

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT

ALPINE NURSING HOME, INC., d/b/a :
ALPINE REAL HOME, et al. :

Case No. SU-2018-0153-MP

v. :

STATE OF RHODE ISLAND :
EXECUTIVE OFFICE OF HEALTH :
AND HUMAN SERVICES, et al. :

[Superior Court
C.A. No. PC-2017-3369]

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JUN 14 AM 10:47
SUPREME COURT
CLERK'S OFFICE

CONSENT ORDER

This matter is before the Court on the Petition for Issuance of Writ of Certiorari, Motion to File Petition Out of Time, and Motion for Stay of Superior Court Remand Order and Judgment, all filed by petitioner the State of Rhode Island, Executive Office of Health and Human Services ("EOHHS"), and the Objection of respondent Nursing Homes to the Motion for Stay. The parties met with Justice Indeglia in conference on June 12, 2018, with respect to the Motion for Stay and Objection.

After the conference, through direct negotiations, EOHHS and the Nursing Homes reached a tentative settlement of all pending matters. The settlement involves establishment of Medicaid reimbursement rates through the FY 2019 Appropriations Act of the General Assembly, including the following terms: a) Effective July 1, 2018, the Medicaid rates paid to the state's nursing facilities, both fee-for-service and managed care, will be increased by one and one half percent (1.5%) from the rates approved by the Centers for Medicare and Medicaid Services and in effect on October 1, 2017; b) the Medicaid rates paid to the state's nursing facilities, both fee-for-service and managed care, will be increased again by one percent (1.0%), effective October 1, 2018; and c) the proposal in the Governor's State FY 2019 budget that would have eliminated retroactive eligibility for applicants seeking Medicaid long term care coverage will not be enacted

in the state FY 2019 budget, such that retroactive eligibility will be preserved as it existed on January 1, 2018 (the "Settlement"). The FY 2019 Appropriations Act is presently before the General Assembly for enactment. Nothing in this Settlement shall be construed to limited the ability of the General Assembly to set Medicaid reimbursement rates in future Budget Appropriation Acts.

Accordingly, by agreement of the parties, it is hereby

ORDERED:

1. The terms of the Settlement, as recited above, are hereby incorporated as a part hereof.
2. EOHHS's motion for stay is granted as provided below, subject to completion of the Settlement.
3. All proceedings in the superior court and the remand order and judgment are hereby stayed, subject to Paragraph 6 below.
4. All proceedings in this Court are hereby stayed, subject to Paragraph 6 below.
5. Upon passage by the General Assembly of the FY 2019 Appropriations Act in a form consistent with the Settlement as described above and its approval and signature by the Governor:
 - A. EOHHS shall withdraw its pending petition and motions in the above-entitled action; and
 - B. The superior court Final Judgment and Remand Order in C.A. No. 2017-3369 shall be vacated and the action shall be dismissed by agreement, with prejudice, with no attorney fees or costs to any party.
6. In the event that either the Settlement in its entirety is not completed for any reason and/or the General Assembly fails to pass the FY 2019 Appropriations Act in a form consistent with the Settlement and/or the Governor fails or refuses to sign the FY 2019 Appropriations Act in a form consistent with the Settlement on or before July 9, 2018, then this Consent Order

shall immediately become null and void and the stays referred to in Paragraphs 3 and 4 herein shall be immediately lifted.

ENTERED as an Order of this Court this ___ day of June, 2018:

By Order,

Clerk

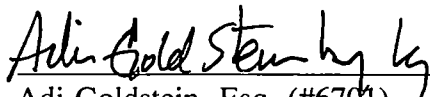
AGREED TO IN FORM AND SUBSTANCE:

RHODE ISLAND EXECUTIVE OFFICE
OF HEALTH AND HUMAN SERVICES

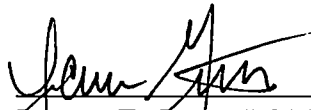
By and through its attorneys,



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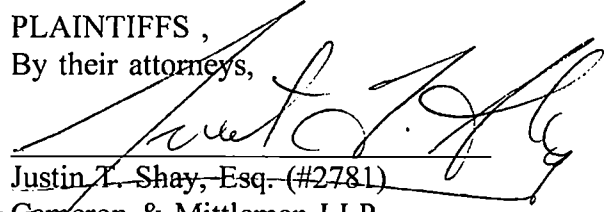


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