



STATE OF RHODE ISLAND

Department of Administration
DIVISION OF STATEWIDE PLANNING
235 Promenade Street, Suite 230
Providence, RI 02908

Office: (401) 222-7901
Fax: (401) 222-2083

June 28, 2021

Social Security Administration
Office of Income Security Programs
Keys Section
2412A Operations Building
6401 Security Boulevard
Baltimore, MD 21235

Dear Ms. Boguski:

The Division of Statewide Planning, Rhode Island Department of Administration, is the designated state agency responsible for overseeing compliance with the provisions of Section 1616(e) (Keys Amendment) of the Social Security Act. This letter certifies that the State of Rhode Island is in full compliance with those provisions for federal fiscal year 2021.

Previously submitted Rules and Regulations for Licensure of Facilities where Supplemental Security Income (SSI) recipients reside or are likely to reside have been amended since December 23, 2020.

The following information is from the RI Secretary of State's website regarding the current RIDOH, Rhode Island Department of Health Rules and Regulations:

[Rules and Regulations for Licensing Assisted Living Residences :](#)

Overview

Regulation

History

Rulemaking Documents

[Notify Me](#)

Title	216	Department of Health
Chapter	40	Professional Licensing and Facility Regulation
Subchapter	10	Facilities Regulation
Part	2	Licensing Assisted Living Residences (216-RICR-40-10-2)

Type of Filing	Amendment
Regulation Status	Active
Effective	04/29/2021 to 08/20/2021

Regulation Authority :

Rhode Island General Laws § 23-17.4.

Purpose and Reason :

Establishes routine testing for COVID-19 of all personnel which includes employees, as well as volunteers, students, trainees or any individual whether paid or unpaid directly employed by or under contract with the assisted living residences on a part time or full-time basis. By testing all personnel routinely, the transmission of COVID-19 in assisted living residences can be reduced.

Editorial Notes :

The agency initially requested an adjustment to the effective dates of this amendment based on the emergency amendment filed on 12/23/2020. An extension was also filed pursuant to Executive Order 21-56. As a result, the effective dates have been revised and the regulation will now become ineffective on August 20, 2021.

Brief statement of Reason for Finding Imminent Peril :

A new section 2.4.31 ("COVID-19 Practices and Procedures") is being added on an emergency basis to the Licensing of Assisted Living Residences Regulations (216-RICR-40-10-2) in accordance with the requirements of R.I. Gen. Laws Chapter 42-35. This new section will require COVID-19 testing of all personnel and residents of assisted living residences in Rhode Island at least once every fourteen (14) days. The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's congregate care facilities, including assisted living residences, given the morbidity and mortality caused by COVID-19 in such settings since March 2020. In Rhode Island, 76 percent of assisted living residences have experienced COVID-19 infections.¹ According to Kaiser Family Foundation data published on December 7, 2020,² 75 percent of all Rhode Island COVID-19 deaths have occurred in a long-term care congregate setting. COVID-19's impact on this vulnerable population is dramatic and disproportionate to the general population. These emergency amendments are intended to improve safety in Rhode Island assisted living residences and mitigate the imminent peril COVID-19 represents to this vulnerable population during this challenging time. ¹ See: Rhode Island Department of Health, NH/ALR Weekly Call Epi Update, December 15, 2020. Unpublished data but available upon request. ² See: Kaiser Family Foundation, State Data and Policy Actions to Address Coronavirus, December 2020. Available online at: <https://www.kff.org/health-costs/issue-brief/state-data-and-policy-actions-to-address-coronavirus/> Accessed December 7, 2020.

Regulation Text	Overview	Regulation	History	Rulemaking Documents
Title	216	Rhode Island Department of Health		
Chapter	40	Professional Licensing and Facility Regulation		
Subchapter	10	Facilities Regulation		
Part	2	Licensing Assisted Living Residences (216-RICR-40-10-2)		
Type of Filing		Amendment		
Regulation Status		Inactive		View Active Rule
Effective		04/30/2018 to 12/23/2020		

Regulation Authority :

Rhode Island General Laws § 23-17.4.

Purpose and Reason :

In accordance with the Administrative Procedures Act, R.I. Gen. Laws Section 42-35-3(a)(1), the following is a concise statement regarding this rulemaking for Licensing Assisted Living Residences (216-RICR-40-10-2). This amendment to the regulations removes statutory duplication, removes vaccination reporting requirements, increases the temperature threshold for hot water, revises reporting requirements for accidents, and corrects the name of the RIDOH center which oversees the enforcement of these regulations. In response to public comment, section 2.4.27 of the regulations was amended to require assisted living facilities to have an annual inspection to assess compliance with the Fire Safety Code, conducted under the authority of the State Fire Marshal. Additionally, documentation of the inspection required under the new section 2.4.27(A)(1)(e) must be submitted with the application for renewal of licensure, and such documentation must reflect compliance with the Fire Safety Code or be in accordance with section 2.4.27(A)(1)(a) of the regulations, which is regarding plans of correction with the State Fire Marshal for fire code deficiencies. In the development of this rule, consideration was given to: 1) alternative approaches; 2) overlap or duplication with other statutory and regulatory provisions; and 3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based on available information. RIDOH has determined that the benefits of this rule justify its costs.

Rules and Regulations for Licensing of Nursing Facilities:

[Licensing of Nursing Facilities \(216-RICR-40-10-1\) - Rhode Island Department of State](#)
[Licensing of Nursing Facilities \(216-RICR-40-10-1\) - Rhode Island Department of State](#)
[Licensing of Nursing Facilities \(216-RICR-40-10-1\) - Rhode Island Department of State](#)
[Licensing of Nursing Facilities \(216-RICR-40-10-1\) - Rhode Island Department of State](#)

Records of the review process are on file at the office of The Division of Statewide Planning and available for inspection.

If you have any questions or require additional information, please contact me at the above address, or by phone at (401) 222-1243.

Sincerely,

Vin Flood

Vin Flood
Data Analyst II