



Rhode Island Department of Human Services

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Office of the Director

Kimberly Merolla-Brito

May 26, 2026

The Honorable Louis P. DiPalma
Chair, Senate Committee on Finance
State House
82 Smith Street
Providence RI 02903

RE: S2091 – An Act Relating to Human Services – Public Assistance Act

Dear Chairman DiPalma,

The RI Department of Human Services is providing supplementary information to the submitted testimony of the Executive Office of Health and Human Services expressing concern regarding S2091. This proposed bill seeks to amend general public assistance statute to exempt individual retirement accounts as a countable resource and prohibits the state as a creditor against Achieving a Better Life Experience (ABLE) accounts in the event of the death of a beneficiary.

An ABLE account is a federally authorized, tax-advantaged savings tool that enables individuals with disabilities to save for qualified disability-related expenses while maintaining eligibility for essential benefits such as Medicaid and Supplemental Security Income (SSI). In Rhode Island, the funds in the ABLE account are currently excluded as countable resources for Medicaid eligibility, including eligibility for Long-Term Services and Supports (LTSS), which allow individuals to receive care in settings appropriate to their needs. Medicaid eligibility continues to apply unless or until the contributions for the person benefiting from the ABLE account exceeds the annual limit of \$15,000 or the maximum life-time limit of \$395,000 is reached.

Since Rhode Island already excludes ABLE accounts as countable resources for the purposes of Medicaid eligibility, consistent with federal law, DHS and the State therefore also support federal guidance permitting the ability for the State to recover Medicaid expenditures from remaining ABLE account funds after a beneficiary's death. This only occurs once outstanding qualified disability expenses are paid. The current rules ensure that individuals can maintain eligibility for essential coverage during their lifetime while preserving the State's ability to recoup a portion of Medicaid costs after death. Any remaining funds through an ABLE plan or estate planning of the beneficiary can then be designated to their heirs.

Importantly, passage of S2091 would shift an additional financial burden to taxpayers as the State prepares to implement H.R.1 federal legislation, further compounding administrative and fiscal constraints that may unintentionally lead to reduced access of essential services for the same vulnerable population.

Thank you for your consideration.

Sincerely,

Kimberly Merolla-Brito

Kimberly Merolla-Brito
Director

RI Department of Human Services

CC: The Honorable Members of the Senate Committee on Finance
The Honorable Matthew L. LaMountain
Kristen Silvia, Director of Legislation and Deputy Chief of Staff to the Senate President
Patricia Resende, Director of Policy to the Senate President