

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

TO: Interested Parties
FROM: Office of Policy Development
DATE: April 19, 2013
SUBJECT: Proposed OHHS Rule-Making

In accordance with the Administrative Procedures Act, the Executive Office of Health and Human Services is advertising for promulgation the following proposed and amended EOHHS rules. These rules are being amended in compliance with state and federal law and good practice. The proposed rules are as follows:

MEDICAL ASSISTANCE PROGRAM SECTION 0304

This proposed rule-making to Section 0304 incorporates the indigent immigrant exemption as codified at 8 USC 1631(e) and 421(e) of PRWORA into the Medical Assistance program. Amendments revise language to allow self-declaration of indigence by an LPR immigrant whose sponsor executed an I-864 Affidavit, but the sponsored immigrant "would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the non-citizen's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor." Provisions allow for the income and resources that the sponsor and his or her spouse actually provide, if any, to the immigrant to be considered for the 12-month period beginning on the date such exemption determination is made. Suggested amendments include guidance to comply with section 421(e)(2) of PRWORA, the agency must notify the US Citizenship and Immigration Services (USCIS) of each such determination, and provide the names of the sponsor and the sponsored LPR(s) involved.

Technical amendments have been made to Section 0330 (0330.35.60) to remove references to "alien" and replace with "non-citizen", update references to policy sections and update referenced Department forms.

This proposed rule is accessible through the RI Secretary of State's Proposed Rules and Regulations Database Search (<http://www.sec.state.ri.us/ProposedRules/>), on the OHHS website (www.ohhs.ri.gov) or available in hard copy upon request (401 462- 2018). Interested persons should submit data, views or written comments by Monday, May 20, 2013 to Kimberly Merolla-Brito, Office of Policy Development, Department of Human Services FL # 1, Louis Pasteur Building, 57 Howard Avenue, Cranston, RI 02920, KMerollaBrito@ohhs.ri.gov.