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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
BUDGET OFFICE  
One Capitol Hill  
Providence, R.I. 02908-5886

**Memorandum**

**To:** The Honorable Steven M. Costantino  
Chairman, House Finance Committee

The Honorable Daniel DaPonte  
Chairman, Senate Finance Committee

**From:** Thomas A. Mullaney *Thomas A. Mullaney*  
Executive Director/State Budget Officer

**Date:** March 3, 2010

**Subject:** Amendments to FY 2010 Supplemental Appropriations Act (10-H-7105)

The Governor requests a new article be added to the FY 2010 Supplemental Appropriations Act entitled "Relating to Supplemental Security Income Payment". The new article reverses a provision contained in Article 18 of the FY 2010 Appropriations Act requiring the Department of Mental Health, Retardation, and Hospitals (MHRH) to make state supplement payments directly to individuals receiving residential services through the Division of Developmental Disabilities. In fact, the Department of Human Services has continued to make the payments throughout FY 2010, and \$1,055,000 of general revenue funding was transferred back to the Department of Human Services from MHRH in the FY 2010 Supplemental Appropriations Act.

If you have any questions regarding the new article, please feel free to call me at 222-6300.

TAM:sm 10-19

Attachment

cc: Representative Robert A. Watson  
Senator Dennis L. Algiere  
Sharon Reynolds Ferland  
Peter Marino  
Tim Costa  
Michael Cronan  
Gary Alexander  
Craig Stenning

TDD#: 277-1227

**FY 2010 NEW ARTICLE**

**RELATING TO SUPPLEMENTAL SECURITY INCOME PAYMENTS**

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

**§ 40-6-27 Supplemental security income.** – (a) The director of the department is hereby authorized to enter into agreements on behalf of the state with the secretary of the Department of Health and Human Services or other appropriate federal officials, under the supplementary and security income (SSI) program established by title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq., concerning the administration and determination of eligibility for SSI benefits for residents of this state, except as otherwise provided in this section. The state's monthly share of supplementary assistance to the supplementary security income program effective January 1, 2003, shall be as follows:

(i) Individual living alone: \$57.35

(ii) Individual living with others: \$69.94

(iii) Couple living alone: \$108.50

(iv) Couple living with others: \$128.50

(v) Individual living in state licensed assisted living residence: \$575.00

(vi) Individual living in state licensed supportive residential care settings that, depending on the population served, meet the standards set by the department of human services in conjunction with the department(s) of children, youth and families, elderly affairs and/or mental health, retardation and hospitals: \$300.00.

Provided, however, that the department of human services shall by regulation reduce, effective January 1, 2009, the state's monthly share of supplementary assistance to the supplementary security income program for each of the above listed payment levels, by the same value as the annual federal cost of living adjustment to be published by the federal social security administration in October 2008 and becoming effective on January 1, 2009, as determined under

the provisions of title XVI of the federal social security act [42 U.S.C. § 1381 et seq.]; and provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in the state's monthly share shall not cause a reduction in the combined federal and state payment level for each category of recipients in effect in the month of December 2008; provided further, that the department of human services is authorized and directed to provide for payments to recipients in accordance with the above directives beginning January 1, 2009 pending formal revisions to the above table of payment levels by the general assembly during the 2009 session of the general assembly; ~~and provided, further, for individuals receiving residential services through the Division of Developmental Disabilities, the Department of Mental Health, Retardation and Hospitals shall provide the state supplement to the residential services provider.~~

(2) Individuals living in institutions shall receive a twenty dollar (\$20.00) per month personal needs allowance from the state which shall be in addition to the personal needs allowance allowed by the Social Security Act, 42 U.S.C. § 301 et seq.

(3) Individuals living in state licensed supportive residential care settings and assisted living residences who are receiving SSI shall be allowed to retain a minimum personal needs allowance of fifty-five dollars (\$55.00) per month from their SSI monthly benefit prior to payment of any monthly fees.

(4) To ensure that supportive residential care or an assisted living residence is a safe and appropriate service setting, the department is authorized and directed to make a determination of the medical need and whether a setting provides the appropriate services for those persons who:

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

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

(5) The process for determining medical need required by subsection (4) of this section shall be developed by the office of health and human services in collaboration with the

departments of that office and shall be implemented in a manner that furthers the goals of establishing a statewide coordinated long-term care entry system as required pursuant to the Global Consumer Choice Compact Waiver.

(6) To assure access to high quality coordinated services, the department is further authorized and directed to establish rules specifying the payment certification standards that must be met by those state licensed supportive residential care settings and assisted living residences admitting or serving any persons eligible for state-funded supplementary assistance under this section. Such payment certification standards shall define:

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

(ii) The procedures for determining whether the payment certifications standards have been met; and

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

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

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

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

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

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

SECTION 2. This article shall take effect upon passage and shall be retroactively applied to July 1, 2009.