

2022 -- S 2189

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HUMAN SERVICES -- HEALTH CARE FOR FAMILIES

Introduced By: Senators Calkin, Mendes, Mack, Acosta, and Anderson

Date Introduced: February 08, 2022

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40-8.4 of the General Laws entitled "Health Care for Families" is
2 hereby amended by adding thereto the following section:

3 **40-8.4-21. Employer public assistance assessment.**

4 (a) Employer Assessment. Each employer employing no less than three hundred (300)
5 employees within the state of Rhode Island, shall pay quarterly an assessment for each employee
6 who is a Medicaid beneficiary for every day of the quarter, whether full- or part-time; provided,
7 however, no nonprofit organization or governmental entity shall be considered an employer for the
8 purposes of this section. The assessment shall be computed by multiplying the wages the employer
9 paid any such employee by ten percent (10%), up to an annual maximum assessment of one
10 thousand five hundred dollars (\$1,500) per Medicaid beneficiary employee. Working adults with
11 disabilities, as further defined by regulation authorized in subsection (g) of this section, employees
12 enrolled in RIte Share and employees who only have children enrolled in Medicaid are exempted
13 employees for whom the employer will not be charged an employer assessment under this section.

14 (b) Wages. For the purposes of this section, "wages" means all compensation due to an
15 employee by reason of his or her employment.

16 (c) Appeal. An employer notified of a liability determination under this section may request
17 a hearing with the department of labor and training to appeal the liability determination. The request
18 for a hearing shall be filed not more than fifteen (15) days after the receipt of notice of the
19 determination. The decision rendered at the conclusion of the hearing shall be considered a final

1 agency order.

2 (d) Eligibility inquiries. Notwithstanding the appeal right in subsection (c) of this section,
3 an employer may issue to the department of human services a request for review of the Medicaid
4 eligibility of any employee for whom the employer is charged an assessment. Except where
5 prohibited by federal law, the state is authorized to make a limited disclosure to the inquiring
6 employer regarding the name of any Medicaid beneficiary employee for whom the employer is
7 being assessed under subsection (a) of this section.

8 (e) Discrimination prohibited. No employer may take any adverse action against any
9 employee or potential employee on the basis of the employee's status as a Medicaid beneficiary.
10 Any employer found to have discriminated on this basis shall be subject to a penalty prescribed in
11 regulations promulgated pursuant to this section.

12 (f) Data sharing. The departments of administration, revenue, human services, and labor
13 and training, and the executive office of health and human services are authorized to share data and
14 information to implement this section. Data collected by the departments of administration,
15 revenue, human services, labor and training, or the executive office of health and human services
16 for the implementation of this section shall not be a public record.

17 (g) Regulations. The departments of labor and training and human services are authorized
18 to promulgate regulations to implement the provisions of this section, including additional
19 parameters on which employees cause the assessment and the definition of working disabled adults
20 exempted from the employer assessment contained in subsection (a) of this section, in consultation
21 with the executive office of health and human services and department of revenue.

22 SECTION 2. This act shall take effect on January 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES -- HEALTH CARE FOR FAMILIES

1 This act would establish a "Medicaid Employer Assessment" for employers with three
2 hundred (300) or more employees. The assessment is for each employee enrolled in Medicaid. The
3 assessment would equal ten percent (10%) of the employee's wages capped at one thousand five
4 hundred dollars (\$1,500) per employee/per year.

5 This act would take effect on January 1, 2023.

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