

2012 -- H 7032

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LC00297  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HUMAN SERVICES -- DEVELOPMENTAL DISABILITIES FUNDING

Introduced By: Representatives Hull, Serpa, Slater, Bennett, and McLaughlin

Date Introduced: January 05, 2012

Referred To: House 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. --** (a) (1) The director of the department is  
4 hereby authorized to enter into agreements on behalf of the state with the secretary of the  
5 Department of Health and Human Services or other appropriate federal officials, under the  
6 supplementary and security income (SSI) program established by title XVI of the Social Security  
7 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility  
8 for SSI benefits for residents of this state, except as otherwise provided in this section. The state's  
9 monthly share of supplementary assistance to the supplementary security income program  
10 ~~effective January 1, 2009~~, shall be as follows:

11           (i) Individual living alone:   \$39.92

12           (ii) Individual living with others:   \$51.92

13           (iii) Couple living alone:   \$79.38

14           (iv) Couple living with others:   \$97.30

15           (v) Individual living in state licensed assisted living residence: ~~\$332.00~~ \$538.00

16           (vi) Individual living in state licensed supportive residential care settings that, depending  
17 on the population served, meet the standards set by the department of human services in  
18 conjunction with the department(s) of children, youth and families, elderly affairs and/or ~~mental~~  
19 ~~health, retardation and hospitals~~ behavioral healthcare, developmental disabilities and hospitals:

1 \$300.00.

2           Provided, however, that the department of human services shall by regulation reduce,  
3 effective January 1, 2009, the state's monthly share of supplementary assistance to the  
4 supplementary security income program for each of the above listed payment levels, by the same  
5 value as the annual federal cost of living adjustment to be published by the federal social security  
6 administration in October 2008 and becoming effective on January 1, 2009, as determined under  
7 the provisions of title XVI of the federal social security act [42 U.S.C. section 1381 et seq.] and  
8 provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in  
9 the state's monthly share shall not cause a reduction in the combined federal and state payment  
10 level for each category of recipients in effect in the month of December 2008; provided further,  
11 that the department of human services is authorized and directed to provide for payments to  
12 recipients in accordance with the above directives ~~beginning January 1, 2009.~~

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

15           (3) Individuals living in institutions shall receive a twenty dollar (\$20.00) per month  
16 personal needs allowance from the state which shall be in addition to the personal needs  
17 allowance allowed by the Social Security Act, 42 U.S.C. section 301 et seq.

18           (4) Individuals living in state licensed supportive residential care settings and assisted  
19 living residences who are receiving SSI shall be allowed to retain a minimum personal needs  
20 allowance of fifty-five dollars (\$55.00) per month from their SSI monthly benefit prior to  
21 payment of any monthly fees.

22           (5) To ensure that supportive residential care or an assisted living residence is a safe and  
23 appropriate service setting, the department is authorized and directed to make a determination of  
24 the medical need and whether a setting provides the appropriate services for those persons who:  
25 (i) Have applied for or are receiving SSI, and who apply for admission to supportive residential  
26 care setting and assisted living residences on or after October 1, 1998; or (ii) Who are residing in  
27 supportive residential care settings and assisted living residences, and who apply for or begin to  
28 receive SSI on or after October 1, 1998.

29           (6) The process for determining medical need required by subsection (4) of this section  
30 shall be developed by the office of health and human services in collaboration with the  
31 departments of that office and shall be implemented in a manner that furthers the goals of  
32 establishing a statewide coordinated long-term care entry system as required pursuant to the  
33 Global Consumer Choice Compact Waiver.

34           (7) To assure access to high quality coordinated services, the department is further

1 authorized and directed to establish rules specifying the payment certification standards that must  
2 be met by those state licensed supportive residential care settings and assisted living residences  
3 admitting or serving any persons eligible for state-funded supplementary assistance under this  
4 section. Such payment certification standards shall define:

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

9 (ii) The procedures for determining whether the payment certifications standards have  
10 been met; and

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

16 (8)(a) The payment certification standards required by this section shall be developed in  
17 collaboration by the departments, under the direction of the executive office of health and human  
18 services, so as to ensure that they comply with applicable licensure regulations either in effect or  
19 in development.

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

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

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

25 (3) Assistance payments to SSI eligible individuals in need because of the application of  
26 federal SSI regulations regarding estranged spouses; and the department shall provide such  
27 assistance in a form and amount, which the department shall by regulation determine.

28 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 -- DEVELOPMENTAL DISABILITIES FUNDING

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- 1           This act would restore the budget cut made to the developmental disabilities assisted
- 2 living fund.
- 3           This act would take effect upon passage.

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