

**2023 -- S 0276 SUBSTITUTE A**

LC001458/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**J O I N T   R E S O L U T I O N**

**TO AMEND THE MEDICAID SECTION 1115 DEMONSTRATION WAIVER REQUESTS  
AND RENEWALS**

Introduced By: Senator Joshua Miller

Date Introduced: February 16, 2023

Referred To: Senate Health & Human Services

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

3           WHEREAS, A legislative enactment is required pursuant to Rhode Island General Laws  
4 42-12.4-1, et seq.; and

5           WHEREAS, Rhode Island General Laws § 42-7.2-5(3)(i) provides that the Secretary of  
6 the Executive Office of Health and Human Services is responsible for the review and  
7 coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well  
8 as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or  
9 III changes as described in the demonstration, “with potential to affect the scope, amount, or  
10 duration of publicly-funded health care services, provider payments or reimbursements, or access  
11 to or the availability of benefits and services provided by Rhode Island general and public laws”;  
12 now therefore be it

13           RESOLVED, That, in pursuit of a more cost-effective consumer choice system of care  
14 that is fiscally sound and sustainable and that reduces the number of days behaviorally complex  
15 patients spend in acute care facilities, the legislature approves the following pilot proposal to  
16 amend the demonstration:

17           Implement a behavioral health per diem add-on rate of one hundred seventy-five dollars  
18 (\$175) for up to one hundred (100) complex patients with behavioral conditions who reside in a  
19 nursing facility, have a history of frequent utilization of acute care facilities, and are Medicaid

1 recipients with medically-based mental health or behavioral disorders demonstrating significant  
2 behaviors as shown in a minimum of thirty (30) days of clinical behavioral documentation of  
3 behavioral health conditions, and the nursing facility is Medicaid certified to provide or facilitate  
4 enhanced levels of behavioral healthcare; and be it further

5           RESOLVED, That the Secretary of State be and hereby is authorized and directed to  
6 transmit duly certified copies of this resolution to the Governor of the State of Rhode Island, the  
7 Rhode Island Department of Health, and to the Rhode Island Executive Office of Health and  
8 Human Services.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
JOINT RESOLUTION  
TO AMEND THE MEDICAID SECTION 1115 DEMONSTRATION WAIVER REQUESTS  
AND RENEWALS

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- 1 This joint resolution would approve an amendment to Medicaid section 1115
- 2 demonstration waiver and renewals.

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