

2021 -- H 5754

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LC001828  
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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 STATE AFFAIRS AND GOVERNMENT -- SUNSET ADVISORY  
COMMISSION

Introduced By: Representatives Potter, Kazarian, Morales, Cortvriend, McGaw, Tanzi,  
Giraldo, Henries, Ajello, and Batista

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-8-3 of the General Laws in Chapter 40-8 entitled "Medical  
2 Assistance" is hereby amended to read as follows:

3 **40-8-3. Eligibility requirements.**

4 Medical care benefits shall be provided under this chapter to at least any person:

5 (1) Who has attained the age of sixty-five (65) years; or

6 (2) Who has no vision or whose vision is so defective as to prevent performance of ordinary  
7 activities for which eyesight is essential; or

8 (3) Who is at least eighteen (18) years of age and who is permanently and totally disabled;

9 or

10 (4) Who is under the age of eighteen (18) years, and who has been deprived of parental  
11 support or care by reason of the death, continued absence from the home, unemployment, or  
12 physical or mental incapacity of a parent (called hereafter "dependent child") and who is living  
13 with a relative in a place of residence maintained by one or more of these relatives as his or her or  
14 their own home, or is in foster boarding care; or

15 (5) The relative as defined in subsection (8) of § 40-8-2, with whom the dependent child is  
16 living; provided the person:

17 (i) Is a resident of this state; and

18 (ii) Is not receiving public assistance under the provisions of § 40-5.1-9(b) [repealed] or §

1 40-6-27; and

2 (iii) Is not an inmate of a public institution other than as a patient in a medical institution;  
3 and

4 (iv) Is not a patient in an institution for tuberculosis or mental disease, unless the person  
5 has attained the age of sixty-five (65) years; provided, however, that this clause shall become void  
6 and of no effect if and when legislation enacted by the Congress of the United States shall become  
7 effective providing for payments for medical care on behalf of persons who have not attained the  
8 age of sixty-five (65) years who are patients in an institution for tuberculosis or mental disease; and

9 (v) Has insufficient income and resources. The department shall establish income and  
10 resource rules, regulations, and limits in accordance with Title XIX of the federal Social Security  
11 Act, 42 U.S.C. § 1396 et seq., as applicable to the medically needy only applicants and recipients.  
12 The income limits established by the department must be more than the AFDC standard in effect  
13 on July 16, 1996, under the Rhode Island state plan approved under part A of Title IV of the federal  
14 Social Security Act, 42 U.S.C. § 601 et seq., but shall not be more than one hundred thirty-three  
15 and one-third percent (133 1/3%) of the AFDC standard in effect on July 16, 1996, under the Rhode  
16 Island state plan approved under part A of Title IV of the federal Social Security Act; provided,  
17 however, that subject to the maximum percentage increase allowable under § 1931(b)(2)(B), the  
18 department shall increase the income limits on July 1, 1999, by six and six-tenths percent (6.6%),  
19 and on January 1, of each year commencing in the year 2000 by a percentage equal to the annual  
20 federal adjustment percentage as determined under the provisions of Title XVI of the federal Social  
21 Security Act, 42 U.S.C. § 1381 et seq. The department shall establish resource limits equal to two  
22 thousand dollars (\$2,000) for an individual and three thousand dollars (\$3,000) for a family.  
23 Provided, however, the department shall apply to the United States Department of Health and  
24 Human Services for a waiver relating to application of the reduced resource limit, and subject to  
25 the granting of the waiver by the Secretary of the United States Department of Health and Human  
26 Services, the resource limit shall be applied to all applicants who: (A) Become eligible for benefits  
27 under this chapter on or after the effective date of this amendment and (B) Who were not receiving  
28 benefits under this chapter prior to July 1, 1993. In the event the secretary does not approve the  
29 waiver request, the current department regulations relating to resource limits shall remain in effect  
30 for all eligible beneficiaries.

31 For the purposes of this subsection, anyone who is at least eighteen (18) years of age,  
32 permanently and totally disabled, and has an income below three hundred percent (300%) of the  
33 federal poverty line, shall be exempt from the income and resource rules, regulations, and limits,  
34 as established by the department of health and human services in accordance with the Social

1 [Security Act.](#)

2           For the purposes of this subsection, a vehicle necessary to transport a family member with  
3 a disability, where the vehicle is specially equipped to meet the specific needs of the person with a  
4 disability or if the vehicle is a special type of vehicle that makes it possible to transport the person  
5 with the disability, shall not be counted as resources of the applicants and recipients.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would exempt permanently and totally disabled applicants with income below  
2 three hundred percent (300%) of the federal poverty line, from the income and resource eligibility  
3 rules, regulations and limits.

4           This act would take effect upon passage.

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