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**ARTICLE 17**

RELATING TO MEDICAID REFORM ACT OF 2008 RESOLUTION

SECTION 1. Rhode Island Medicaid Reform Act of 2008 Resolution.

WHEREAS, , the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode Island Medicaid Reform Act of 2008”; and

WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws 42-12.4-1, et seq.; and

WHEREAS, Rhode Island General Law 42-7.2-5(3)(a) provides that the Secretary of the Executive Office of Health and Human Services (“Executive Office”) is responsible for the review and coordination of any Rhode Island’s Medicaid section 1115 demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or changes as described in the demonstration, “with potential to affect the scope, amount, or duration of publicly-funded health care services, provider payments or reimbursements, or access to or the availability of benefits and services provided by Rhode Island general and public laws”; and

WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound and sustainable, the Secretary of the Executive Office requests legislative approval of the following proposals to amend the Rhode Island’s Medicaid section 1115 demonstration:

- (a) Provider rates – Adjustments. The Executive Office proposes to:
  - (i) reduce in-patient and out-patient hospital payment rates by maintaining state fiscal year 2019 levels;
  - (ii) increase nursing home rates by one percent (1%) on October 1, 2019;
  - (iii) establish, effective July 1, 2019, that the rate for hospice providers delivering hospice care in a skilled nursing facility will not exceed ninety-five percent (95%) of the rate paid for non-hospice care in a skilled nursing facility; and
  - (iv) reduce the rates for Medicaid managed care plan.

Implementation of adjustments may require amendments to the Rhode Island’s Medicaid state plan and/or section 1115 demonstration waiver under applicable terms and conditions. Further, adoption of new or amended rules, regulations and procedures may also be required.

- (b) Fiscal Intermediary for Self-Direction Programs. The Executive Office proposes

1 to seek a waiver of freedom of choice of providers under Title XIX of the Social Security Act, as  
2 amended, to utilize one fiscal intermediary for the Medicaid self-direction programs currently being  
3 implemented by the state. Authority for the waiver requires amendments to the Rhode Island's  
4 Section 1115 demonstration waiver and may also necessitate the adoption of new or amended rules,  
5 regulations and procedures.

6 (c) Expansion of Home and Community Care Co-Pay Program. The Executive Office,  
7 in conjunction with the Division of Elderly Affairs, proposes to implement the authorities approved  
8 under the section 1115 waiver demonstration to increase the maximum income limit for all co-pay  
9 program eligibility from two hundred percent (200%) of the Federal Poverty Level to two hundred  
10 and fifty percent (250%) of the Federal Poverty Level. Implementation of these waiver authorities  
11 requires adoption of new or amended rules, regulations and procedures.

12 (d) Increase in the Department of Behavioral Healthcare, Developmental Disabilities  
13 and Hospitals (BHDDH) Direct Care Service Workers Wages. To further the long-term care system  
14 rebalancing goal of improving access to high quality services in the least restrictive setting, the  
15 Executive Office proposes to establish a targeted wage increase for certain community-based  
16 BHDDH developmental disability private providers and self-directed consumer direct care service  
17 workers. Implementation of the program may require amendments to the Medicaid State Plan  
18 and/or Section 1115 demonstration waiver due to changes in payment methodologies.

19 (e) Federal Financing Opportunities. The Executive Office proposes to review  
20 Medicaid requirements and opportunities under the U.S. Patient Protection and Affordable Care  
21 Act of 2010, as amended, and various other recently enacted federal laws and pursue any changes  
22 in the Rhode Island Medicaid program that promote service quality, access and cost-effectiveness  
23 that may warrant a Medicaid state plan amendment or amendment under the terms and conditions  
24 of Rhode Island's section 1115 waiver, its successor, or any extension thereof. Any such actions  
25 by the Executive Office shall not have an adverse impact on beneficiaries and shall not cause an  
26 increase in expenditures beyond the amount appropriated for state fiscal year 2020.

27 Now, therefore, be it

28 RESOLVED, the General Assembly hereby approves the proposals under paragraphs (a)  
29 through (e) above; and be it further;

30 RESOLVED, the Secretary of the Executive Office is authorized to pursue and implement  
31 any Rhode Island's Medicaid section 1115 demonstration waiver amendments, Medicaid state plan  
32 amendments, and/or changes to the applicable department's rules, regulations and procedures  
33 approved herein and as authorized by 42-12.4; and be it further

34 RESOLVED, that this Joint Resolution shall take effect upon passage.