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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-39

May 27, 2020

THIRTY-SIXTH SUPPLEMENTAL EMERGENCY DECLARATION – AUTHORIZING ADJUSTMENTS TO CHILD CARE SUBSIDIES AND REIMBURSEMENT RATES

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to health and life posed by the outbreak of COVID-19 and that declaration has been extended until at least June 5, 2020;

WHEREAS, pursuant to R.I. Gen. Laws § 42-12.5-1 of the Rhode Island General Laws the Rhode Island Department of Human Services (DHS) is the state agency authorized to license and monitor child care services, and pursuant to Rhode Island General laws 42-12.5-3(b), DHS is authorized to adopt, amend and rescind regulations related thereto;

WHEREAS, DHS serves as the lead agency responsible for adminstering Rhode Island's subsidized child care program, the Child Care Assistance Program (CCAP);

WHEREAS, pursuant to R.I. Gen. Laws § 40-6.2-1.1, a tiered-rate structure was established regarding reimbursement rates to be paid by DHS to licensed child care centers and family child care homes serving families in the CCAP;

WHEREAS, the COVID-19 public health emergency has unexpectedly made the

delivery of child care services more difficult and costly, and whereas these services are necessary to allow individuals with child care needs to return to the work force;

WHEREAS, on May 8, 2020, I issued Executive Order 20-32 to begin Rhode Island's phased reopening. A component of successfully reopening the State is to ensure a sufficient number of child care providers are able to reopen and appropriately serve families participating in the CCAP. This will help to ensure the successful return of Rhode Islanders to the workplace;

WHEREAS, existing program and CCAP reimbursement rates do not account for the increased costs or the need for necessary operational changes of child care delivery resulting from the COVID-19 public health emergency, and poses a further challenge to the continued operation of these critically important providers;

WHEREAS, as a consequence of these developments, DHS will need the ability to temporarily adjust the rates it reimburses providers for child care services rendered to families participating in the CCAP to ensure providers can continue to deliver critical services to the residents of the State; and

WHEREAS, R.I. Gen. Laws § 30-15-9(e)(1) authorizes the suspension of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency while safely reopening Rhodes Island in phases.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

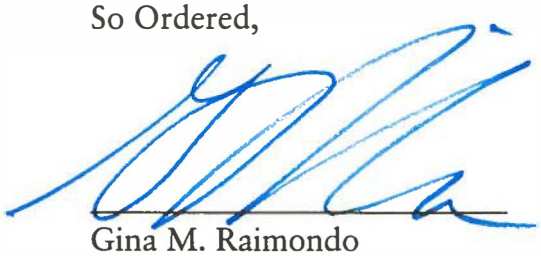
1. The provisions of R.I. Gen. Laws § 40-6.2-1.1 are hereby suspended.

2. Subject to the review and approval of the Director of Rhode Island Office of Management and Budget, DHS shall promulgate emergency regulations that will contain temporary rates for reimbursing child care providers during the COVID-19 emergency.

3. Any changes to child care rates shall expire when this Order is rescinded or when the state of emergency is terminated, whichever happens first.

This Order shall take effect immediately and remain in full force and effect until June 26, 2020, unless renewed, modified or terminated by subsequent Executive Order.

So Ordered,



Gina M. Raimondo
Governor