

2008 -- S 2282

LC01333

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE
SERVICE AND FINANCE REFORM

Introduced By: Senators Perry, Goodwin, C Levesque, Miller, and Gallo

Date Introduced: February 07, 2008

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-8.9-3 of the General Laws in Chapter 40-8.9 entitled "Medical
2 Assistance - Long-Term Care Service and Finance Reform" is hereby amended to read as
3 follows:

4 **40-8.9-3. Least restrictive setting requirement.** -- (a) Beginning on July 1, 2007, the
5 department of human services is directed ~~to recommend the allocation of~~ and authorized to
6 allocate existing Medicaid resources as needed to ensure that those in need of long-term care and
7 support services receive them in the least restrictive setting appropriate to their needs beginning
8 on July 1, 2009 ~~and preferences~~. The department is ~~hereby authorized~~ mandated to utilize
9 screening and expedited services criteria, to avoid unnecessary institutionalization of persons
10 during the full eligibility determination process for Medicaid community based care.

11 The screening criteria shall include clinical measures, safety criteria and estimated cost to
12 determine whether the long-term care needs of a Medicaid eligible person can be appropriately
13 met utilizing Medicaid community based care. If a determination is made that the Medicaid
14 eligible person's long-term care needs can be appropriately met utilizing Medicaid community
15 based care then the Medicaid eligible person shall be deemed eligible for Medicaid community
16 based care and shall not be deemed eligible for institutional care until such time as a subsequent
17 determination is made that the long-term care needs of the person can only be met in an
18 institutional setting, at which time the Medicaid eligible person shall be approved for institutional

1 care.

2 (b) The department is hereby authorized and directed to promulgate regulations
3 consistent with the requirements of this section no later than March 1, 2009. These regulations
4 shall include financial eligibility criteria that allow for consideration of an allowance for
5 community housing costs.

6 (c) The department is hereby authorized and directed to make amendments to the state
7 Medicaid plan including the utilization of self directed personal assistance care enumerated in
8 section 1519(j) of title XIX of the United States Code.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE
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1 This act would provide that those in need of long-term care and support services receive
2 them in the least restrictive setting appropriate to their needs to avoid unnecessary
3 institutionalization of persons during the full eligibility determination process for Medicaid
4 community-based care. This requirement would be met by the department of human services
5 which would direct and authorize allocation of existing Medicaid resources.

6 This act would take effect upon passage.

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