



STATE OF RHODE ISLAND

Department of Administration
DIVISION OF STATEWIDE PLANNING
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June 20, 2022

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 2022.

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 2021.

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 :

Licensing Assisted Living Residences (216-RICR-40-10-2)

216-RICR-40-10-2 **INACTIVE RULE** **EMERGENCY RULE**

This rule will be effective on 07/03/2022.

Regulation Text **Overview** Regulation History Rulemaking Documents

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	Inactive View Active Rule
Effective	08/31/2021 to 02/27/2022

Regulation Authority:

Rhode Island General Laws § 23-17.4.

Purpose and Reason:

Establishes routine testing for COVID-19 of all unvaccinated and vaccinated 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 unvaccinated personnel routinely, the transmission of COVID-19 in assisted living residences can be reduced.

Brief statement of Reason for Finding Imminent Peril:

As of July 6, 2021, powers conferred upon the governor by law for disaster emergency response cannot exceed a period of one hundred eighty (180) days from the date of the emergency order or proclamation of a state of disaster emergency, unless and until the general assembly extends the one hundred eighty (180) day period by concurrent resolution. Despite temporary preservation by law of the March 9, 2020 Declaration of Disaster and several related executive orders, a number of COVID-19-related executive orders have terminated. Certain provisions within those terminated executive orders remain necessary to protect the public health, safety, and welfare from imminent peril due to COVID-19. This emergency rule is being promulgated contemporaneously with a proposed final rule in order to prevent the spread of COVID-19 in healthcare settings.

Licensing Assisted Living Residences (216-RICR-40-10-2)

216-RICR-40-10-2

INACTIVE RULE

EMERGENCY RULE

This rule will be effective on 07/03/2022.

Regulation Text

Overview

Regulation

History

Rulemaking Documents

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	Inactive View Active Rule
Effective	08/20/2021 to 08/31/2021

Regulation Authority:

Rhode Island General Laws § 23-17.4.

Purpose and Reason:

Establishes routine testing for COVID-19 of all unvaccinated and vaccinated 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 unvaccinated 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 and an extensions pursuant to Executive Orders 21-56 and 21-79. As a result, the effective dates have been revised and the regulation will now become ineffective on October 19, 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 personnel and residents of assisted living residences in Rhode Island. 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. According to Kaiser Family Foundation data published on December 7, 2020, 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.

Rules and Regulations for Licensing of Nursing Facilities:

Licensing of Nursing Facilities (216-RICR-40-10-1)

216-RICR-40-10-1

ACTIVE RULE

New changes for this rule will be effective on 07/03/2022.

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Title	216	Department of Health
Chapter	40	Professional Licensing and Facility Regulation
Subchapter	10	Facilities Regulation
Part	1	Licensing of Nursing Facilities (216-RICR-40-10-1)

Type of Filing	Technical Revision
Regulation Status	Active
Effective	03/29/2018 to 07/03/2022

Regulation Authority:

R.I. Gen. Laws § 23-17-10

Purpose and Reason:

This technical revision is being filed to correct the name of the Subchapter as listed in the caption of this Part. The correct name of Subchapter 10 is "Facilities Regulation." No other changes have been made to the text of this Part.

Licensing of Nursing Facilities (216-RICR-40-10-1)

216-RICR-40-10-1 **INACTIVE RULE** **EMERGENCY RULE**

This rule will be effective on 07/03/2022.

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Title	216	Department of Health
Chapter	40	Professional Licensing and Facility Regulation
Subchapter	10	Facilities Regulation
Part	1	Licensing of Nursing Facilities (216-RICR-40-10-1)

Type of Filing	Amendment	
Regulation Status	Inactive	View Active Rule
Effective	08/20/2021 to 08/31/2021	

Regulation Authority:

R.I. Gen. Laws § 23-17-10

Purpose and Reason:

Establishes routine testing for COVID-19 of all unvaccinated nursing home residents and vaccinated and unvaccinated 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 nursing home on a part time or full-time basis. By testing all unvaccinated personnel routinely, the transmission of COVID-19 in nursing facilities 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 5/26/2020 and subsequently extended by Executive Order. As a result, the effective dates have been revised and the regulation will now become ineffective on September 18, 2021.

Brief statement of Reason for Finding Imminent Peril:

The Rhode Island Department of Health (RIDOH) is filing this emergency amendment to the Licensure of Nursing Facility regulations (216-RICR-40-10-1) in order to strengthen standards of care in Rhode Island nursing homes during the pendency of the COVID-19 pandemic. The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's nursing facilities. In Rhode Island, 100 percent of nursing facilities have experienced COVID-19 infections. According to recently published Kaiser Family Foundation data, of all states, Rhode Island (78%) and New Hampshire (81%) have the highest percentage of long-term care deaths as a share of total state COVID deaths. COVID-19's impact on this vulnerable nursing home population is dramatic and disproportionate to the general population. The COVID-19 pandemic continues to have a profoundly disruptive effect on the lives of Rhode Island's nursing home residents and their families, particularly as winter 2020 continues. RIDOH's goal is to mitigate COVID's effects on this imminently imperiled population by increasing testing frequency among residents in nursing facilities. These emergency amendments are also intended to improve nursing home safety in Rhode Island nursing facilities and mitigate the imminent peril COVID-19 represents to this vulnerable population during this challenging time. ? 1. Kaiser Family Foundation, State Data and Policy Actions to Address Coronavirus, November 2020. Available online at: <https://www.kff.org/health-costs/issue-brief/state-data-and-policy-actions-to-address-coronavirus/> Accessed November 20, 2020.

Licensing of Nursing Facilities (216-RICR-40-10-1)

216-RICR-40-10-1

INACTIVE RULE

EMERGENCY RULE

This rule will be effective on 07/03/2022.

Regulation Text

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Rulemaking Documents

Title	216	Department of Health
Chapter	40	Professional Licensing and Facility Regulation
Subchapter	10	Facilities Regulation
Part	1	Licensing of Nursing Facilities (216-RICR-40-10-1)

Type of Filing	Amendment
Regulation Status	Inactive View Active Rule
Effective	07/10/2021 to 08/20/2021

Regulation Authority:

R.I. Gen. Laws § 23-17-10

R.I. Gen. Laws § Executive Order 20-70

Purpose and Reason:

Establishes routine testing for COVID-19 of all unvaccinated nursing home residents and 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 nursing home on a part time or full-time basis. By testing all unvaccinated personnel routinely, the transmission of COVID-19 in nursing facilities can be reduced.

Editorial Notes:

The agency requested an extension to the effective dates allowed by R.I. Gen. Laws § 42-35-2.10 for this emergency amendment. The initial date was revised by agency request to 07/20/2021 and an extension was then granted in accordance with Executive Order 21-70 which permit extensions for sixty (60) days. As a result, the regulation will now become ineffective on 09/18/2021.

Brief statement of Reason for Finding Imminent Peril:

The Rhode Island Department of Health (RIDOH) is filing this emergency amendment to the Licensure of Nursing Facility regulations (216-RICR-40-10-1) in order to strengthen standards of care in Rhode Island nursing homes during the pendency of the COVID-19 pandemic. Section 1.13.7 of the Licensing of Nursing Facilities (216-RICR-40-10-1) Regulation is being amended on an emergency basis to require asymptomatic residents to be tested for COVID-19 at least once every seven (7) days. The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's nursing facilities. In Rhode Island, 100 percent of nursing facilities have experienced COVID-19 infections. According to recently published Kaiser Family Foundation data, of all states, Rhode Island (78%) and New Hampshire (81%) have the highest percentage of long-term care deaths as a share of total state COVID deaths. COVID-19's impact on this vulnerable nursing home population is dramatic and disproportionate to the general population. The COVID-19 pandemic continues to have a profoundly disruptive effect on the lives of Rhode Island's nursing home residents and their families, particularly as winter 2020 continues. RIDOH's goal is to mitigate COVID's effects on this imminently imperiled population by increasing testing frequency among residents in nursing facilities. These emergency amendments are also intended to improve nursing home safety in Rhode Island nursing facilities and mitigate the imminent peril COVID-19 represents to this vulnerable population during this challenging time. ? 1. Kaiser Family Foundation, State Data

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