

2023 -- H 5994

LC002260

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, Caldwell, Vella-Wilkinson, Sanchez, Potter,
Giraldo, Felix, Henries, Speakman, and Donovan

Date Introduced: March 01, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-8-3 of the General Laws in Chapter 40-8 entitled "Medical
2 Assistance" is hereby amended to read as follows:

3 **40-8-3. Eligibility requirements.**

4 Medical care benefits shall be provided under this chapter to at least any person:

5 (1) Who has attained the age of sixty-five (65) years; or

6 (2) Who has no vision or whose vision is so defective as to prevent performance of ordinary
7 activities for which eyesight is essential; or

8 (3) Who is at least eighteen (18) years of age and who is permanently and totally disabled;

9 or

10 (4) Who is under the age of eighteen (18) years, and who has been deprived of parental
11 support or care by reason of the death, continued absence from the home, unemployment, or
12 physical or mental incapacity of a parent (called hereafter "dependent child") and who is living
13 with a relative in a place of residence maintained by one or more of these relatives as his or her or
14 their own home, or is in foster boarding care; or

15 (5) The relative as defined in subsection (8) of § 40-8-2, with whom the dependent child is
16 living; provided the person:

17 (i) Is a resident of this state; and

18 (ii) Is not receiving public assistance under the provisions of § 40-5.1-9(b) [repealed] or §
19 40-6-27; and

1 (iii) Is not an inmate of a public institution other than as a patient in a medical institution;
2 and

3 (iv) Is not a patient in an institution for tuberculosis or mental disease, unless the person
4 has attained the age of sixty-five (65) years; provided, however, that this clause shall become void
5 and of no effect if and when legislation enacted by the Congress of the United States shall become
6 effective providing for payments for medical care on behalf of persons who have not attained the
7 age of sixty-five (65) years who are patients in an institution for tuberculosis or mental disease; and

8 (v) Has insufficient income and resources. The department shall establish income and
9 resource rules, regulations, and limits in accordance with Title XIX of the federal Social Security
10 Act, 42 U.S.C. § 1396 et seq., as applicable to the medically needy only applicants and recipients.
11 The income limits established by the department must be more than the AFDC standard in effect
12 on July 16, 1996, under the Rhode Island state plan approved under part A of Title IV of the federal
13 Social Security Act, 42 U.S.C. § 601 et seq., but shall not be more than one hundred thirty-three
14 and one-third percent (133 $\frac{1}{3}$ %) of the AFDC standard in effect on July 16, 1996, under the Rhode
15 Island state plan approved under part A of Title IV of the federal Social Security Act; provided,
16 however, that subject to the maximum percentage increase allowable under § 1931(b)(2)(B), the
17 department shall increase the income limits on July 1, 1999, by six and six-tenths percent (6.6%),
18 and on January 1, of each year commencing in the year 2000 by a percentage equal to the annual
19 federal adjustment percentage as determined under the provisions of Title XVI of the federal Social
20 Security Act, 42 U.S.C. § 1381 et seq. The department shall establish resource limits equal to two
21 thousand dollars (\$2,000) for an individual and three thousand dollars (\$3,000) for a family.
22 Provided, however, the department shall apply to the United States Department of Health and
23 Human Services for a waiver relating to application of the reduced resource limit, and subject to
24 the granting of the waiver by the Secretary of the United States Department of Health and Human
25 Services, the resource limit shall be applied to all applicants who: (A) Become eligible for benefits
26 under this chapter on or after the effective date of this amendment and (B) Who were not receiving
27 benefits under this chapter prior to July 1, 1993. In the event the secretary does not approve the
28 waiver request, the current department regulations relating to resource limits shall remain in effect
29 for all eligible beneficiaries.

30 For the purposes of this section, an increase in a recipient's income due solely to a cost-of-
31 living adjustment to Social Security and Railroad Retirement payments, shall be disregarded when
32 determining the recipient's eligibility for medical assistance.

33 For the purposes of this subsection, a vehicle necessary to transport a family member with
34 a disability, where the vehicle is specially equipped to meet the specific needs of the person with a

1 disability or if the vehicle is a special type of vehicle that makes it possible to transport the person
2 with the disability, shall not be counted as resources of the applicants and recipients.

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

5 **40-6-8. Supplemental nutrition assistance program (SNAP).**

6 (a) The department shall have the responsibility to administer the food stamp program for
7 the state in compliance with the provisions of the federal Food Stamp Act of 1964, as amended, 7
8 U.S.C. § 2011 et seq. The supplemental nutrition assistance program (SNAP) is and shall be the
9 new title of the program formerly known as the food stamp program. All references in the Rhode
10 Island general laws to food stamps shall be deemed to mean, apply to, refer to, and be interpreted
11 in accordance with the supplemental nutrition assistance program (SNAP).

12 (b) The department is empowered and authorized to submit its plan for food stamps to the
13 federal government, or any agency or department of it, as follows:

14 (1) The department shall act for the state in any negotiations relative to the submission and
15 approval of a plan, and may make any arrangement or changes in its plan not inconsistent with this
16 chapter that may be required by the Food Stamp Act or the rules and regulations promulgated
17 pursuant to it to obtain and retain such approval and to secure for this state the benefits of the
18 provisions of the federal act relating to food stamps;

19 (2) The department shall make reports to the federal government, or any agency or
20 department of it, in the form and nature required by it, and in all respects comply with any request
21 or direction of the federal government, or any agency or department of it, that may be necessary to
22 assure the correctness and verification of the reports; and

23 (3) The department shall develop a plan to streamline the application, certification, and
24 recertification process for SNAP beneficiaries aged sixty (60) years and over.

25 (c) The department is authorized and directed to pay one hundred percent (100%) of the
26 state's share of the administrative cost involved in the operation of the food stamp program.

27 (d) No person shall be ineligible for food stamp benefits due solely to the restricted
28 eligibility rules otherwise imposed by § 115(a)(2) of the Personal Responsibility and Work
29 Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193), 21 U.S.C. § 862a(a)(2), and as this
30 section may hereafter be amended.

31 (e) For the purposes of this section, an increase in a person's income due solely to a cost-
32 of-living adjustment to Social Security and Railroad Retirement payments, shall be disregarded
33 when determining the recipient's eligibility for SNAP benefits.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would disregard an increase in a recipient's income due solely to a cost-of-living
2 adjustment to Social Security and Railroad Retirement payments, when determining the recipient's
3 eligibility for medical assistance and supplemental nutrition assistance program (SNAP) benefits.
4 This act would take effect upon passage.

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