

1           SECTION 4. Effective October 1, 2019, Chapter 40-8.4 of the General Laws  
entitled "Health Care For Families" is hereby amended by adding thereto the following  
section:

2           **40-8.4-21. Employer Public Assistance Assessment.**

3           (a) Employer Assessment. Each employer employing no less than three hundred (300)  
4 employees within the state of Rhode Island, shall pay quarterly an assessment for each employee  
5 who is a Medicaid beneficiary for every day of the quarter, whether full- or part-time; provided,  
6 however, no nonprofit organization or governmental entity shall be considered an employer for  
7 the purposes of this section. The assessment shall be computed by multiplying the wages the  
8 employer paid any such employee by ten per cent (10%), up to an annual maximum assessment  
9 of one thousand five hundred dollars (\$1,500) per Medicaid beneficiary employee. Working  
10 adults with disabilities, as further defined by regulation authorized in subsection (g), are  
11 exempted employees for whom the employer will not be charged an employer assessment under  
12 this section.

13           (b) Wages. For the purposes of this section, "wages" means all compensation due to an  
14 employee by reason of his or her employment.

15           (c) Appeal. An employer notified of a liability determination under this section may  
16 request a hearing with the department of labor and training to appeal the liability determination.  
17 The request for a hearing shall be filed not more than fifteen (15) days after the receipt of notice  
18 of the determination. The decision rendered at the conclusion of the hearing shall be considered a  
1 final agency order.

2           (d) Eligibility inquiries. Notwithstanding the appeal right in subsection (c), an employer  
3 may issue to the department of human services a request for review of the Medicaid eligibility of  
4 any employee for whom the employer is charged an assessment. Except where prohibited by  
5 federal law, the State is authorized to make a limited disclosure to the inquiring employer  
6 regarding the name of any Medicaid beneficiary employee for whom the employer is being

7 assessed under subsection (a).

8 (e) Discrimination prohibited. No employer may take any adverse action against  
9 any

9 employee or potential employee on the basis of the employee's status as a Medicaid beneficiary.

10 Any employer found to have discriminated on this basis shall be subject to a penalty prescribed  
11 in

11 regulations promulgated pursuant to this section.

12 (f) Data sharing. The departments of administration, revenue, human services, and  
13 labor

13 and training, and the executive office of health and human services are authorized to share data

14 and information to implement this section. Data collected by the departments of administration,

15 revenue, human services, labor and training, or the executive office of health and human services

16 for the implementation of this section shall not be a public record.

17 (g) Regulations. The departments of labor and training and human services are  
18 authorized

18 to promulgate regulations to implement the provisions of this section, including additional

19 parameters on which employees cause the assessment and the definition of working disabled

20 adults exempted from the employer assessment contained in subsection (a), in consultation with

21 the executive office of health and human services and department of revenue.