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ARTICLE 23 AS AMENDED

RELATING TO HUMAN SERVICES

SECTION 1. Section 40-6-27 of the General Laws in Chapter 40-6 entitled "Public Assistance Act" is hereby amended to read as follows:

40-6-27. Supplemental security income. -- (a) (1) The director of the department is hereby authorized to enter into agreements on behalf of the state with the secretary of the Department of Health and Human Services or other appropriate federal officials, under the supplementary and security income (SSI) program established by title XVI of the Social Security Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility for SSI benefits for residents of this state, except as otherwise provided in this section. The state's monthly share of supplementary assistance to the supplementary security income program ~~effective January 1, 2009~~, shall be as follows:

- (i) Individual living alone: \$39.92
- (ii) Individual living with others: \$51.92
- (iii) Couple living alone: \$79.38
- (iv) Couple living with others: \$97.30
- (v) Individual living in state licensed assisted living residence: ~~\$538.00~~ \$332.00
- (vi) Individual living in state licensed supportive residential care settings that, depending on the population served, meet the standards set by the department of human services in conjunction with the department(s) of children, youth and families, elderly affairs and/or behavioral healthcare developmental disabilities hospitals:..... \$300.00.

Provided, however, that the department of human services shall by regulation reduce, effective January 1, 2009, the state's monthly share of supplementary assistance to the supplementary security income program for each of the above listed payment levels, by the same value as the annual federal cost of living adjustment to be published by the federal social security administration in October 2008 and becoming effective on January 1, 2009, as determined under the provisions of title XVI of the federal social security act [42 U.S.C. section 1381 et seq.] and provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in the state's monthly share shall not cause a reduction in the combined federal and state payment level for each category of recipients in effect in the month of December 2008; provided further,

1 that the department of human services is authorized and directed to provide for payments to
2 recipients in accordance with the above directives ~~beginning January 1, 2009.~~

3 (2) As of July 1, 2010, state supplement payments shall not be federally administered and
4 shall be paid directly by the department of human services to the recipient.

5 (3) Individuals living in institutions shall receive a twenty dollar (\$20.00) per month
6 personal needs allowance from the state which shall be in addition to the personal needs
7 allowance allowed by the Social Security Act, 42 U.S.C. section 301 et seq.

8 (4) Individuals living in state licensed supportive residential care settings and assisted
9 living residences who are receiving SSI shall be allowed to retain a minimum personal needs
10 allowance of fifty-five dollars (\$55.00) per month from their SSI monthly benefit prior to
11 payment of any monthly fees.

12 (5) To ensure that supportive residential care or an assisted living residence is a safe and
13 appropriate service setting, the department is authorized and directed to make a determination of
14 the medical need and whether a setting provides the appropriate services for those persons who:

15 (i) Have applied for or are receiving SSI, and who apply for admission to supportive
16 residential care setting and assisted living residences on or after October 1, 1998; or

17 (ii) Who are residing in supportive residential care settings and assisted living residences,
18 and who apply for or begin to receive SSI on or after October 1, 1998.

19 (6) The process for determining medical need required by subsection (4) of this section
20 shall be developed by the office of health and human services in collaboration with the
21 departments of that office and shall be implemented in a manner that furthers the goals of
22 establishing a statewide coordinated long-term care entry system as required pursuant to the
23 Global Consumer Choice Compact Waiver.

24 (7) To assure access to high quality coordinated services, the department is further
25 authorized and directed to establish rules specifying the payment certification standards that must
26 be met by those state licensed supportive residential care settings and assisted living residences
27 admitting or serving any persons eligible for state-funded supplementary assistance under this
28 section. Such payment certification standards shall define:

29 (i) The scope and frequency of resident assessments, the development and
30 implementation of individualized service plans, staffing levels and qualifications, resident
31 monitoring, service coordination, safety risk management and disclosure, and any other related
32 areas;

33 (ii) The procedures for determining whether the payment certifications standards have
34 been met; and

1 (iii) The criteria and process for granting a one time, short-term good cause exemption
2 from the payment certification standards to a licensed supportive residential care setting or
3 assisted living residence that provides documented evidence indicating that meeting or failing to
4 meet said standards poses an undue hardship on any person eligible under this section who is a
5 prospective or current resident.

6 (8) The payment certification standards required by this section shall be developed in
7 collaboration by the departments, under the direction of the executive office of health and human
8 services, so as to ensure that they comply with applicable licensure regulations either in effect or
9 in development. (b) The department is authorized and directed to provide additional assistance to
10 individuals eligible for SSI benefits for:

11 (1) Moving costs or other expenses as a result of an emergency of a catastrophic nature
12 which is defined as a fire or natural disaster; and

13 (2) Lost or stolen SSI benefit checks or proceeds of them; and

14 (3) Assistance payments to SSI eligible individuals in need because of the application of
15 federal SSI regulations regarding estranged spouses; and the department shall provide such
16 assistance in a form and amount, which the department shall by regulation determine.

17 SECTION 2. Section 40-8-4 of the General Laws in Chapter 40-8 entitled "Medical
18 Assistance" is hereby amended to read as follows:

19 **40-8-4. Direct vendor payment plan.** -- (a) The department shall furnish medical care
20 benefits to eligible beneficiaries through a direct vendor payment plan. The plan shall include, but
21 need not be limited to, any or all of the following benefits, which benefits shall be contracted for
22 by the director:

23 (1) Inpatient hospital services, other than services in a hospital, institution, or facility for
24 tuberculosis or mental diseases;

25 (2) Nursing services for such period of time as the director shall authorize;

26 (3) Visiting nurse service;

27 (4) Drugs for consumption either by inpatients or by other persons for whom they are
28 prescribed by a licensed physician;

29 (5) Dental services; and

30 (6) Hospice care up to a maximum of two hundred and ten (210) days as a lifetime
31 benefit.

32 (b) For purposes of this chapter, the payment of federal Medicare premiums or other
33 health insurance premiums by the department on behalf of eligible beneficiaries in accordance
34 with the provisions of Title XIX of the federal Social Security Act, 42 U.S.C. section 1396 et

1 seq., shall be deemed to be a direct vendor payment.

2 (c) With respect to medical care benefits furnished to eligible individuals under this
3 chapter or Title XIX of the federal Social Security Act, the department is authorized and directed
4 to impose:

5 (i) Nominal co-payments or similar charges upon eligible individuals for non-emergency
6 services provided in a hospital emergency room; and

7 (ii) Co-payments for prescription drugs in the amount of one dollar (\$1.00) for generic
8 drug prescriptions and three dollars (\$3.00) for brand name drug prescriptions in accordance with
9 the provisions of 42 U.S.C. section 1396, et seq.

10 (d) The department is authorized and directed to promulgate rules and regulations to
11 impose such co-payments or charges and to provide that, with respect to subdivision (ii) above,
12 those regulations shall be effective upon filing.

13 (e) No state agency shall pay a vendor for medical benefits provided to a recipient of
14 assistance under this chapter until and unless the vendor has submitted a claim for payment to a
15 commercial insurance plan, Medicare, and/or a Medicaid managed care plan, if applicable for that
16 recipient, in that order.

17 SECTION 3. Sections 40-5.2-10 and 40-5.2-12 of the General Laws in Chapter 40-5.2
18 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

19 **40-5.2-10. Necessary requirements and conditions.** -- The following requirements and
20 conditions shall be necessary to establish eligibility for the program.

21 (a) Citizenship, alienage and residency requirements.

22 (1) A person shall be a resident of the State of Rhode Island.

23 (2) Effective October 1, 2008 a person shall be a United States citizen, or shall meet the
24 alienage requirements established in section 402(b) of the Personal Responsibility and Work
25 Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section
26 may hereafter be amended; a person who is not a United States citizen and does not meet the
27 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
28 accordance with this chapter.

29 (b) The family/assistance unit must meet any other requirements established by the
30 department of human services by rules and regulations adopted pursuant to the Administrative
31 Procedures Act, as necessary to promote the purpose and goals of this chapter.

32 (c) Receipt of cash assistance is conditional upon compliance with all program
33 requirements.

34 (d) All individuals domiciled in this state shall be exempt from the application of

1 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
2 Opportunity Reconciliation Act of 1996, PRWORA, which makes any individual ineligible for
3 certain state and federal assistance if that individual has been convicted under federal or state law
4 of any offense which is classified as a felony by the law of the jurisdiction and which has as an
5 element the possession, use, or distribution of a controlled substance as defined in section 102(6)
6 of the Controlled Substances Act (21 U.S.C. 802(6)).

7 (e) Individual employment plan as a condition of eligibility.

8 (1) Following receipt of an application, the department of human services shall assess
9 the financial conditions of the family, including the non-parent caretaker relative who is applying
10 for cash assistance for himself or herself as well as for the minor child(ren), in the context of an
11 eligibility determination. If a parent or non parent caretaker relative is unemployed or under-
12 employed, the department shall conduct an initial assessment, taking into account: (A) the
13 physical capacity, skills, education, work experience, health, safety, family responsibilities and
14 place of residence of the individual; and (B) the child care and supportive services required by the
15 applicant to avail himself or herself of employment opportunities and/or work readiness
16 programs.

17 (2) On the basis of such assessment, the department of human services and the
18 department of labor and training, as appropriate, in consultation with the applicant, shall develop
19 an individual employment plan for the family which requires the individual to participate in the
20 intensive employment services ~~provided by the department of labor and training~~. Intensive
21 employment services shall be defined as the work requirement activities in subsections 40-5.2-
22 12(g) and (i).

23 (3) The director, or his/her designee, may assign a case manager to an
24 applicant/participant, as appropriate.

25 (4) The department of labor and training and the department of human services in
26 conjunction with the participant shall develop a revised individual employment plan which shall
27 identify employment objectives, taking into consideration factors above, and shall include a
28 strategy for immediate employment and for preparing for, finding, and retaining employment
29 consistent, to the extent practicable, with the individual's career objectives.

30 (5) The individual employment plan must include the provision for the participant to
31 engage in work requirements as outlined in section 40-5.2-12 of this chapter.

32 (6) (A) The participant shall attend and participate immediately in intensive assessment
33 and employment services as the first step in the individual employment plan ~~at the Rhode Island~~
34 ~~department of labor and training~~, unless temporarily exempt from this requirement in accordance

1 with this chapter. [Intensive assessment and employment services shall be defined as the work](#)
2 [requirement activities in subsections 40-5.2-12\(g\) and \(i\).](#)

3 (B) Parents under age twenty (20) without a high school diploma or General Equivalency
4 Diploma (GED) shall be referred to special teen parent programs which will provide intensive
5 services designed to assist teen parent to complete high school education or GED, and to continue
6 approved work plan activities in accord with Works program requirements.

7 (7) The applicant shall become a participant in accordance with this chapter at the time
8 the individual employment plan is signed and entered into.

9 (8) Applicants and participants of the Rhode Island Work Program shall agree to comply
10 with the terms of the individual employment plan, and shall cooperate fully with the steps
11 established in the individual employment plan, including the work requirements.

12 (9) The department of human services has the authority under the chapter to require
13 attendance by the applicant/participant, either at the department of human services or at the
14 department of labor and training, at appointments deemed necessary for the purpose of having the
15 applicant enter into and become eligible for assistance through the Rhode Island Work Program.
16 Said appointments include, but are not limited to, the initial interview, orientation and
17 assessment; job readiness and job search. Attendance is required as a condition of eligibility for
18 cash assistance in accordance with rules and regulations established by the department.

19 (10) As a condition of eligibility for assistance pursuant to this chapter, the
20 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the
21 department of human services and/or the Rhode Island department of labor and training,
22 participate in any initial assessments or appraisals and comply with all the terms of the individual
23 employment plan in accordance with department of human service rules and regulations.

24 (11) A participant, including a parent or non-parent caretaker relative included in the
25 cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause
26 as defined in this chapter or the department's rules and regulations.

27 (12) A participant who voluntarily quits or refuses a job without good cause, as defined
28 in subsection 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall
29 be sanctioned in accordance with rules and regulations promulgated by the department.

30 (f) Resources.

31 (1) The Family or assistance unit's countable resources shall be less than the allowable
32 resource limit established by the department in accordance with this chapter.

33 (2) No family or assistance unit shall be eligible for assistance payments if the combined
34 value of its available resources (reduced by any obligations or debts with respect to such

1 resources) exceeds one thousand dollars (\$1,000).

2 (3) For purposes of this subsection, the following shall not be counted as resources of the
3 family/assistance unit in the determination of eligibility for the works program:

4 (A) The home owned and occupied by a child, parent, relative or other individual;

5 (B) Real property owned by a husband and wife as tenants by the entirety, if the property
6 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
7 the property;

8 (C) Real property which the family is making a good faith effort to dispose of, however,
9 any cash assistance payable to the family for any such period shall be conditioned upon such
10 disposal of the real property within six (6) months of the date of application and any payments of
11 assistance for that period shall (at the time of disposal) be considered overpayments to the extent
12 that they would not have occurred at the beginning of the period for which the payments were
13 made. All overpayments are debts subject to recovery in accordance with the provisions of the
14 chapter;

15 (D) Income producing property other than real estate including, but not limited to,
16 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
17 Services which the department determines are necessary for the family to earn a living;

18 (E) One vehicle for each adult household member, but not to exceed two (2) vehicles per
19 household, and in addition, a vehicle used primarily for income producing purposes such as, but
20 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
21 annually produces income consistent with its fair market value, even if only used on a seasonal
22 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
23 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
24 special type of vehicle that makes it possible to transport the person with a disability;

25 (F) Household furnishings and appliances, clothing, personal effects and keepsakes of
26 limited value;

27 (G) Burial plots (one for each child, relative, and other individual in the assistance unit),
28 and funeral arrangements;

29 (H) For the month of receipt and the following month, any refund of federal income
30 taxes made to the family by reason of section 32 of the Internal Revenue Code of 1986, 26 U.S.C.
31 section 32 (relating to earned income tax credit), and any payment made to the family by an
32 employer under section 3507 of the Internal Revenue Code of 1986, 26 U.S.C. section 3507
33 (relating to advance payment of such earned income credit);

34 (I) The resources of any family member receiving supplementary security income

1 assistance under the Social Security Act, 42 U.S.C. section 301 et seq.

2 (g) Income.

3 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
4 of cash assistance to which a family is entitled under this chapter, the income of a family includes
5 all of the money, goods, and services received or actually available to any member of the family.

6 (2) In determining the eligibility for and the amount of cash assistance to which a
7 family/assistance unit is entitled under this chapter, income in any month shall not include the
8 first one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross
9 earnings of the family in excess of one hundred seventy dollars (\$170) earned during the month.

10 (3) The income of a family shall not include:

11 (A) The first fifty dollars (\$50.00) in child support received in any month from each non-
12 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty
13 dollars (\$50.00) per month multiplied by the number of months in which the support has been in
14 arrears) which are paid in any month by a non-custodial parent of a child;

15 (B) Earned income of any child;

16 (C) Income received by a family member who is receiving supplemental security income
17 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. section 1381 et seq.;

18 (D) The value of assistance provided by state or federal government or private agencies
19 to meet nutritional needs, including: value of USDA donated foods; value of supplemental food
20 assistance received under the Child Nutrition Act of 1966, as amended and the special food
21 service program for children under Title VII, nutrition program for the elderly, of the Older
22 Americans Act of 1965 as amended, and the value of food stamps;

23 (E) Value of certain assistance provided to undergraduate students, including any grant
24 or loan for an undergraduate student for educational purposes made or insured under any loan
25 program administered by the U.S. Commissioner of Education (or the Rhode Island board of
26 governors for higher education or the Rhode Island higher educational assistance authority);

27 (F) Foster Care Payments;

28 (G) Home energy assistance funded by state or federal government or by a nonprofit
29 organization;

30 (H) Payments for supportive services or reimbursement of out-of-pocket expenses made
31 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
32 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service
33 Act of 1973, 42 U.S.C. section 5000 et seq.;

34 (I) Payments to volunteers under AmeriCorps VISTA as defined in the department's

1 rules and regulations;

2 (J) Certain payments to native Americans; payments distributed per capita to, or held in
3 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. section 1261 et seq., P.L. 93-
4 134, 25 U.S.C. section 1401 et seq., or P.L. 94-540; receipts distributed to members of certain
5 Indian tribes which are referred to in section 5 of P.L. 94-114, 25 U.S.C. section 459d, that
6 became effective October 17, 1975;

7 (K) Refund from the federal and state earned income tax credit;

8 (L) The value of any state, local, or federal government rent or housing subsidy,
9 provided that this exclusion shall not limit the reduction in benefits provided for in the payment
10 standard section of this chapter.

11 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
12 accordance with rules and regulations promulgated by the department.

13 (h) Time limit on the receipt of cash assistance.

14 (1) No cash assistance shall be provided, pursuant to this chapter, to a family or
15 assistance unit which includes an adult member who has received cash assistance, either for
16 him/herself or on behalf of his/her children, for a total of twenty-four (24) months, (whether or
17 not consecutive) within any sixty (60) continuous months after July 1, 2008 to include any time
18 receiving any type of cash assistance in any other state or territory of the United States of
19 America as defined herein. Provided further, in no circumstances other than provided for in
20 section (3) below with respect to certain minor children, shall cash assistance be provided
21 pursuant to this chapter to a family or assistance unit which includes an adult member who has
22 received cash assistance for a total of a lifetime limit of forty-eight (48) months.

23 (2) Cash benefits received by a minor dependent child shall not be counted toward their
24 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
25 benefits as an adult.

26 (3) Certain minor children not subject to time limit. This section regarding the lifetime
27 time limit for the receipt of cash assistance, shall not apply only in the instances of a minor
28 child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a
29 responsible adult non-parent caretaker relative who is not in the case assistance payment.

30 (4) Receipt of family cash assistance in any other state or territory of the United States of
31 America shall be determined by the department of human services and shall include family cash
32 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
33 [Title IV-A of the Federal Social Security Act 42 U.S.C. section 601 et seq.]and/or family cash
34 assistance provided under a program similar to the Rhode Island Families Work and Opportunity

1 Program or the federal TANF program.

2 (5) (A) The department of human service shall mail a notice to each assistance unit when
3 the assistance unit has six (6) months of cash assistance remaining and each month thereafter
4 until the time limit has expired. The notice must be developed by the department of human
5 services and must contain information about the lifetime time limit, the number of months the
6 participant has remaining, the hardship extension policy, the availability of a post-employment-
7 and-closure bonus, and any other information pertinent to a family or an assistance unit nearing
8 either the twenty-four (24) month or forty-eight (48) month lifetime time limit.

9 (B) For applicants who have less than six (6) months remaining in either the twenty-four
10 (24) month or forty-eight (48) month lifetime time limit because the family or assistance unit
11 previously received cash assistance in Rhode Island or in another state, the department shall
12 notify the applicant of the number of months remaining when the application is approved and
13 begin the process required in paragraph (A) above.

14 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
15 Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal
16 Social Security Act, 42 U.S.C. 601 et seq.) formerly entitled the Rhode Island Family
17 Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction
18 because of failure to comply with the cash assistance program requirements; and that recipients
19 family received forty-eight (48) months of cash benefits in accordance with the Family
20 Independence Program, than that recipient family is not able to receive further cash assistance for
21 his/her family, under this chapter, except under hardship exceptions.

22 (7) The months of state or federally funded cash assistance received by a recipient family
23 since May 1, 1997 under Rhode Island's Temporary Assistance for Needy Families Program,
24 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. section 601
25 et seq.) formerly entitled the Rhode Island Family Independence Program, shall be countable
26 toward the time limited cash assistance described in this chapter.

27 (i) Time limit on the receipt of cash assistance.

28 (1) (A) No cash assistance shall be provided, pursuant to this chapter, to a family
29 assistance unit in which an adult member has received cash assistance for a total of sixty (60)
30 months (whether or not consecutive) to include any time receiving any type of cash assistance in
31 any other state or territory of the United States as defined herein effective August 1, 2008.
32 Provided further, that no cash assistance shall be provided to a family in which an adult member
33 has received assistance for twenty-four (24) consecutive months unless the adult member has a
34 rehabilitation employment plan as provided in subsection 40-5.2-12(g)(5).

1 (B) Effective August 1, 2008 no cash assistance shall be provided pursuant to this
2 chapter to a family in which a child has received cash assistance for a total of sixty (60) months
3 (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant
4 to subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other
5 state or territory of the United States as defined herein.

6 (j) Hardship Exceptions.

7 (1) The department may extend an assistance unit's or family's cash assistance beyond
8 the time limit, by reason of hardship; provided, however, that the number of such families to be
9 exempted by the department with respect to their time limit under this subsection shall not exceed
10 twenty percent (20%) of the average monthly number of families to which assistance is provided
11 for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter
12 permitted by federal law, any waiver granted under section 40-5.2-35, for domestic violence,
13 shall not be counted in determining the twenty percent (20%) maximum under this section.

14 (2) Parents who receive extensions to the time limit due to hardship must have and
15 comply with employment plans designed to remove or ameliorate the conditions that warranted
16 the extension.

17 (k) Parents under eighteen (18) years of age.

18 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
19 never been married, and who has a child; or a family which consists of a woman under the age of
20 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
21 such family resides in the home of an adult parent, legal guardian or other adult relative. Such
22 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
23 the individual and child unless otherwise authorized by the department.

24 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
25 legal guardian or other adult relative who is living and/or whose whereabouts are unknown; or the
26 department determines that the physical or emotional health or safety of the minor parent, or his
27 or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the
28 same residence as his or her parent, legal guardian or other adult relative (refusal of a parent,
29 legal guardian or other adult relative to allow the minor parent or his or her child, or a pregnant
30 minor, to live in his or her home shall constitute a presumption that the health or safety would be
31 so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent
32 or legal guardian for a period of at least one year before either the birth of any child to a minor
33 parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
34 regulations, for waiving the subsection; and the individual resides in supervised supportive living

1 arrangement to the extent available.

2 (3) For purposes of this section "supervised supportive living arrangement" means an
3 arrangement which requires minor parents to enroll and make satisfactory progress in a program
4 leading to a high school diploma or a general education development certificate, and requires
5 minor parents to participate in the adolescent parenting program designated by the department, to
6 the extent the program is available; and provides rules and regulations which ensure regular adult
7 supervision.

8 (l) Assignment and Cooperation. - As a condition of eligibility for cash and medical
9 assistance under this chapter, each adult member, parent or caretaker relative of the
10 family/assistance unit must:

11 (1) Assign to the state any rights to support for children within the family from any
12 person which the family member has at the time the assignment is executed or may have while
13 receiving assistance under this chapter;

14 (2) Consent to and cooperate with the state in establishing the paternity and in
15 establishing and/or enforcing child support and medical support orders for all children in the
16 family or assistance unit in accordance with Title 15 of the general laws, as amended, unless the
17 parent or caretaker relative is found to have good cause for refusing to comply with the
18 requirements of this subsection.

19 (3) Absent good cause, as defined by the department of human services through the rule
20 making process, for refusing to comply with the requirements of (1) and (2) above, cash
21 assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of
22 the family who has refused to comply with the requirements of this subsection consents to and
23 cooperates with the state in accordance with the requirements of this subsection.

24 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
25 adult member, parent or caretaker relative of the family/assistance unit must consent to and
26 cooperate with the state in identifying and providing information to assist the state in pursuing
27 any third-party who may be liable to pay for care and services under Title XIX of the Social
28 Security Act, 42 U.S.C. section 1396 et seq.

29 **40-5.2-12. Work requirements for receipt of cash assistance.** -- (a) The department of
30 human services and the department of labor and training shall assess the applicant/parent or non-
31 parent caretaker relative's work experience, educational and vocational abilities, and the
32 department together with the parent shall develop and enter into a mandatory individual
33 employment plan in accordance with subsection 40-5.2-10(e) of this chapter.

34 (b) In the case of a family including two (2) parents, at least one of the parents shall be

1 required to participate in an employment plan leading to full-time employment. The department
2 may also require the second parent in a two (2) parent household to develop an employment plan
3 if and when the youngest child reaches six (6) years of age or older.

4 (c) The written individual employment plan shall specify, at minimum, the immediate
5 steps necessary to support a goal of long-term economic independence.

6 (d) All applicants and participants in the Rhode Island Works employment program must
7 attend and participate in required appointments, employment plan development, and employment-
8 related activities, unless temporarily exempt for reasons specified in this chapter.

9 (e) A recipient/participant temporarily exempted from the work requirements may
10 participate in an individual employment plan on a voluntary basis; however, remains subject to
11 the same program compliance requirements as a participant without a temporary exemption.

12 (f) The individual employment plan shall specify the participant's work activity(ies) and
13 the supportive services which will be provided by the department to enable the participant to
14 engage in the work activity(ies).

15 (g) Work Requirements for single parent families. - In single parent households, the
16 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate
17 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in
18 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the
19 youngest child in the home is six (6) years of age or older, in one or more of their required work
20 activities, as appropriate, in order to help the parent obtain stable full-time paid employment, as
21 determined by the department of human services and the department of labor and training;
22 provided, however, that he or she shall begin with intensive employment services ~~through the~~
23 ~~department of labor and training~~ as the first step in the individual employment plan. Required
24 work activities are as follows:

25 (1) At least twenty (20) hours per week must come from participation in one or more of
26 the following ten (10) work activities:

27 (A) Unsubsidized employment;

28 (B) Subsidized private sector employment;

29 (C) Subsidized public sector employment;

30 (D) Work experience;

31 (E) On the Job Training;

32 (F) Job search and job readiness;

33 (G) Community service programs;

34 (H) Vocational educational training not to exceed twelve (12) months;

1 (I) Providing child care services to another participant parent who is participating in an
2 approved community service program;

3 (J) Adult education in an intensive work readiness program not to exceed six (6) months.

4 (2) Above twenty (20) hours per week, the parent may participate in one or more of the
5 following three (3) activities in order to satisfy a thirty (30) hour requirement:

6 (A) Job skills training directly related to employment;

7 (B) Education directly related to employment; and,

8 (C) Satisfactory attendance at a secondary school or in a course of study leading to a
9 certificate of general equivalence if it is a teen parent under the age twenty (20) who is without a
10 high school diploma or General Equivalence Diploma (GED);

11 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school
12 or the equivalent during the month or twenty (20) hours per week on average for the month in
13 education directly related to employment will be counted as engaged in work.

14 (4) A parent who participates in a work experience or community service program for
15 the maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is
16 deemed to have participated in his/her required minimum hours per week in core activities if
17 actual participation falls short of his/her required minimum hours per week.

18 (5) A parent who has been determined to have a physical or mental impairment affecting
19 employment but who has not been found eligible for Social Security Disability Benefits or
20 Supplemental Security Income must participate in his or her rehabilitation employment plan as
21 developed with the Office of Rehabilitative Services which leads to employment and/or to receipt
22 of disability benefits through the Social Security Administration.

23 (6) A required work activity may be any other work activity permissible under federal
24 TANF provisions or state defined Rhode Island Works Program activity, including up to ten (10)
25 hours of activities required by a parent's department of children, youth and families service plan.

26 (h) Exemptions from Work Requirements for the single parent family. - Work
27 Requirements outlined in subsection 40-5.2-12(g) above shall not apply to a single parent if (and
28 for so long as) the department finds that he or she is:

29 (1) Caring for a child below the age of one, provided, however that a parent may opt for
30 the deferral from an individual employment plan for a maximum of twelve (12) months during
31 the twenty-four (24) months of eligibility for cash assistance, and provided further that a minor
32 parent without a high school diploma or the equivalent, and who is not married, shall not be
33 exempt for more than twelve weeks from the birth of the child;

34 (2) Caring for a disabled family member, who resides in the home and requires full time

1 care;

2 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or
3 other disability benefits which have the same standard of disability as defined by the Social
4 Security Administration;

5 (4) An individual receiving assistance who is a victim of domestic violence as
6 determined by the department in accordance with rules and regulations;

7 (5) An applicant for assistance in her third trimester or a pregnant woman in her third
8 trimester who is a recipient of assistance and has medical documentation that she cannot work;

9 (6) An individual otherwise exempt by the department as defined in rules and regulations
10 promulgated by the department.

11 (i) Work Requirement for two parent families.

12 (1) In families consisting of two parents, one parent is required and shall be engaged in
13 work activities as defined below, for at least thirty-five (35) hours per week during the month, not
14 fewer than thirty (30) hours per week of which are attributable to one or more of the following
15 listed work activities, provided, however, that he or she shall begin with intensive employment
16 services ~~through the department of labor and training~~ as the first step in the Individual
17 Employment Plan. Two parent work requirements shall be defined as the following:

18 (A) Unsubsidized employment;

19 (B) Subsidized private sector employment;

20 (C) Subsidized public-sector employment;

21 (D) Work experience;

22 (E) On-the-job training;

23 (F) Job search and job readiness;

24 (G) Community service program;

25 (H) Vocational educational training not to exceed twelve (12) months;

26 (I) The provision of child care services to a participant individual who is participating in
27 a community service program;

28 (J) Adult education in an intensive work readiness program not to exceed six (6) months.

29 (2) Above thirty (30) hours per week, the following three (3) activities may also count
30 for participation:

31 (A) Job skills training directly related to employment;

32 (B) Education directly related to employment; and

33 (C) Satisfactory attendance at secondary school or in a course of study leading to a
34 certificate of general equivalence.

1 (3) A family with two parents in which one or both parents participate in a work
2 experience or community service program shall be deemed to have participated in core work
3 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
4 (FLSA) if actual participation falls short of his/her required minimum hours per week.

5 (4) If the family receives child care assistance and an adult in the family is not disabled
6 or caring for a severely disabled child, then the work-eligible individuals must be participating in
7 work activities for an average of at least fifty-five (55) hours per week to count as a two-parent
8 family engaged in work for the month.

9 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation
10 in the activities listed in subdivision 40-5.1-12(i)(1).

11 Above fifty (50) hours per week, the three (3) activities listed in subdivision 40-5.1-(i)(2)
12 may also count as participation.

13 (6) A family with two parents receiving child care in which one or both parents
14 participate in a work experience or community service program for the maximum number of
15 hours per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met
16 their required core hours if actual participation falls short of the required minimum hours per
17 week. For families that need additional hours beyond the core activity requirement, these hours
18 must be satisfied in some other TANF work activity.

19 (j) Exemptions from work requirements for two parent families. - Work requirements
20 outlined in subsection 40-5.2-12(i) above shall not apply to two parent families if (and for so long
21 as) the department finds that:

22 (1) Both parents receive Supplemental Security Income (SSI);

23 (2) One parent receives SSI, and the other parent is caring for a disabled family member
24 who resides in the home, and who requires full time care; or

25 (3) The parents are otherwise exempt by the department as defined in rules and
26 regulations.

27 (k) Failure to comply with work requirements. Sanctions and Terminations.

28 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled
29 under this chapter, shall be reduced for three (3) months, whether or not consecutive, in
30 accordance with rules and regulations promulgated by the department, whenever any participant,
31 without good cause, as defined by the department in its rules and regulations, has failed to enter
32 into an individual employment plan; has failed to attend a required appointment; has refused or
33 quit employment; or has failed to comply with any other requirements for the receipt of cash
34 assistance under this chapter. If the family's benefit has been reduced, benefits shall be restored to

1 the full amount beginning with the initial payment made on the first of the month following the
2 month in which the parent: (1) enters into an individual employment plan or rehabilitation plan
3 and demonstrates compliance with the terms thereof; or (2) demonstrates compliance with the
4 terms of his or her existing individual employment plan or rehabilitation plan, as such plan may
5 be amended by agreement of the parent and the department.

6 (2) In the case where appropriate child care has been made available in accordance with
7 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,
8 including full-time, part-time and/or temporary employment, or unpaid work experience or
9 community service, shall be deemed a failure to comply with the work requirements of this
10 section and shall result in reduction or termination of cash assistance, as defined by the
11 department in rules and regulations duly promulgated.

12 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,
13 whether or not consecutive in accordance with this section due to the failure by one or more
14 parents to enter into an individual employment plan or failure to comply with the terms of his of
15 her individual employment plan, or the failure to comply with the requirements of this chapter,
16 cash assistance to the entire family shall end. The family/assistance unit may reapply for benefits,
17 and the benefits shall be restored to the family/assistance unit in the full amount the
18 family/assistance unit is otherwise eligible for under this chapter beginning on the first of the
19 month following the month in which all parents in the family/assistance unit who are subject to
20 the employment or rehabilitation plan requirements under this chapter: (A) enter into an
21 individual employment or rehabilitation plan as applicable, and demonstrate compliance with the
22 terms thereof, or (B) demonstrate compliance with the terms of the parent's individual
23 employment or rehabilitation employment plan in effect at the time of termination of benefits, as
24 such plan may be amended by agreement of the parent and the department.

25 (4) Up to ten (10) days following a notice of adverse action to reduce or terminate
26 benefits under this subsection, the client may request the opportunity to meet with a social worker
27 to identify the reasons for non-compliance, establish good cause and seek to resolve any issues
28 that have prevented the parent from complying with the employment plan requirements.

29 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's
30 prior Temporary Assistance for Needy Families Program,(federal TANF described in Title IVA
31 of the federal Social Security Act, 42 U.S.C. section 601 et seq.), the Family Independence
32 Program, more specifically, subdivision 40-5.1-9(2)(c), due to failure to comply with the cash
33 assistance program requirements, but who had received less than forty-eight (48) months of cash
34 assistance at the time of closure, and who reapply for cash assistance under the Rhode Island

1 Works Program, must demonstrate full compliance, as defined by the department in its rules and
2 regulations, before they shall be eligible for cash assistance pursuant to this chapter.

3 (l) Good Cause. - Good Cause for failing to meet any program requirements including
4 leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules
5 and regulations promulgated by the department of human services.

6 SECTION 4. Sections 42-66.2-2, 42-66.2-4, 42-66.2-5, 42-66.2-6 and 42-66.2-7 of the
7 General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are
8 hereby amended to read as follows:

9 **42-66.2-2. Program established.** -- There is established a program for pharmaceutical
10 assistance to the elderly. ~~The intent of the This~~ program is to be the payer of last resort and is
11 limited to eligible persons and eligible drugs.

12 **42-66.2-4. Amount of payment.** – (a) The state shall ~~pay the percentage rate of the~~
13 ~~maximum allowable amount per prescription as formulated in the contract, as of the date of~~
14 ~~purchase of the drug, between the contractor and participating pharmacies in accordance with the~~
15 ~~income eligibility and co-payment shares~~ reimburse the consumer up to the percentage rate of the
16 maximum allowable amount per prescription as set forth in section 42-66.2-5 as of the date of
17 purchase of the drug, in accordance with the income eligibility and co-payment shares set forth in
18 section 42-66.2-5. The rebates generated pursuant to section 42-66.2-10 shall be used to offset the
19 state's payment. ~~The pharmacy shall collect from the consumer the percentage rate of the~~
20 ~~maximum allowable amount per prescription as formulated in the contract, as of the date of the~~
21 ~~purchase of the eligible drug or additional drug, between the contractor and participating~~
22 ~~pharmacies in accordance with the income eligibility and co-payment shares set forth in section~~
23 ~~42-66.2-5.~~

24 (b) Reimbursement payment will be made to consumers no less than quarterly.

25 (c) The director is authorized and directed to promulgate rules relating to the process by
26 which consumers submit claims for reimbursement including what documentation must be
27 provided by the consumer.

28 **42-66.2-5. Persons eligible.** -- (a) Persons eligible for assistance under the provisions of
29 this chapter include any resident of the state who is at least sixty-five (65) years of age or at least
30 fifty-five (55) years of age and receiving social security disability benefits. State and consumer
31 co-payment shares for these persons shall be determined as follows:

32 (1) For unmarried persons or married persons living separate and apart whose income for
33 the calendar year immediately preceding the year in which assistance is sought is:

34 (i) Less than nineteen thousand three hundred forty-one dollars (\$19,341) the state shall

1 provide reimbursement such that the consumer shall pay no more than forty percent (40%) pay
2 ~~sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent~~
3 ~~(40%)~~ of the cost of the prescriptions.

4 (ii) More than nineteen thousand three hundred forty-one dollars (\$19,341) and less than,
5 twenty-four thousand two hundred and eighty dollars (\$24,280) the state shall provide
6 reimbursement such that ~~pay thirty percent (30%) of the cost of the prescriptions and~~ the
7 consumer shall pay no more than seventy percent (70%) of the cost of the prescriptions; and

8 (iii) More than twenty-four thousand two hundred and eighty dollars (\$24,280) and less
9 than forty-two thousand four hundred and ninety-three dollars (\$42,493), the state shall provide
10 reimbursement such that ~~pay fifteen percent (15%) of the cost of prescriptions and~~ the consumer
11 shall pay no more than eighty-five percent (85%) of the cost of prescriptions.

12 (2) For married persons whose income for the calendar year immediately preceding the
13 year in which assistance is sought hereunder when combined with any income of the person's
14 spouse in the same year is:

15 (i) Twenty-four thousand one hundred and seventy-nine dollars (\$24,179) or less, the
16 state shall ~~pay sixty percent (60%) of the cost of the prescriptions and~~ provide reimbursement
17 such that the consumer shall pay no more than forty percent (40%) of the cost of the
18 prescriptions;

19 (ii) More than twenty-four thousand one hundred and seventy-nine dollars (\$24,179) and
20 less than thirty thousand three hundred and fifty-two dollars (\$30,352), the state shall ~~pay thirty~~
21 ~~percent (30%) of the cost of the prescriptions and~~ provide reimbursement such that the consumer
22 shall pay no more than seventy percent (70%) of the cost of prescriptions; and

23 (iii) More than thirty thousand three hundred and fifty-two dollars (\$30,352) and less
24 than forty-eight thousand five hundred and sixty-three dollars (\$48,563), the state shall ~~pay~~
25 ~~fifteen percent (15%) of the cost of prescriptions and~~ provide reimbursement such that the
26 consumer shall pay no more than eighty-five percent (85%) of the cost of prescriptions.

27 (3) Eligibility may also be determined by using income data for the ninety (90) days
28 prior to application for benefits and projecting that income on an annual basis. The income levels
29 shall not include those sums of money expended for medical and pharmaceutical that exceed
30 three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's
31 preceding ninety (90) day income computed on an annual basis.

32 (4) For persons on social security disability benefits who are: (i) unmarried or married
33 and living separate and apart with income for the calendar year immediately preceding the year in
34 which assistance is sought that is less than forty-two thousand four hundred and ninety-three

1 dollars (\$42,493); or (ii) married with income that is less than forty-eight thousand five hundred
2 and sixty-three dollars (\$48,563) the state shall ~~pay fifteen percent (15%) of the cost of~~
3 ~~prescriptions and~~ provide reimbursement such that the consumer shall pay no more than eighty-
4 five percent (85%) of the cost.

5 (b) On July 1 of each year, the maximum amount of allowable income for both
6 unmarried and married residents set forth in subsection (a) shall be increased by a percentage
7 equal to the percentage of the cost of living adjustment provided for social security recipients.

8 ~~(c) No person whose prescription drug expenses are paid or reimbursable, either in~~
9 ~~whole or in part, by any other plan of assistance or insurance is eligible for assistance under this~~
10 ~~section, until the person's prescription drug coverage for a specific covered prescription~~
11 ~~medication is exhausted or the specific prescription medication is not covered by the plan during~~
12 ~~a benefit year, and as provided in subsection (d).~~

13 ~~(d)~~(c) The fact that some of a person's prescription drug expenses are paid or
14 reimbursable either in whole or in part, under the provisions of the federal Medicare program
15 shall not disqualify that person, if he or she is otherwise eligible, to receive assistance under this
16 chapter, provided that if the federal share equals or exceeds sixty percent (60%) of the cost the
17 state shall make no payment. ~~In those cases, the state shall pay the eligible percentage of the cost~~
18 ~~of those prescriptions for qualified drugs for which no payment or reimbursement is made by the~~
19 ~~federal government.~~

20 ~~(e) Eligibility for receipt of any other benefit under any other provisions of the Rhode~~
21 ~~Island general laws as a result of eligibility for the pharmaceutical assistance program authorized~~
22 ~~under this section shall be limited to those persons whose income qualify them for a sixty percent~~
23 ~~(60%) state co-payment share of the cost of prescriptions.~~

24 ~~(f)~~(d) For all additional drugs, the consumer shall pay one hundred percent (100%) of the
25 cost of prescriptions as set forth in section 42-66.2-4.

26 ~~(g)~~(e) To promote coordination of benefits between the pharmaceutical assistance
27 program created under this chapter and the Medicare Part D prescription drug program created in
28 the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, RIPAE
29 enrollees must apply for and enroll in the Medicare Part D prescription drug program.

30 **42-66.2-6. Responsibilities of department of elderly affairs.** -- (a) Determination of
31 eligibility. - The department shall adopt regulations relating to the determination of eligibility of
32 prospective consumers and the determination and elimination of program abuse. The department
33 has the power to declare ineligible any consumer who abuses or misuses the established
34 prescription plan. The department has the power to investigate cases of suspected provider or

1 consumer fraud.

2 ~~(b) Rebates for expenses prohibited. — (1) A system of rebates or reimbursements to the~~
3 ~~consumer for pharmaceutical expenses shall be prohibited.~~

4 ~~(2) Subdivision (1) shall not be interpreted to exclude other consumers not participating~~
5 ~~in the pharmaceutical assistance to the elderly program from receiving financial offers or~~
6 ~~redeemable coupons that are available to only those who have paid for the service or product~~
7 ~~through direct cash payment, insurance premiums, or cost sharing with an employer.~~

8 ~~(e)~~(b) Program criteria. - The program includes the following criteria:

9 ~~(1) Collection of the co-payment by pharmacies is mandatory;~~

10 ~~(2)~~(1) Senior citizens participating in the program are ~~not~~ required to maintain records of
11 each transaction ~~but shall sign a receipt for eligible and additional drugs; as specified by the~~
12 ~~director in accordance with subsection 42-66.2-4(c);~~

13 ~~(3) (i) A system of rebates or reimbursements to the consumer for pharmaceutical~~
14 ~~expenses is prohibited;~~

15 ~~(ii) This subdivision shall not be interpreted to exclude other consumers from receiving~~
16 ~~financial offers or redeemable coupons that are available to only those who have paid for the~~
17 ~~service or product through direct cash payment, insurance premiums, or cost sharing with an~~
18 ~~employer.~~

19 ~~(4)~~(2) Prescription benefits for any single prescription may be dispensed in the amounts
20 authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred
21 (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day
22 supply or one quart of liquid, whichever is less; provided, however, that disposable insulin
23 syringes are dispensed in a quantity of one hundred (100);

24 ~~(5)~~(3) Experimental drugs are excluded from the program;

25 ~~(6)~~(4) A system of mail order delivery for prescriptions is allowed under this program;

26 and

27 ~~(7)~~(5) Eligible and additional drugs must be dispensed within one year of the original
28 prescription order.

29 ~~(d) The director shall issue an eligibility card containing a program ID number and the~~
30 ~~time period for which the card is valid.~~

31 ~~(e)~~(c) The director shall provide a mechanism, within the department, to handle all
32 public inquiries concerning the program.

33 ~~(f)~~(d) The director shall establish a process, in accordance with the Administrative
34 Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of

1 eligibility.

2 ~~(e)~~(e) The director shall forward to the contractor a list of all eligible consumers.

3 ~~(f)~~(f) Expenditures for multiple sclerosis drugs shall not exceed thirty thousand dollars
4 (\$30,000).

5 ~~(g)~~(g) Generic drug substitution is mandatory when there is an available generic drug
6 equivalent.

7 **42-66.2-7. Contract.** -- (a) The director is authorized ~~and shall~~ to enter into a contract
8 with the contractor for the effective administrative support of this program.

9 (b) A competitive bid and contract award shall occur in accordance with the state
10 Medicaid authority's competitive bid process and cycle.

11 SECTION 5. Section 1 shall take effect as of October 1, 2011. The remainder of the
12 Article shall take effect upon passage.