

2023 -- H 5254

LC000538

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE

Introduced By: Representatives Morales, Casimiro, Felix, Giraldo, Vella-Wilkinson,
Stewart, Tanzi, Sanchez, Potter, and Phillips

Date Introduced: January 27, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby
2 amended by adding thereto the following section:

3 **40-8-33. Continued eligibility for certain recipients.**

4 (a) The general assembly makes the following findings of fact:

5 (1) The Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020), mandated
6 continuous Medicaid enrollment throughout the federal Covid-19 public health emergency for
7 nearly all of those enrolled in Medicaid on or after the date of enactment of March 18, 2020. These
8 provisions have provided for federal funds to help fund the enrollment of individuals in Medicaid
9 and in the Children's Health Insurance Program ("CHIP").

10 (2) In the event the United States Health and Human Services office gives notice of the
11 lifting or expiration of the Covid-19's public health emergency, and as a result Medicaid's
12 continuous enrollment provisions come to an end, there is a high likelihood that many enrollees in
13 Medicaid and Chip shall be forced to leave the program due to the loss of eligibility. In this event,
14 those persons shall need another source of coverage.

15 (3) The U.S. Office of Health and Human Services has suggested that the Inflation
16 Reduction Act of 2022 (Pub. L. 117-169), extends the provisions of the American Rescue Plan
17 (Pub. L. 117-2) and its enhanced Marketplace premium tax credit provisions until 2025, and that
18 this may provide a source of alternative coverage for those losing Medicaid eligibility because of
19 the lifting or expiration of the declared Covid-19 state of emergency.

1 (4) States are directly responsible for redeterminations of eligibility for Medicaid and
2 CHIP.

3 (b) If the public health emergency declared in response to the Covid-19 pandemic is lifted
4 or declared by the United States Health and Human Services Department to expire, and such lifting
5 results in a decrease in federal funds for Medicaid and CHIP and also directly results in the
6 ineligibility of current recipients, the state shall not remove those individuals from Medicaid or
7 CHIP who are presently eligible solely as a result of the declaration, but shall maintain Medicaid
8 and CHIP eligibility for those persons through January 1, 2024. This eligibility shall be maintained
9 even if the person would not meet the eligibility requirements of this chapter, including, but not
10 limited to, the provisions of § 40-8-3.

11 (c) The department of human services shall investigate alternative options for coverage for
12 these individuals so impacted and deemed otherwise ineligible on January 1, 2024, pursuant to the
13 provisions of subsection (b) of this section.

14 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

- 1 This act would extend Medicaid and CHIP assistance to certain individuals who would
- 2 otherwise lose such coverage as a result of the federal government declaring an end to the public
- 3 health emergency declared in response to the Covid-19 pandemic, through to January 1, 2024.
- 4 This act would take effect upon passage.

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