

2023 -- S 0277 SUBSTITUTE A

LC000270/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- RESTORATIVE AND RECUPERATIVE CARE
PILOT PROGRAM

Introduced By: Senators Miller, DiPalma, Euer, DiMario, Lauria, Lawson, Ujifusa,
Kallman, Murray, and Valverde

Date Introduced: February 16, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 23

4 RESTORATIVE AND RECUPERATIVE CARE PILOT PROGRAM

5 **40-23-1. Short title.**

6 This chapter shall be known and may be cited as the "Restorative and Recuperative Care
7 Pilot Program."

8 **40-23-2. Definitions.**

9 For the purposes of this chapter, and consistent with 42 U.S.C. § 11360(2) et seq., the
10 following words and phrases are construed as follows:

11 (1) "At risk of homelessness" means, with respect to an individual or family, that the
12 individual or family:

13 (i) Has income below thirty percent (30%) of the median income for the geographic area;

14 (ii) Has insufficient resources immediately available to attain housing stability; and

15 (iii) Has moved frequently because of economic reasons; is living in the home of another

16 because of economic hardship; has been notified that their right to occupy their current housing or

17 living situation will be terminated; lives in a hotel or motel; lives in severely overcrowded housing;

18 is exiting an institution; or otherwise lives in housing that has characteristics associated with

1 instability and an increased risk of homelessness.

2 (2) "Homeless" means:

3 (i) An individual or family who lacks a fixed, regular, and adequate nighttime residence;

4 (ii) An individual or family with a primary nighttime residence that is a public or private

5 place not designed for or ordinarily used as a regular sleeping accommodation for human beings,

6 including a car, park, abandoned building, bus or train station, airport, or camping ground;

7 (iii) An individual or family living in a supervised publicly or privately operated shelter

8 designated to provide temporary living arrangements (including hotels and motels paid for by

9 federal, state, or local government programs for low-income individuals or by charitable

10 organizations, congregate shelters, and transitional housing);

11 (iv) An individual who resided in a shelter or place not meant for human habitation and

12 who is exiting an institution where he or she temporarily resided;

13 (v) An individual or family who will imminently lose their housing, including housing they

14 own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not

15 paid for by federal, state, or local government programs for low-income individuals or by charitable

16 organizations, as evidenced by:

17 (A) A court order resulting from an eviction action that notifies the individual or family

18 that they must leave within fourteen (14) days;

19 (B) The individual or family having a primary nighttime residence that is a room in a hotel

20 or motel and where they lack the resources necessary to reside there for more than fourteen (14)

21 days; or

22 (C) Credible evidence indicating that the owner or renter of the housing will not allow the

23 individual or family to stay for more than fourteen (14) days, and any oral statement from an

24 individual or family seeking homeless assistance that is found to be credible shall be considered

25 credible evidence for purposes of satisfying the requirements of this subsection;

26 (vi) An individual or family who has no subsequent residence identified;

27 (vii) An individual or family who lacks the resources or support networks needed to obtain

28 other permanent housing; and

29 (viii) Unaccompanied youth and homeless families with children and youth defined as

30 homeless under other federal statutes who:

31 (A) Have experienced a long-term period without living independently in permanent

32 housing;

33 (B) Have experienced persistent instability as measured by frequent moves over such

34 period; and

1 (C) Can be expected to continue in such status for an extended period of time because of
2 chronic disabilities, chronic physical health or mental health conditions, substance addiction,
3 histories of domestic violence or childhood abuse, the presence of a child or youth with a disability,
4 or multiple barriers to employment.

5 **40-23-3. Purpose.**

6 The purpose of this chapter is to require the executive office of health and human services
7 (EOHHS) to establish a program to use Medicaid funds to provide coverage to support Medicaid
8 beneficiaries who are experiencing homelessness or who are at risk of homelessness to the
9 maximum extent allowed by federal law.

10 **40-23-4. Duties and responsibilities.**

11 (a) The executive office of health and human services (EOHHS) shall have the authority
12 to utilize Medicaid waiver funds to provide coverage for:

13 (1) One-time transitional supports for individuals receiving services under the Medicaid
14 home stabilization benefit; and

15 (2) A restorative and recuperative care pilot program to provide acute and post-acute care
16 for persons experiencing homelessness who are too ill or frail to recover from a physical illness or
17 injury on the streets, a congregate setting, or other location inappropriate for their condition or
18 treatment needs, but do not meet hospital level of care criteria from a clinical standpoint.

19 (b) One-time transitional supports shall include:

20 (1) A one-time payment for each of a security deposit, first month's rent and last month's
21 rent at one hundred twenty-five percent (125%) of fair market rent (FMR) based on family size.

22 (2) A one-time payment for move-in supports, which includes setting up essential utility
23 services/payment of past-due amounts, remediation of asthma triggers, and pest removal, at one
24 hundred twenty-five percent (125%) of FMR based on family size.

25 (3) A one-time allocation of funds equal to one hundred percent (100%) of FMR based on
26 family size for healthy home goods, which includes mold/asthma remediation and pest control, and
27 that covers non-durable medical equipment household items needed to support a healthy home
28 environment. Healthy home goods include air filtration, refrigerator, humidifier, air conditioner,
29 mattresses, linens, pantry stocking, kitchen items needed for meal preparation, adequate lighting,
30 household furniture, and other goods as approved. Healthy home goods also can include smart
31 home devices that will advance the ability of the participants to safely remain in a home and are
32 preventive in nature; and

33 (4) Up to six (6) months of rent payments.

34 (c) The restorative and recuperative care pilot program will provide services to individuals

1 experiencing homelessness to prepare for, undergo, and recover from medical treatment, injuries,
2 and illness. Individuals shall be required to obtain a referral or be evaluated for medical necessity
3 to receive services. The length of stay will be limited to active treatment and/or recovery not to
4 exceed thirty-six (36) months. The EOHHS shall design the pilot program in compliance with terms
5 established in the state's 1115 demonstration waiver.

6 (d) Pursuant to § 40-8-17, the EOHHS is directed and authorized to apply for and obtain
7 any necessary waiver(s), waiver amendment(s) and/or state plan amendment(s) from the Secretary
8 of the United States Department of Health and Human Services, necessary to receive federal
9 financial participation for one-time transitional supports and the restorative and recuperative care
10 pilot program.

11 (e) The EOHHS shall submit to the general assembly a copy of any interim and summative
12 final reports on an 1115 demonstration waiver that includes one-time transitional supports and/or
13 the restorative and recuperative care pilot program.

14 SECTION 2. 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 -- RESTORATIVE AND RECUPERATIVE CARE
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1 This act would require the executive office of health and human services (EOHHS) to apply
2 for and obtain any necessary waivers from the Secretary of the United States Department of Health
3 and Human Services to establish a restorative and recuperative care pilot program utilizing
4 Medicaid funds to provide support to homelessness and those at risk of homelessness. Support
5 would include payment of a one-time payment to cover the first and last month's rent and security
6 deposit, health home goods and up to six (6) months rent.

7 This act would take effect upon passage.

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