



Kristin Sousa, Interim Medicaid Program Director  
Executive Office of Health and Human Services  
3 West Road, Virks Building  
Cranston, RI 02920

February 4, 2022

Richard Charest,  
Director,  
Department of Behavioral Healthcare, Developmental Disabilities and Hospitals,  
Barry Hall, 14 Harrington Road,  
Cranston RI 02920

Re: ESH IMD 2021 December Status Report Submitted by ESH/BHDDH to EOHHS,  
Medicaid Program

Dear Director Charest:

The purpose of this correspondence is to provide the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (“BHDDH”) with the Executive Office of Health and Human Services’ (“EOHHS”) determination of the Eleanor Slater Hospital’s (“ESH”) prospective status as an Institution for Mental Disease (“IMD”). EOHHS’ IMD determination is based upon the information contained in BHDDH’s December 16, 2021, ESH IMD Worksheet submission as revised on January 11, 2021, and submitted to EOHHS on January 21, 2022. Thank you for exercising due diligence and taking the time to resubmit and correct an inadvertent reporting error in the originally submitted, ESH IMD Worksheet. While the discrepancy between the original and amended IMD Worksheet is inconsequential and does not impact EOHHS’ findings, we do appreciate BHDDH taking the time to ensure the integrity of the reporting process by correcting an error in the submitted data.

EOHHS as the single state agency for the State of Rhode Island Medicaid Program, is responsible for reviewing compliance with federal requirements to determine whether a Medicaid provider remains eligible for Medicaid reimbursement. R.I. Gen. Laws § 42-7.2-2 (a)(6); Title XIX of the U.S. Social Security Act, 42 U.S.C. § 1396a et seq. This includes ensuring compliance with federal regulations regarding whether the ESH is unable to claim federal matching funds also known as federal financial participation (“FFP”) as an IMD. 42 C.F.R. § 435.1010; CMS State Medicaid Manual, § 4390. Whether ESH is an IMD is solely determined by EOHHS, through a review and consideration of the hospitals’ overall character and patient census based upon diagnosis.



The IMD review process and requirements for Rhode Island are contained in 210-RICR-10-00-7.4 (“IMD Regulations”). The IMD Regulations have been reviewed by CMS and are in alignment with the Federal Social Security Act 1905(i), 42 CFR § 435.1010 and CMS’ State Operations Manual, Section 4390.C.5. In March 2020, EOHHS formally promulgated its existing

IMD Policy into regulations outlining the process by which the State assesses and determines a facility’s IMD status and became effective as of April 8, 2020. 210-RICR-10-00-7.

On December 16, 2021, pursuant to the IMD Regulations, BHDDH submitted to EOHHS the December 1, 2021, biannual ESH IMD assessment worksheet, and as explained above, BHDDH subsequently submitted a revised ESH IMD Worksheet on January 21, 2022. EOHHS has carefully reviewed the ESH IMD Worksheets and the EOHHS ESH IMD Assessment Findings dated September 7, 2021 (“ESH 2021 Assessment Findings”). Please note that in September 2021, EOHHS found that between December 1, 2020, and May 1, 2020, ESH was an IMD and unable to claim FFP for this time period.

**EOHHS’ December 1, 2021 ESH IMD FINDINGS**

EOHHS has determined that ESH is licensed by the Rhode Island Department of Health as one (1) hospital, with two (2) campuses and a unified governance structure. The IMD Regulations and the CMS Provider Manual stipulate that to avoid the IMD exclusion, ESH’s patient census for qualifying psychiatric patients must be less than 51% of the total patient population.

<b>Date</b>	<b>Psychiatric Patients</b>	<b>Total Patient Census</b>	<b>% Of Total Patient Census with a Qualifying Psychiatric Disease</b>
April 1, 2020	97	217	44.7%
May 1, 2020	95	214	44.4%
December 1, 2020	83	191	43.5%
May 1, 2021	96	188	51.1%
December 1, 2021	115	211	55.5%

EOHHS has determined that the December 1, 2021, ESH census for qualifying psychiatric patients was 55.5% of the total patient population. As such, EOHHS determines that ESH remains in an IMD status and therefore continues to be unable to claim FFP from December 1, 2021.

Sincerely,



Kristin Sousa  
Interim Medicaid Program Director