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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 HUMAN SERVICES -- MEDICAL ASSISTANCE

Introduced By: Representatives Shallcross Smith, Voas, Casimiro, Solomon, Fellela,  
Cotter, Perez, Biah, McNamara, and Caldwell  
Date Introduced: April 23, 2025  
Referred To: House 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. Minimum obesity coverage standards in Medicaid.**
- 4           (a) As used in this section:
- 5           (1) "Comprehensive coverage for treatment of obesity" means coverage for prevention and  
6 wellness nutrition counseling, intensive behavioral therapy, bariatric surgery, and FDA-approved  
7 anti-obesity medication.
- 8           (2) "FDA-approved anti-obesity medication" means any medication approved by the U.S.  
9 Food and Drug Administration for chronic weight management in patients with obesity.
- 10          (b) On and after July 1, 2025, the Medicaid program shall include comprehensive coverage  
11 for treatment of obesity, to include coverage for obesity prevention and wellness, nutrition  
12 counseling, intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity  
13 medication.
- 14          (c) Coverage criteria for FDA-approved anti-obesity medications provided under this  
15 section shall not be more restrictive than the FDA-approved indications for those medicines.
- 16          (d) Coverage under this section shall be consistent with coverage for any other illness,  
17 condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment  
18 and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance  
19 factors.

1       (e) Nothing shall preclude the Medicaid program's use of utilization management to  
2 determine the medical necessity for treatment of obesity under this section; provided that, all  
3 appropriateness and medical necessity determinations are made in the same manner as those  
4 determinations are made for the treatment of any other illness, condition, or disorder covered by  
5 the state Medicaid plan.

6       (f) The Medicaid program shall provide notice to its enrollees regarding the coverage  
7 required by this section. The notice shall be in writing and prominently positioned in any literature  
8 or correspondence sent to enrollees and shall be transmitted to enrollees within calendar years 2025  
9 and 2026 when annual information is made available to enrollees, and in any other mailing to  
10 enrollees, but in no case later than their renewal date.

11       (g) The Medicaid program shall provide notice to healthcare providers and prescribers in  
12 the state regarding the coverage required in this section. The notice shall be in writing and shall be  
13 transmitted to healthcare providers and prescribers within both calendar years 2025 and 2026 when  
14 annual information or Medicaid plan change information is made available to healthcare providers  
15 and prescribers, but in no case shall the initial notice be provided later than October 31, 2025.

16       (h) The executive office of health and human services is directed and authorized to apply  
17 for and obtain any necessary waiver(s), waiver amendment(s) and/or state plan amendments from  
18 the Secretary of the United States Department of Health and Human Services including, but not  
19 limited to, a section 1115 demonstration waiver.

20       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 authorize the executive office of health and human services (EOHHS) to  
2   establish a program, on or after July 1, 2025, to establish comprehensive coverage for treatment of  
3   obesity, including prescription treatments for certain individuals where there is a clinical need. This  
4   program would seek to receive expanded authority to provide FDA-approved anti-obesity  
5   medication when medically appropriate. The executive office would seek a Medicaid section 1115  
6   demonstration waiver request and renewal to a seek waiver of the compliance provisions of 42  
7   U.S.C. section 1396d(a) ("definitions"), as set forth in subsection (b) of this resolution.  
8           This act would take effect upon passage.

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