

2024 -- S 2592

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LC005105  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE -- WAIVER REQUEST

Introduced By: Senators Gu, Miller, Zurier, Lauria, Valverde, Lawson, Burke, Murray,  
and DiPalma

Date Introduced: March 01, 2024

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby  
2 amended by adding thereto the following section:

3 **40-8-33. Coverage for nutritional and other assistance.**

4 (a) The executive office of health and human services is directed and authorized to establish  
5 a program to establish coverage for evidenced-based nutritional assistance and medically tailored  
6 meals, groceries and produce prescriptions (fruit and vegetable prescriptions or vouchers provided  
7 by medical professionals for persons with diet-related diseases or food insecurity), and other  
8 interventions for certain beneficiaries where there is a clinical need. This program will seek to  
9 receive expanded authority to provide certain clinical nutrition education, and medically-tailored  
10 food assistance services when medically appropriate. These services will be available to a range of  
11 at-risk populations, including postpartum individuals, for up to twelve (12) months.

12 (b) The state may also provide additional meal support for certain households when an  
13 eligible beneficiary is a child or pregnant woman with special clinical needs and expand health-  
14 related social needs coverage for certain food assistance, and other interventions that are medically  
15 appropriate for individuals experiencing certain life transitions, including individuals who are  
16 homeless or at risk of homelessness.

17 (c) The EOHHS is directed to ensure that federal financial participation is used to the  
18 maximum extent allowable to provide coverage pursuant to this section, and that state-only funds  
19 will be used only if federal financial participation is not available. To the extent the EOHHS

1 [determines it necessary to implement the provisions of this section, the EOHHS is authorized to](#)  
2 [pursue a Medicaid § 1115 demonstration waiver request and renewal to seek a waiver of the](#)  
3 [compliance provisions of 42 U.S.C. § 1396d\(a\) \("definitions"\).](#)

4 SECTION 2. Rhode Island Medicaid Reform Act of 2008 Joint Resolution.

5 WHEREAS, The General Assembly enacted Chapter 12.4 of Title 42 entitled "The Rhode  
6 Island Medicaid Reform Act of 2008"; and

7 WHEREAS, A legislative enactment is required pursuant to Rhode Island General Laws §  
8 42-12.4-1, et seq.; and

9 WHEREAS, Rhode Island General Laws § 42-7.2-5(3)(i) provides that the secretary of the  
10 executive office of health and human services ("executive office") is responsible for the review and  
11 coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well as  
12 any initiatives and proposals requiring amendments to the Medicaid state plan or category II or III  
13 changes as described in the demonstration, "with potential to affect the scope, amount, or duration  
14 of publicly-funded health care services, provider payments or reimbursements, or access to or the  
15 availability of benefits and services provided by Rhode Island general and public laws"; and

16 WHEREAS, In pursuit of a more cost-effective consumer choice system of care that is  
17 fiscally sound and sustainable, the secretary requests legislative approval of the following proposals  
18 to amend the demonstration; and

19 WHEREAS, Implementation of adjustments may require amendments to the Rhode  
20 Island's Medicaid state plan and/or section 1115 waiver under the terms and conditions of the  
21 demonstration. Further, adoption of new or amended rules, regulations and procedures may also be  
22 required:

23 (a) Section 1115 demonstration waiver – extension request. The executive office proposes  
24 to seek approval from the federal centers for Medicare and Medicaid services ("CMS") to extend  
25 the Medicaid section 1115 demonstration waiver as authorized in Rhode Island General Laws  
26 chapter 12.4 of title 42. In the Medicaid section 1115 demonstration waiver extension request due  
27 to CMS by December 31, 2022, in addition to maintaining existing Medicaid section 1115  
28 demonstration waiver authorities, the executive office proposes to seek a Medicaid section 1115  
29 demonstration waiver request and renewal to seek a waiver of the compliance provisions of 42  
30 U.S.C. section 1396d(a) ("definitions"), as set forth in subsection (b) of this resolution.

31 (b) The executive office of health and human services seeks to establish a program to  
32 establish coverage for evidenced-based nutritional assistance and medically-tailored meals, and  
33 other interventions for certain beneficiaries where there is a clinical need. This program will seek  
34 to receive expanded authority to provide clinical nutrition education, and medically-tailored food

1 assistance services when medically appropriate.

2 RESOLVED, That the general assembly hereby approves the proposals stated above in the  
3 recitals; and be it further;

4 RESOLVED, That the secretary of the executive office of health and human services is  
5 authorized to pursue and implement any waiver amendments, state plan amendments, and/or  
6 changes to the applicable department's rules, regulations and procedures approved herein and as  
7 authorized by chapter 12.4 of title 42; and be it further;

8 RESOLVED, That this joint resolution shall take effect upon passage.

9 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 -- MEDICAL ASSISTANCE -- WAIVER REQUEST

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1           This act would authorize the executive office of health and human services (EOHHS) to  
2 establish a program to establish coverage for evidenced-based nutritional assistance and medically-  
3 tailored meals, and other interventions for certain beneficiaries where there is a clinical need. This  
4 program would seek to receive expanded authority to provide clinical nutrition education, and  
5 medically-tailored food assistance services when medically appropriate. The executive office  
6 would seek a Medicaid section 1115 demonstration waiver request and renewal to a seek waiver of  
7 the compliance provisions of 42 U.S.C. section 1396d(a) ("definitions"), as set forth in subsection  
8 (b) of this resolution.

9           This act would take effect upon passage.

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