

2021 -- H 5448

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HUMAN SERVICES -- MEDICAID EMPLOYER ASSESSMENT

Introduced By: Representatives McGaw, Felix, Kislak, Alzate, Potter, Lombardi,
McEntee, Tanzi, and Ruggiero

Date Introduced: February 10, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40-8.4 of the General Laws entitled "Health Care for Families" is
2 hereby amended by adding thereto the following section:

3 **40-8.4-21. Employer public assistance assessment.**

4 (a) Employer Assessment. Each employer employing no less than three hundred (300)
5 employees within the state of Rhode Island, shall pay quarterly, an assessment for each employee
6 who is a Medicaid beneficiary for every day of the quarter, whether full- or part-time; provided,
7 however, no nonprofit organization or governmental entity shall be considered an employer for the
8 purposes of this section. The assessment shall be computed by multiplying the wages the employer
9 paid any such employee by ten percent (10%), up to an annual maximum assessment of one
10 thousand five hundred dollars (\$1,500) per Medicaid beneficiary employee. Working adults with
11 disabilities, as further defined by regulation authorized in subsection (g) of this section, employees
12 enrolled in RIte Share, and employees if only their children are enrolled in Medicaid, shall be
13 exempted employees for whom the employer will not be charged an employer assessment under
14 this section.

15 (b) Wages. For the purposes of this section, "wages" means all compensation due to an
16 employee by reason of his or her employment.

17 (c) Appeal. An employer notified of a liability determination under this section may request
18 a hearing with the department of labor and training to appeal the liability determination. The request
19 for a hearing shall be filed not more than fifteen (15) days after the receipt of notice of the

1 determination. The decision rendered at the conclusion of the hearing shall be considered a final
2 agency order.

3 (d) Eligibility inquiries. Notwithstanding the appeal right in subsection (c) of this section,
4 an employer may issue to the department of human services a request for review of the Medicaid
5 eligibility of any employee for whom the employer is charged an assessment. Except where
6 prohibited by federal law, the state is authorized to make a limited disclosure to the inquiring
7 employer regarding the name of any Medicaid beneficiary employee for whom the employer is
8 being assessed under subsection (a) of this section.

9 (e) Discrimination prohibited. No employer may take any adverse action against any
10 employee or potential employee on the basis of the employee's status as a Medicaid beneficiary.
11 Any employer found to have discriminated on this basis shall be subject to a penalty prescribed in
12 regulations promulgated pursuant to this section.

13 (f) Data sharing. The departments of administration, revenue, human services, and labor
14 and training, and the executive office of health and human services are authorized to share data and
15 information to implement this section. Data collected by the departments of administration,
16 revenue, human services, labor and training, or the executive office of health and human services
17 for the implementation of this section shall not be a public record.

18 (g) Regulations. The departments of labor and training and human services are authorized
19 to promulgate regulations to implement the provisions of this section, including additional
20 parameters on which employees cause the assessment and the definition of working disabled adults
21 exempted from the employer assessment contained in subsection (a) of this section, in consultation
22 with the executive office of health and human services and department of revenue.

23 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HUMAN SERVICES -- MEDICAID EMPLOYER ASSESSMENT

1 This act would create a Medicaid employers assessment. It would require all for-profit
2 employers with more than three hundred (300) employees to compensate the state ten percent
3 (10%) of the wages of each of their employees who are enrolled in Medicaid and capped at fifteen
4 hundred dollars (\$1500).

5 This act would take effect on January 1, 2022.

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