

2025 -- H 5388

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF
ADMINISTRATION

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: February 07, 2025

Referred To: House Finance

(Dept. of Human Services)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-11-13 of the General Laws in Chapter 42-11 entitled "Department
2 of Administration" is hereby amended to read as follows:

3 **42-11-13. Rhode Island organ transplant fund.**

4 (a) There is hereby created the Rhode Island organ transplant fund, hereinafter referred to
5 as "the fund". The general treasurer shall invest and reinvest the same in accordance with § 35-10-
6 2. The department of human services shall administer the organ transplant program. Disbursement
7 of funds from the fund shall be made by the general treasurer upon receipt by him or her of properly
8 authenticated vouchers from the department of human services.

9 (b) The fund shall consist of all revenues received pursuant to § ~~44-30-2.1~~ [44-30-2.5](#) and
10 gifts, grants, and donations from public and private sources. All revenues credited to the fund shall
11 not be subject to expenditure except for the purposes hereinafter stated.

12 (c) The fund shall be used to help defray any expenses of human organ transplants incurred
13 by Rhode Island residents and their families. For purposes of the fund, family shall be limited to
14 the parents or spouse or guardian or next-of-kin of the recipient of the organ transplant. Expenses
15 shall be limited to non-reimbursed costs associated with organ transplants including hospital and
16 medical care, all drugs prescribed which relate to organ transplant maintenance (disbursement from
17 fund for maintenance drugs shall be limited to fifty percent (50%) of average wholesale price or
18 fifty percent (50%) of non-reimbursed costs whichever is less), and out-of-state living expenses of

1 the family for a period of not more than sixty (60) days at the time of the organ transplant operation.
2 (The disbursement from the fund for out-of-state living expenses shall not exceed the per diem rate
3 allowed state employees for accommodations and sustenance.) Disbursement from the fund shall
4 not be made until the principal of the fund equals fifteen thousand dollars (\$15,000). The general
5 treasurer shall publicly announce when the principal of the fund equals fifteen thousand dollars
6 (\$15,000). Application for the disbursement from the fund shall not be made or accepted until the
7 principal of the fund equals fifteen thousand dollars (\$15,000). In addition to the foregoing
8 allowable disbursements, disbursement for organ transplant recipients may be made from the organ
9 transplant fund to meet the recipient's spend-down requirement for the Rhode Island medical
10 assistance program (Medicaid), provided that the recipient's income does not exceed twelve
11 thousand dollars (\$12,000) per year, and the funds are repaid by the recipient and deposited in the
12 organ transplant fund are repaid by the recipient and deposited in the organ transplant fund over
13 the six (6) month Medicaid spend-down period in six (6) equal monthly payments.

14 (d) Disbursements from the fund and the fund itself are not entitlement programs. The fund
15 shall not incur a deficit.

16 (e) The director of the department of human services shall promulgate rules and
17 regulations, in accordance with the Administrative Procedures Act, § 42-35-1 et seq., to implement
18 the operation of the fund. The director of the department of human services or his or her designee
19 shall confer with the general treasurer prior to promulgating rules and regulations.

20 (f) This fund shall operate prospectively provided, however, a Rhode Island resident on
21 maintenance drugs as set forth in subsection (c) of this section may apply for disbursement after
22 the principal of the fund equals fifteen thousand dollars (\$15,000).

23 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 make a technical amendment to correctly reference a section of general law
- 2 that allows for a tax refund deduction for contributions to the Rhode Island organ transplant fund.
- 3 This act would take effect upon passage.

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