

2024 -- H 7398

LC004238

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND HUMAN SERVICES

Introduced By: Representatives Morales, Giraldo, Kislak, Potter, Henries, Alzate, Sanchez, Felix, Diaz, and Handy

Date Introduced: January 31, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
2 Services" is hereby amended by adding thereto the following section:

3 **42-7.2-21. Coverage for treatment for end stage renal disease and kidney transplants**
4 **for resident who does not qualify for full Medicaid.**

5 (a) EOHHS to provide coverage. The executive office of health and human services
6 ("EOHHS"), as the state agency designated to administer Rhode Island Medicaid pursuant to the
7 provisions of § 42-7.2-2, shall provide coverage for dialysis treatment of end stage renal disease
8 ("ESRD"), as well as kidney transplants, for Rhode Island residents who do not qualify for full
9 Medicaid due to their immigration status, pursuant to the EOHHS administration of emergency
10 Medicaid.

11 (b) Coverage provided. Emergency Medicaid coverage under the provisions of this section
12 shall cover hemodialysis in both outpatient hospital settings and at freestanding dialysis centers.
13 Emergency Medicaid shall also cover peritoneal dialysis when clinically appropriate. Coverage
14 shall begin at the point the individual requires a fistula or indwelling venous catheter for expected
15 hemodialysis, or at the point of catheter insertion for peritoneal dialysis. ESRD treatment shall be
16 subject to the patient's continued eligibility for Emergency Medicaid. Emergency Medicaid
17 coverage under the provisions of this section shall also cover kidney transplants for the same
18 persons.

1 (c) Applicability. The provisions of this section shall apply to all individuals who qualify
2 for Medicaid, but whose benefits are limited pursuant to federal law to treatment of an "emergency
3 medical condition" due to their immigration status. Coverage under the provisions of this section
4 shall be available to both undocumented individuals and individuals who are qualified non-citizens,
5 but who have not met the five (5) year bar under federal law, which bar requires qualified non-
6 citizens to be present in the United States for five (5) years before they qualify for federal benefits
7 such as Medicaid.

8 (d) The EOHHS may promulgate rules and regulations to implement the provisions of this
9 section; provided, the EOHHS may delegate this authority to promulgate rules and regulations to
10 any or all of the state's health and human services departments and offices which the EOHHS
11 oversees and manages.

12 SECTION 2. This act shall take effect on October 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH AND
HUMAN SERVICES

1 This act would provide that the executive office of health and human services (EOHHS),
2 through Emergency Medicaid, cover dialysis for the treatment of end stage renal disease ("ESRD")
3 and kidney transplants for Rhode Island residents who do not qualify for full Medicaid under
4 federal law due to their immigration status, subject to the patient's continued eligibility for
5 Emergency Medicaid.

6 This act would take effect on October 1, 2024.

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