

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Introduced By: Senators Lawson, Miller, DiMario, Acosta, Euer, Britto, Lauria, Murray, DiPalma, and Felag

Date Introduced: March 07, 2023

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

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

3 **40-6-27. Supplemental Security Income.**

4 (a)(1) The director of the department is hereby authorized to enter into agreements on
5 behalf of the state with the Secretary of the Department of Health and Human Services or other
6 appropriate federal officials, under the Supplemental Security Income (SSI) program established
7 by Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq., concerning the administration
8 and determination of eligibility for SSI benefits for residents of this state, except as otherwise
9 provided in this section. The state's monthly share of supplementary assistance to the Supplemental
10 Security Income program shall be as follows:

- 11 (i) Individual living alone: ~~\$39.92~~ \$79.92
- 12 (ii) Individual living with others: ~~\$51.92~~ \$97.92
- 13 (iii) Couple living alone: ~~\$79.38~~ \$119.38
- 14 (iv) Couple living with others: ~~\$97.30~~ \$137.30
- 15 (v) Individual living in state-licensed assisted-living
- 16 residence: \$332.00

17 (vi) [Deleted by P.L. 2021, ch. 162, art. 12, § 1.]

18 (vii) Individual living in state-licensed supportive residential-care settings that, depending
19 on the population served, meet the standards set by the department of human services in conjunction

1 with the department of children, youth and families, the office of healthy aging, and/or the
2 department of behavioral healthcare, developmental disabilities and hospitals: \$300.00.

3 Provided, however, that the department of human services shall, by regulation, reduce,
4 effective January 1, 2009, the state's monthly share of supplementary assistance to the
5 Supplemental Security Income (SSI) program for each of the above-listed payment levels, by the
6 same value as the annual federal cost of living adjustment to be published by the federal Social
7 Security Administration in October 2008 and becoming effective on January 1, 2009, as determined
8 under the provisions of Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq.; and
9 provided further, that it is the intent of the general assembly that the January 1, 2009, reduction in
10 the state's monthly share shall not cause a reduction in the combined federal and state payment
11 level for each category of recipients in effect in the month of December 2008; provided further,
12 that the department of human services is authorized and directed to provide for payments to
13 recipients in accordance with the above directives.

14 (viii) Beginning July 1, 2024, and annually thereafter, the per-month state supplemental
15 payment allowance from the state for individuals and couples living alone or with others, that is in
16 addition to the Supplemental Security Income allowed by the Title XVI of the Social Security Act,
17 42 U.S.C. § 1381 et seq., shall increase by the same percentage increase, if any, in the most recent
18 calendar year average in the consumer price index for urban consumers over the average for the
19 previous calendar year.

20 (2) As of July 1, 2010, state supplement payments shall not be federally administered and
21 shall be paid directly by the department of human services to the recipient.

22 (3)(i) Effective July 1, 2023, Individuals individuals living in institutions shall receive a
23 ~~twenty-dollar (\$20.00)~~ forty-five dollar (\$45.00) per-month personal needs allowance from the
24 state that shall be in addition to the personal needs allowance allowed by the Social Security Act,
25 42 U.S.C. § 301 et seq.

26 (ii) Beginning July 1, 2024, and annually thereafter, the per-month personal needs
27 allowance from the state, that is in addition to the personal needs allowance allowed by the Social
28 Security Act, 42 U.S.C. § 301 et seq., shall increase by the same percentage increase, if any, in the
29 most recent calendar year average in the consumer price index for urban consumers over the
30 average for the previous calendar year.

31 (4) Individuals living in state-licensed supportive residential-care settings and assisted-
32 living residences who are receiving SSI supplemental payments under this section shall be allowed
33 to retain a minimum personal needs allowance of fifty-five dollars (\$55.00) per month from their
34 SSI monthly benefit prior to payment of any monthly fees in addition to any amounts established

1 in an administrative rule promulgated by the secretary of the executive office of health and human
2 services for persons eligible to receive Medicaid-funded long-term services and supports in the
3 settings identified in subsection (a)(1)(v).

4 (5) The department is authorized and directed to make a determination of the medical need
5 and whether a setting provides the appropriate services for those persons who:

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

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

10 (6) The process for determining medical need required by subsection (a)(5) of this section
11 shall be developed by the executive office of health and human services in collaboration with the
12 departments of that office and shall be implemented in a manner that furthers the goals of
13 establishing a statewide coordinated long-term-care entry system as required pursuant to the
14 Medicaid section 1115 waiver demonstration.

15 (7) To assure access to high-quality, coordinated services, the executive office of health
16 and human services is further authorized and directed to establish certification or contract standards
17 that must be met by those state-licensed supportive residential-care settings, including adult
18 supportive-care homes and assisted-living residences admitting or serving any persons eligible for
19 state-funded supplementary assistance under this section. The certification or contract standards
20 shall define:

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

24 (ii) The procedures for determining whether the certifications or contract standards have
25 been met; and

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

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

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

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

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

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

9 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 -- PUBLIC ASSISTANCE ACT

1 This act would increase the rates of the state's monthly share of supplemental assistance to
2 individuals and couples living alone or with others. This act would also increase the state
3 supplemental income allowance and personal needs allowance by the same percentage, if any, in
4 the most recent calendar year average in the consumer price index for urban consumers over the
5 average for the previous calendar year.

6 This act would take effect upon passage.

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