

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: Senators LaMountain, Burke, McKenney, Britto, Euer, and Tikoian

Date Introduced: March 07, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

3 **40-8-2. Definitions.**

4 As used in this chapter, unless the context shall otherwise require:

5 (1) "Dental service" means and includes emergency care, X-rays for diagnoses, extractions,
6 palliative treatment, and the refitting and relining of existing dentures and prosthesis.

7 (2) "Department" means the department of human services.

8 (3) "Director" means the director of human services.

9 (4) "Drug" means and includes only drugs and biologicals prescribed by a licensed dentist
10 or physician as are either included in the United States pharmacopoeia, national formulary, or are
11 new and nonofficial drugs and remedies.

12 (5) "Inpatient" means a person admitted to and under treatment or care of a physician or
13 surgeon in a hospital or nursing facility that meets standards of and complies with rules and
14 regulations promulgated by the director.

15 (6) "Inpatient hospital services" means the following items and services furnished to an
16 inpatient in a hospital other than a hospital, institution, or facility for tuberculosis or mental
17 diseases:

18 (i) Bed and board;

19 (ii) Nursing services and other related services as are customarily furnished by the hospital

1 for the care and treatment of inpatients and drugs, biologicals, supplies, appliances, and equipment
2 for use in the hospital, as are customarily furnished by the hospital for the care and treatment of
3 patients;

4 (iii)(A) Other diagnostic or therapeutic items or services, including, but not limited to,
5 pathology, radiology, and anesthesiology furnished by the hospital or by others under arrangements
6 made by the hospital, as are customarily furnished to inpatients either by the hospital or by others
7 under such arrangements, and services as are customarily provided to inpatients in the hospital by
8 an intern or resident-in-training under a teaching program having the approval of the Council on
9 Medical Education and Hospitals of the American Medical Association or of any other recognized
10 medical society approved by the director.

11 (B) The term "inpatient hospital services" shall be taken to include medical and surgical
12 services provided by the inpatient's physician, but shall not include the services of a private-duty
13 nurse or services in a hospital, institution, or facility maintained primarily for the treatment and
14 care of patients with tuberculosis or mental diseases. Provided, further, it shall be taken to include
15 only the following organ transplant operations: kidney, liver, cornea, pancreas, bone marrow, lung,
16 heart, and heart/lung, and other organ transplant operations as may be designated by the director
17 after consultation with medical advisory staff or medical consultants; and provided that any such
18 transplant operation is determined by the director or his or her designee to be medically necessary.
19 Prior written approval of the director, or his or her designee, shall be required for all covered organ
20 transplant operations.

21 (C) In determining medical necessity for organ transplant procedures, the state plan shall
22 adopt a case-by-case approach and shall focus on the medical indications and contra-indications in
23 each instance; the progressive nature of the disease; the existence of any alternative therapies; the
24 life-threatening nature of the disease; the general state of health of the patient apart from the
25 particular organ disease; and any other relevant facts and circumstances related to the applicant and
26 the particular transplant procedure.

27 (7) "Nursing services" means the following items and services furnished to an inpatient in
28 a nursing facility:

29 (i) Bed and board;

30 (ii) Nursing care and other related services as are customarily furnished to inpatients
31 admitted to the nursing facility, and drugs, biologicals, supplies, appliances, and equipment for use
32 in the facility, as are customarily furnished in the facility for the care and treatment of patients;

33 (iii) Other diagnostic or therapeutic items or services, legally furnished by the facility or
34 by others under arrangements made by the facility, as are customarily furnished to inpatients either

1 by the facility or by others under such arrangement;

2 (iv) Medical services provided in the facility by the inpatient's physician, or by an intern
3 or resident-in-training of a hospital with which the facility is affiliated or that is under the same
4 control, under a teaching program of the hospital approved as provided in subsection (6); and

5 (v) A personal-needs allowance of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) per
6 month.

7 (8) "Relative with whom the dependent child is living" means and includes the father,
8 mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister,
9 uncle, aunt, first cousin, nephew, or niece of any dependent child who maintains a home for the
10 dependent child.

11 (9) "Visiting nurse service" means part-time or intermittent nursing care provided by or
12 under the supervision of a registered professional nurse other than in a hospital or nursing home.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE

- 1 This act would increase the personal needs allowances of nursing facility residents from
- 2 fifty dollars (\$50.00) to one hundred dollars (\$100) per month.
- 3 This act would take effect upon passage.

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