

2026 -- H 8205

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

JOINT RESOLUTION

TO AMEND THE MEDICAID SECTION 1115 DEMONSTRATION WAIVER REQUESTS
AND RENEWALS

Introduced By: Representative Stephen M. Casey

Date Introduced: February 27, 2026

Referred To: House Finance

1 WHEREAS, The General Assembly enacted Chapter 12.4 of Title 42 entitled “The
2 Rhode Island Medicaid Reform Act of 2008”; and

3 WHEREAS, A legislative enactment is required pursuant to Rhode Island General Laws
4 § 42-12.4-3; and

5 WHEREAS, Rhode Island General Laws § 42-7.2-5(3)(i) provides that the Secretary of
6 the Executive Office of Health and Human Services is responsible for the review and
7 coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well
8 as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or
9 III changes as described in the demonstration, “with potential to affect the scope, amount, or
10 duration of publicly-funded health care services, provider payments or reimbursements, or access
11 to or the availability of benefits and services provided by Rhode Island general and public laws”;
12 now therefore be it

13 RESOLVED, That, in pursuit of a more cost-effective consumer choice system of care
14 that is fiscally sound and sustainable and that reduces the number of days behaviorally complex
15 patients spend in acute care facilities, the legislature approves the following proposal to amend
16 the demonstration:

17 (x) Change to Rates for Nursing Facility Services. The secretary of the executive office
18 of health and human services is authorized to pursue and implement any waiver amendments,
19 state plan amendments, and/or changes to the applicable department’s rules, regulations, and

1 procedures required to update the behavioral health per-diem add on program for particularly
2 complex patients to include, but not be limited to, those who: (1) Require nursing home level of
3 care and have complex needs that are barriers to placement in a traditional nursing home, and
4 have a history of persistent, disruptive behaviors requiring moderate-to-frequent intervention; (2)
5 Where admission to a nursing home is consistent with the least restrictive setting requirement
6 enunciated in the landmark U.S. Supreme Court case, *Olmstead v. L.C.* (1999); or (3) Must meet
7 nursing facility level of care criteria and has been approved by BHDDH for specialized services
8 through the BHDDH Level II PASRR determination process prior to admission to a nursing home
9 certified by Medicaid to provide specialized and individualized services to these complex
10 patients; and be it further

11 RESOLVED, That the Secretary of State be and hereby is authorized and directed to
12 transmit duly certified copies of this resolution to the Governor of the State of Rhode Island, the
13 Rhode Island Department of Health, and to the Rhode Island Executive Office of Health and
14 Human Services.

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