

2013 -- S 0525

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE

Introduced By: Senators DiPalma, Lombardi, and Ottiano

Date Introduced: February 28, 2013

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. --** (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 shall
10 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
19 behavioral healthcare, developmental disabilities and hospitals: \$300.00

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

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

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

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

21 (5) To ensure that supportive residential care or an assisted living residence is a safe and
22 appropriate service setting, the department is authorized and directed to make a determination of
23 the medical need and whether a setting provides the appropriate services for those persons who:

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

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

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

33 (7) To assure access to high quality coordinated services, the department is further
34 authorized and directed to establish rules specifying the payment certification standards that must

1 be met by those state licensed supportive residential care settings and assisted living residences
2 admitting or serving any persons eligible for state-funded supplementary assistance under this
3 section. Such payment certification standards shall define:

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

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

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

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

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

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

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

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

27 SECTION 2. Section 40-6-27.2 of the General Laws in Chapter 40-6 entitled "Public
28 Assistance Act" is hereby repealed.

29 ~~40-6-27.2. Supplementary cash assistance payment for certain supplemental security~~
30 ~~income recipients. -- There is hereby established a \$206 monthly payment for disabled and~~
31 ~~elderly individuals who, on or after July 1, 2012, receive the state supplementary assistance~~
32 ~~payment for an individual in state licensed assisted living residence under section 40-6-27 and~~
33 ~~further reside in an assisted living facility that is not eligible to receive funding under Title XIX~~
34 ~~of the Social Security Act, 42 U.S.C. section 1381 et seq.~~

1 SECTION 3. 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 -- PUBLIC ASSISTANCE

- 1 This act would increase the state social security income enhanced reimbursement for low-
- 2 income individuals in assisted living to five hundred thirty-eight dollars (\$538) monthly.
- 3 This act would take effect upon passage.

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