-20	1135 Waiver	No longer needed- Covered in CMS Blanket Waiver
Modify HCBS requirements for institutional level of care determinations	16-Mar-20	Appendix K	Approved

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Allow HCBS person-centered service plan process to be conducted via telehealth	16-Mar-20	Appendix K	Approved
Extend HCBS level of care authorizations	16-Mar-20	Appendix K	Approved
Suspend HCBS person-centered service plan reviews for 6 months	16-Mar-20	Appendix K	Approved
Temporarily exceed HCBS service limitations	27-Mar-20	Appendix K	Approved
Temporarily expand HCBS setting(s) where services may be provided	27-Mar-20	Appendix K	Approved
Temporarily permit payment for HCBS services rendered by family caregivers or legally responsible individuals	27-Mar-20	Appendix K	Approved
Temporarily modify provider types for shared-living providers to provide all HCBS services	27-Mar-20	Appendix K	Closed, no longer needed
Temporarily modify licensure or other requirements for HCBS settings where waiver services are furnished	27-Mar-20	Appendix K	Approved
Waive requirement to allow visitors at HCBS settings	27-Mar-20	Appendix K	Approved
Add an electronic method of service delivery for HCBS	27-Mar-20	Appendix K	Approved
Add medical supplies, equipment, and appliances for HCBS	27-Mar-20	Appendix K	Approved
Authorize HCBS case management entities to provide direct services; current safeguards authorized in the approved waiver will apply to these entities	27-Mar-20	Appendix K	Approved
Modify HCBS provider qualifications to allow family members to provide personal care services	27-Mar-20	Appendix K	Approved
Allow for an extension of reassessments and reevaluations for HCBS	27-Mar-20	Appendix K	Approved

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Temporarily include retainer payments to all HCBS providers to address emergency-related issues	27-Mar-20	Appendix K	Approved
Temporarily increase payment rates for HCBS services	7-Apr-20	Appendix K	Approved
Post-Eligibility Treatment of Income for Personal Needs Allowance for HCBS members	7-Apr-20	Appendix K	Approved
Extend reasonable opportunity period to submit immigration verification documents	16-Mar-20	CHIP Disaster Relief SPA 20-002	Approved
Extension on the processing of CHIP renewals	16-Mar-20	CHIP Disaster Relief SPA 20-002	Approved
Waive CHIP verification rules	16-Mar-20	CHIP Disaster Relief SPA 20-002	Approved
Extend reasonable opportunity period to submit immigration verification documents	25-Mar-20	Disaster Relief SPA 20-003	Approved
Prior authorization for medications is expanded by automatic renewal without clinical review, or time/quantity extensions.	25-Mar-20	Disaster Relief SPA 20-003	Approved
Maintain Residency Status for individuals who are evacuated from the state, leave the state for medical reasons related to the disaster or public health emergency, or otherwise absent from the state due to the disaster/public health emergency and intend to return to the state, to continue to be residents of the state under 42 CFR 435.403(j)(3).	25-Mar-20	Disaster Relief SPA 20-003	Approved
Continuous Eligibility for children under age 19	25-Mar-20	Disaster Relief SPA 20-003	Approved
Provide coverage for all uninsured individuals as defined under 1902(ss) of the Act pursuant to Section 1902(a)(10)(A)(ii)(XXIII) of the Act effective March 18, 2020	25-Mar-20	Disaster Relief SPA 20-003	Approved
Waive public notice requirements	25-Mar-20	Disaster Relief SPA 20-003	Approved

Waiver Description	Date Requested	Request Type	CMS-Approval Status (as of 7/31/20)
Modify Tribal consultation timelines	25-Mar-20	Disaster Relief SPA 20-003	Approved
Exception to Preferred Drug List to respond to drug shortages, if they occur, including options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.	25-Mar-20	Disaster Relief SPA 20-003	Approved
For new admissions to, or for members that have been in, an institution for less than 6 months, expansion of the home maintenance allowance through the end of the COVID-19 emergency	25-Mar-20	Disaster Relief SPA 20-003	Approved
Increase payment rates for Nursing Facilities	7-Apr-20	Disaster Relief SPA 20-006	Approved
Expand eligibility to the uninsured population under 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act	7-Apr-20	Disaster Relief SPA 20-006	No Longer Needed; Approved through Disaster Relief SPA 20-003
Payments for emergency case management to homeless Medicaid-eligible individuals	4-May-20	Disaster Relief SPA 20-007	Approved
Delay fair hearings and conduct fair hearings telephonically	13-Mar-20	Letter of Concurrence	Approved
Extension on the processing of Medicaid renewals and adverse actions	13-Mar-20	Letter of Concurrence	Approved
Suspend post-eligibility verification and adverse actions	13-Mar-20	Letter of Concurrence	Approved