

2023 -- H 5633

LC001333

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Introduced By: Representatives Spears, Cotter, Donovan, Dawson, O'Brien, Caldwell,
Azzinaro, Knight, Tanzi, and Speakman

Date Introduced: February 15, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

3 **40-6-27. Supplemental Security Income.**

4 (a)(1) The director of the department is hereby authorized to enter into agreements on
5 behalf of the state with the Secretary of the Department of Health and Human Services or other
6 appropriate federal officials, under the Supplemental Security Income (SSI) program established
7 by Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq., concerning the administration
8 and determination of eligibility for SSI benefits for residents of this state, except as otherwise
9 provided in this section. The state's monthly share of supplementary assistance to the Supplemental
10 Security Income program shall be as follows:

11 (i) Individual living alone:	\$39.92
12 (ii) Individual living with others:	\$51.92
13 (iii) Couple living alone:	\$79.38
14 (iv) Couple living with others:	\$97.30
15 (v) Individual living in state-licensed assisted-living residence:	\$332.00
16 (vi) [Deleted by P.L. 2021, ch. 162, art. 12, § 1.]	

17 (vii) Individual living in state-licensed supportive residential-care settings that, depending
18 on the population served, meet the standards set by the department of human services in conjunction
19 with the department of children, youth and families, the office of healthy aging, and/or the

1 department of behavioral healthcare, developmental disabilities and hospitals: \$300.00.

2 ~~Provided, however, that the department of human services shall, by regulation, reduce,~~
3 ~~effective January 1, 2009, the state's monthly share of supplementary assistance to the~~
4 ~~Supplemental Security Income (SSI) program for each of the above listed payment levels, by the~~
5 ~~same value as the annual federal cost of living adjustment to be published by the federal Social~~
6 ~~Security Administration in October 2008 and becoming effective on January 1, 2009, as determined~~
7 ~~under the provisions of Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq.; and~~
8 ~~provided further, that it is the intent of the general assembly that the January 1, 2009, reduction in~~
9 ~~the state's monthly share shall not cause a reduction in the combined federal and state payment~~
10 ~~level for each category of recipients in effect in the month of December 2008; provided further,~~
11 ~~that the department of human services is authorized and directed to provide for payments to~~
12 ~~recipients in accordance with the above directives.~~ Provided, however, that the state's monthly share
13 of supplementary assistance to the Supplemental Security Income (SSI) program for individuals
14 living in the community shall be increased each July by the same cost-of-living adjustment applied
15 by the federal Social Security Administration for the federal SSI benefit in January of that calendar
16 year.

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

19 (3) Individuals living in institutions shall receive a ~~twenty dollar (\$20.00)~~ forty-five dollar
20 (\$45.00) per-month personal needs allowance from the state that shall be in addition to the personal
21 needs allowance allowed by the Social Security Act, 42 U.S.C. § 301 et seq. Beginning July 1,
22 2024, and every other year thereafter, the monthly personal needs allowance shall be adjusted by
23 the percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-U) as
24 published by the United States Bureau of Labor Statistics determined as of September 30 of the
25 prior calendar year; said adjustment shall be rounded to the nearest one dollar (\$1.00) increment;
26 provided that, the total allowance shall not be less than provided for in the previous year.

27 (4) Individuals living in state-licensed supportive residential-care settings and assisted-
28 living residences who are receiving SSI supplemental payments under this section shall be allowed
29 to retain a minimum personal needs allowance of fifty-five dollars (\$55.00) per month from their
30 SSI monthly benefit prior to payment of any monthly fees in addition to any amounts established
31 in an administrative rule promulgated by the secretary of the executive office of health and human
32 services for persons eligible to receive Medicaid-funded long-term services and supports in the
33 settings identified in subsection (a)(1)(v).

34 (5) The department is authorized and directed to make a determination of the medical need

1 and whether a setting provides the appropriate services for those persons who:

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

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

6 (6) The process for determining medical need required by subsection (a)(5) of this section
7 shall be developed by the executive office of health and human services in collaboration with the
8 departments of that office and shall be implemented in a manner that furthers the goals of
9 establishing a statewide coordinated long-term-care entry system as required pursuant to the
10 Medicaid section 1115 waiver demonstration.

11 (7) To assure access to high-quality, coordinated services, the executive office of health
12 and human services is further authorized and directed to establish certification or contract standards
13 that must be met by those state-licensed supportive residential-care settings, including adult
14 supportive-care homes and assisted-living residences admitting or serving any persons eligible for
15 state-funded supplementary assistance under this section. The certification or contract standards
16 shall define:

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

20 (ii) The procedures for determining whether the certifications or contract standards have
21 been met; and

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

27 (8) The certification or contract standards required by this section shall be developed in
28 collaboration by the departments, under the direction of the executive office of health and human
29 services, so as to ensure that they comply with applicable licensure regulations either in effect or
30 in development.

31 (b) The department is authorized and directed to provide additional assistance to
32 individuals eligible for SSI benefits for:

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

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

2 (3) Assistance payments to SSI-eligible individuals in need because of the application of
3 federal SSI regulations regarding estranged spouses; and the department shall provide the
4 assistance in a form and amount that the department shall by regulation determine.

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

7 **40-8-2. Definitions.**

8 As used in this chapter, unless the context shall otherwise require:

9 (1) "Dental service" means and includes emergency care, X-rays for diagnoses, extractions,
10 palliative treatment, and the refitting and relining of existing dentures and prosthesis.

11 (2) "Department" means the department of human services.

12 (3) "Director" means the director of human services.

13 (4) "Drug" means and includes only drugs and biologicals prescribed by a licensed dentist
14 or physician as are either included in the United States pharmacopoeia, national formulary, or are
15 new and nonofficial drugs and remedies.

16 (5) "Inpatient" means a person admitted to and under treatment or care of a physician or
17 surgeon in a hospital or nursing facility that meets standards of and complies with rules and
18 regulations promulgated by the director.

19 (6) "Inpatient hospital services" means the following items and services furnished to an
20 inpatient in a hospital other than a hospital, institution, or facility for tuberculosis or mental
21 diseases:

22 (i) Bed and board;

23 (ii) Nursing services and other related services as are customarily furnished by the hospital
24 for the care and treatment of inpatients and drugs, biologicals, supplies, appliances, and equipment
25 for use in the hospital, as are customarily furnished by the hospital for the care and treatment of
26 patients;

27 (iii)(A) Other diagnostic or therapeutic items or services, including, but not limited to,
28 pathology, radiology, and anesthesiology furnished by the hospital or by others under arrangements
29 made by the hospital, as are customarily furnished to inpatients either by the hospital or by others
30 under such arrangements, and services as are customarily provided to inpatients in the hospital by
31 an intern or resident-in-training under a teaching program having the approval of the Council on
32 Medical Education and Hospitals of the American Medical Association or of any other recognized
33 medical society approved by the director.

34 (B) The term "inpatient hospital services" shall be taken to include medical and surgical

1 services provided by the inpatient's physician, but shall not include the services of a private-duty
2 nurse or services in a hospital, institution, or facility maintained primarily for the treatment and
3 care of patients with tuberculosis or mental diseases. Provided, further, it shall be taken to include
4 only the following organ transplant operations: kidney, liver, cornea, pancreas, bone marrow, lung,
5 heart, and heart/lung, and other organ transplant operations as may be designated by the director
6 after consultation with medical advisory staff or medical consultants; and provided that any such
7 transplant operation is determined by the director or his or her designee to be medically necessary.
8 Prior written approval of the director, or his or her designee, shall be required for all covered organ
9 transplant operations.

10 (C) In determining medical necessity for organ transplant procedures, the state plan shall
11 adopt a case-by-case approach and shall focus on the medical indications and contra-indications in
12 each instance; the progressive nature of the disease; the existence of any alternative therapies; the
13 life-threatening nature of the disease; the general state of health of the patient apart from the
14 particular organ disease; and any other relevant facts and circumstances related to the applicant and
15 the particular transplant procedure.

16 (7) "Nursing services" means the following items and services furnished to an inpatient in
17 a nursing facility:

18 (i) Bed and board;

19 (ii) Nursing care and other related services as are customarily furnished to inpatients
20 admitted to the nursing facility, and drugs, biologicals, supplies, appliances, and equipment for use
21 in the facility, as are customarily furnished in the facility for the care and treatment of patients;

22 (iii) Other diagnostic or therapeutic items or services, legally furnished by the facility or
23 by others under arrangements made by the facility, as are customarily furnished to inpatients either
24 by the facility or by others under such arrangement;

25 (iv) Medical services provided in the facility by the inpatient's physician, or by an intern
26 or resident-in-training of a hospital with which the facility is affiliated or that is under the same
27 control, under a teaching program of the hospital approved as provided in subsection (6); and

28 (v) A personal-needs allowance ~~of fifty dollars (\$50.00) per month~~ as provided pursuant to
29 § 40-6-27(3).

30 (8) "Relative with whom the dependent child is living" means and includes the father,
31 mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister,
32 uncle, aunt, first cousin, nephew, or niece of any dependent child who maintains a home for the
33 dependent child.

34 (9) "Visiting nurse service" means part-time or intermittent nursing care provided by or

1 under the supervision of a registered professional nurse other than in a hospital or nursing home.

2 SECTION 3. 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 -- PUBLIC ASSISTANCE ACT

- 1 This act would adjust the state's monthly share of Supplemental Security Income to equal
- 2 the federal Supplemental Security Income benefit in January of that calendar year.
- 3 This act would take effect upon passage.

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