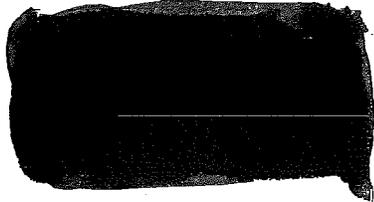




Rhode Island Executive Office of Health and Human Services
Appeals Office, 57 Howard Ave., LP Building, 2nd floor, Cranston, RI 02920
phone: 401.462.2132 fax: 401.462.0458

February 10, 2015

Docket # 14-2297
Hearing Date: January 20, 2015



ADMINISTRATIVE HEARING DECISION

The Administrative Hearing that you requested has been decided in your favor. During the course of the proceeding, the following issue(s) and Agency regulation(s) were the matters before the hearing:

THE DEPARTMENT OF HUMAN SERVICES (DHS) RULES AND REGULATIONS
GENERAL PUBLIC ASSISTANCE PROGRAM (GPA)
SECTION: 0600.05 General Public Assistance Program
SECTION: 0608.10 Interim Cash Assistance-Bridge Fund

STATE OF RHODE ISLAND GENERAL LAWS
Title 40 Human Services - Chapter 40-6 Public Assistance Act

The facts of your case, the Agency regulation(s), and the complete administrative decision made in this matter follow. Your rights to judicial review of this decision are found on the last page of this decision.

Copies of this decision have been sent to the following: You (the appellant), and Agency representatives Mary Lou Averill, Cruz Gomez, and Thomas Conlon.

Present at the hearing were: You, and Agency representative Cruz Gomez.

ISSUE: Is the appellant ineligible for the General Public Assistance (GPA) program because at the time of application she did not have a medical condition which was expected to last at least 30-days and precluded either full or part-time employment?

DHS Rules and Regulations:

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services Rules and Regulations and the State of Rhode Island General Laws.

APPEAL RIGHTS:

Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

DISCUSSION OF THE EVIDENCE:**The Agency representative testified:**

- The appellant submitted an application for GPA cash assistance on October 23, 2014.
- The Agency denied the appellant's application on November 7, 2014.
- The GPA program used to have a small medical coverage benefit but that no longer exists since the Affordable Care Act started. While the GPA program no longer has a medical coverage benefit, to qualify for the GPA cash assistance an applicant must have work limitations. Specifically, the applicant must have a medical condition that prevents him/her from working for at least 30 days.
- The appellant's physician signed a MA63 form on October 16, 2014 and reported that the appellant had complaints of chronic back pain on August 20, 2014.
- The doctor did not put any information for the prognosis on the MA63, he just put see attached.
- Attached with the MA63 were a patient chart report and a Providence Health Center report based on a visit the appellant had on September 22, 2014.
- The September 22, 2014 report states that the appellant is taking her medication, that she complains of chronic back pain, and that she was referred to a chiropractor. It also says that there are no psychological symptoms, no neurological symptoms, no severe illness or injury since the last visit, and no hospitalizations.
- After reading the medical report, the limitations reported on page three of the MA63 as to how often the appellant could do certain activities was reviewed.
- It was reported on the MA63 that the appellant could walk less than 2 hours, stand less than 2 hours, sit 4 out of 8 hours, can reach and bend occasionally, and can lift up to 10 pounds occasionally. The physician noted that the appellant was only slightly limited in maintaining attention and concentration and in working without extraordinary supervision.

- Some type of massage treatment is reported on the MA63 but the writing is unclear.
- When an individual applies for GPA they also complete an AP70 form. The appellant reported on the AP70 form that she could cook, do dishes, vacuum, do laundry, dust a little at a time, and make beds.
- The appellant reported that she worked as a housekeeper for seven years until April 25, 2014. She also had previously worked as a salesperson.
- The decision on the appellant's GPA application was made based on all of the information provided to the Agency at the time of application.

The appellant testified:

- She cannot do any type of work.
- She has a problem with her hip and her back.
- She cannot stand that long and sometimes her hip goes out on her when she is walking.
- She cannot do the daily things around the house like she used to.
- Most of the time she spends her days in bed because it bothers her to get up and walk around.
- She last worked on April 25, 2014. She was working as a hotel housekeeper but could no longer keep up and do the work. At first she just did less hours but then had to stop working.
- Dr. Thomas who completed the MA63 is her primary care doctor. He became her doctor in August 2014 after she moved to R.I.
- Dr. Thomas referred her to physical therapy (PT) in August 2014 and she has continued to go to PT three times a week since that time for treatment of hip and back pain.
- Dr. Thomas also referred her to an Orthopedist, Dr. Bliss, who she started seeing in January 2015.

- Dr. Bliss said he thinks she has bursitis and gave her a shot in the leg to take the inflammation out. He also recommended that she continue with the PT.
- She does not know how long she will have to have PT.
- She takes ibuprofen, vitamin D3, Omeprazole, and something for depression.

FINDINGS OF FACT:

- The appellant applied for GPA (General Public Assistance) on October 23, 2014.
- A notice (GPA-167) dated November 6, 2014 was sent to the appellant, informing her that in accordance with DHS policy section 0608.10, titled GPA Eligibility Requirements, she was ineligible for GPA because the medical information submitted did not indicate that she had a medical condition which was expected to last at least 30 days and precluded either full or part-time employment.
- The appellant submitted a timely appeal received by the Agency on November 14, 2014.
- An Administrative Hearing was convened on January 20, 2015.
- The appellant has not worked since April 25, 2014.
- The appellant experiences chronic back pain which at the time of her GPA application significantly limited her ability to work.
- As of January 13, 2015, the appellant was unable to work for the foreseeable future due to a chronic back condition and a hip condition.

CONCLUSION:

The issue to be decided is whether the appellant is ineligible for the General Public Assistance (GPA) program because at the time of application she did not have a medical condition which was expected to last at least 30-days and precluded either full or part-time employment.

The appellant submitted an application for the GPA program on October 23, 2014. On November 6, 2014 the Agency sent the appellant a letter informing her that in accordance

with DHS policy section 0608.10 titled GPA Eligibility Requirements, she was not eligible for GPA because the medical information submitted with her application did not indicate that she had a medical condition that was expected to last at least 30-days and precluded either full or part-time employment.

The Agency testifies that while the benefits provided to eligible GPA recipients have changed since the Affordable Care Act was implemented, specifically that the GPA program no longer provides any medical benefit, a GPA applicant must still have a medical condition that prevents him/her from working for at least 30 days to qualify for the GPA cash assistance benefit. The Agency argues that based on the information provided at the time of the appellant's application, specifically the information provided by the appellant's PCP on an Agency MA63 form and in an examination record, and by the appellant on an Agency AP70 form, the appellant did not meet this criteria.

The appellant testifies that she has not worked since April 25, 2014 and continues to be unable to work due to problems with her hip and back. She further testifies that she has been receiving physical therapy (PT) since August 2014 and that her primary care physician (PCP), Dr. Thomas, referred her to a Chiropractor, Dr. Bliss, who has been treating her since January 2015.

A review of the Department of Human Services (DHS) rules and regulations finds that the current version pertaining to the GPA program became effective January 1, 2014 and remained in effect as of October 23, 2014, the date of the appellant's application for GPA. Further review of the GPA regulations in effect as of January 1, 2014 as well as those in effect prior to January 1, 2014, finds that the regulation cited by the Agency in the notice of denial, Section 0608.10 titled GPA Eligibility Requirements, was revised. Section 0608.10 is now titled Interim Cash Assistance-Bridge Fund Program and no longer reflects the eligibility criteria as stated on the denial notice and/or as testified to by the Agency at hearing. Further review of the GPA regulations finds that prior to January 1, 2014, GPA regulation Section 0600.05 stated that "To be eligible for GPA, an individual must have an illness, injury, or medical condition as defined in Section 0608.10.05." Section 0608.10, titled Eligibility Requirements for Individuals, and Section 0608.10.05, titled Determining Medical Condition Precludes Work, reiterated this criterion in more detail. Since January 1, 2014, GPA regulation section 0600.05 states that the GPA program is available for adults of a certain age group with very limited income and resources who "have an illness or medical condition that keeps them from working." It makes no reference to Sections 0608.10 and/or 0608.10.05. As of January 1, 2014, Section 0608.10 is now titled Interim Cash Assistance-Bridge Fund Program and makes no reference to the medical condition criteria previously cited in 0608.10. Further review of Section 0608, titled Eligibility Requirements for GPA, and specifically Section 0608.05, titled GPA eligibility, finds that to receive GPA an individual must meet the eligibility requirements for GPA set forth in section 0608 and specifically stipulates that GPA will not be provided to any individual who has been found eligible for Medicaid. Further

review of the current version of section 0608.10 cited by the Agency finds that it stipulates that the Interim Cash Assistance-Bridge fund is limited to individuals who have been found eligible for XIX Medicaid. Further review of Rhode Island General Law (RIGL) Title 40, Chapter 6, titled Public Assistance Act, and specifically Section 40-6-3.1 titled Eligibility for General Public Assistance, finds that GPA recipients must "...be suffering from an illness, injury, or medical condition as determined by physical examination by a licensed physician, that is reasonably expected to last for a period of at least thirty (30) days from the date the application for general public assistance is filed with the department, and which precludes the individual from working." In summary, the DHS GPA regulation 0608.10 titled Eligibility Requirements for Individuals, as cited by the Agency as the reason for the appellant's ineligibility for GPA, was not in effect at the time of the appellant's GPA application and/or denial. Though the current DHS GPA regulations stipulate that for GPA eligibility to exist an individual must have an illness or medical condition that keeps them from working, the current DHS rules do not stipulate how long the illness and/or injury must last and/or whether both full and part time work must be excluded. Despite the inconsistencies in the Agency's presentation and the DHS rules and regulations, the RIGL which establishes the legal basis for the GPA program, establishes that the medical criteria that a GPA recipient have an illness, injury, or medical condition that is expected to last at least 30-days from the date of application and which precludes the individual from working, remains.

A full review of the record of hearing finds an Agency MA63 form (Physician Examination Report) signed by the appellant's PCP, Dr. Vinod Thomas, on October 16, 2014 and a September 22, 2014 exam record which establishes that the appellant was taking pain and anti-inflammatory medications and receiving physical therapy (PT) three times a week for chronic back pain/Lumbago. While Dr. Thomas found no physical abnormalities of the spine or hip upon objective examination on September 22, 2014, he reported that he reviewed a prior MRI which established a L3-L4 disc bulge. While Dr. Thomas further indicated that the appellant's condition was improving with PT, the PT was to continue for eight weeks and a referral to a Chiropractor was planned if the PT was not successful. On October 16, 2014, Dr. Thomas reported on the MA63 that at that time the appellant was significantly limited in her ability to perform all physical work activities, and slightly limited in her ability to maintain attention and concentration and/or work at a consistent pace. The appellant testifies at hearing that she continues with PT for her hip and back and that she began seeing a chiropractor, Dr. Thomas F. Bliss, in January 2015. At hearing the appellant submits a note from Dr. Bliss dated January 13, 2015. A review of the note finds that Dr. Bliss was of the opinion at that time that the appellant was unable to work for the foreseeable future due to a chronic lumbar strain and right hip bursitis.

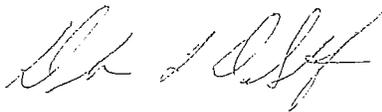
In summary, in order for GPA eligibility to exist, the appellant must have a medical condition documented by a physician which precludes her from working for a period of at least thirty days from October 23, 2014, the date of her GPA application. Per the appellant's PCP, the appellant had a medical condition relative to her back which limited

her ability to perform basic physical work activities to such an extent in September and October 2014 as to preclude her from working at that time and for which she was still receiving treatment. Per the appellant's chiropractor, the appellant was unable to work in January 2015 due to her chronic back condition and a medical condition relative to her right hip. The record in its entirety thereby establishes that at the time of application the appellant had a medical condition that precluded her from working and which was expected to and did last for at least 30-days.

In conclusion, regardless of the GPA benefits currently available and/or provided to eligible GPA recipients, an individual must have an illness, injury, or medical condition that prevents them from working for at least 30 days from the date of their GPA application in order for GPA eligibility to exist. After a careful review of the Agency's rules/regulations, the Rhode Island General Laws, and the evidence and testimony given, this Appeals Officer finds that the appellant did meet this criteria of the GPA Program at the time of her October 2013 GPA application. The appellant's request for relief is thereby granted.

ACTION FOR THE AGENCY

The Agency is to rescind the November 6, 2014 GPA denial and determine the appellant's eligibility for GPA as of the date of her October 2013 application, based on the finding that the appellant did have a medical condition at that time which was going to preclude her from working for at least 30 days.



Debra L. DeStefano
Appeals Officer

APPENDIX

DEPARTMENT OF HUMAN SERVICES GENERAL PUBLIC ASSISTANCE PROGRAM (GPA) (EFFECTIVE 1/1/14)

0600 PURPOSE AND ADMINISTRATION OF GPA

0600.05 GENERAL PUBLIC ASSISTANCE PROGRAM

Title 40, Chapter 6, of the General Laws of the State of Rhode Island, entitled "Public Assistance Act," establishes the legal basis for a General Public Assistance Program.

The General Public Assistance (GPA) Program is available for adults age 19-64 years of age who have very limited income and resources and have an illness or medical condition that keeps them from working.

GPA shall not be provided to any individual who has been determined eligible for SSI or to any individual who is eligible or who would, but for income and resources, be eligible for Rhode Island Works (RIW) program cash assistance. Also, GPA eligibility shall not exist for certain persons who are in the care of, confined by, or in the custody of another State Agency such as the Department of Corrections, the Department of Children, Youth and Families or the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

0608 ELIGIBILITY REQUIREMENTS FOR GPA

0608.05 GPA ELIGIBILITY

General Public Assistance (GPA) is provided only to those persons who meet the eligibility requirements for GPA as set forth in Section 0608. GPA shall not be provided to any individual who is eligible or who would, but for income and resources, be eligible for assistance from the RI Works Program. Also, GPA shall not be provided to any individual who has been determined eligible for Supplemental Security Income (SSI). GPA shall not be provided to any individual who has been found eligible for Medicaid. In addition, GPA eligibility may not exist for certain persons who are: in the care of; confined by; or, in the custody of; another State Agency, such as, the Department of Corrections, the Department of Children, Youth and Families or the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

0608.10 INTERIM CASH ASSISTANCE-BRIDGE FUND PROGRAM

Disabled individuals may be eligible to receive cash assistance in the form of a semi-monthly payment while they are awaiting the determination of SSI eligibility. This program of interim cash assistance is referred to as the "Bridge" fund or program.

This program is limited to individuals who have applied for and been found eligible for Title XIX Medicaid as disabled and who have applied for and are actively pursuing a claim for Supplemental Security Income (SSI) benefits. The income and resource limits for the Bridge fund are found in manual sections 0610 and 0612.

A determination for Medicaid affordable care coverage (MACC) must be completed under MAGI rules prior to a determination of eligibility under a disability. Refer to the Medicaid Code of Administrative Rules (MCAR), section 1305: Eligibility for Medicaid Affordable Care Coverage Groups, for persons 19-64 without dependent children who are not pregnant seeking Medicaid eligibility; and section 0302: The Application Process for persons seeking Medicaid eligibility under sections 0351, 0374, 0375, and 0378 of the MCAR.

DEPARTMENT OF HUMAN SERVICES GENERAL PUBLIC ASSISTANCE PROGRAM (GPA) (EFFECTIVE PRIOR TO 1/1/14)

0600 PURPOSE AND ADMINISTRATION OF GPA 0600.05 GENERAL PUBLIC ASSISTANCE PROGRAM

REV:05/1997

Title 40, Chapter 6, of the General Laws of the State of Rhode Island, entitled "Public Assistance Act," establishes the legal basis for a General Public Assistance Program.

This program covers eligible individuals; such individuals are eligible only for medical benefits. To be eligible for GPA, an individual must have an illness, injury, or medical condition as defined in Section 0608.10.05.

GPA shall not be provided to any individual who has been determined eligible for SSI or to any individual who is eligible or who would, but for income and resources, be eligible for Rhode Island Works (RIW) program cash assistance. GPA shall not be provided to any individual found eligible for the Federal/State Medical Assistance program. Also, GPA eligibility shall not exist for certain persons who are in the care of, confined by, or in the custody of another State Agency such as the Department of Corrections, the Department of Children, Youth and Families or the Department of Mental Health, Retardation and Hospitals.

0608 ELIGIBILITY REQUIREMENTS FOR GPA 0608.05 GPA ELIGIBILITY

REV:05/1997

General Public Assistance (GPA) is provided only to those persons who meet the eligibility requirements for GPA as set forth in Section 0608. GPA shall not be provided to any individual who is eligible or who would, but for income and resources, be eligible for assistance from the RI Works Program. Also, GPA shall not be provided to any individual who has been determined eligible for Supplemental Security Income (SSI). GPA shall not be provided to any individual who has been

found eligible for Medical Assistance (MA). In addition, GPA eligibility may not exist for certain persons who are: in the care of; confined by; or, in the custody of; another State Agency, such as, the Department of Corrections, the Department of Children, Youth and Families or the Department of Mental Health, Retardation and Hospitals. GPA benefits are provided to those individuals whose illness, injury or medical condition meets the eligibility requirements of the program. Specific eligibility requirements for individuals are discussed starting in Section 0608.10. In addition, there are other eligibility requirements for GPA applicants/recipients; these are outlined in Sections 0608.05.05 through 0608.05.20.

0608.10 ELIGIBILITY REQUIREMENTS FOR INDIVIDUALS

REV:11/1996

General Public Assistance (GPA medical benefits only) is furnished to individuals who are eighteen (18) years of age or older provided that: they do not have a dependent child who is living in their home; all other eligibility requirements of the GPA regulations as set forth in the DHS Manual are met; and,

- o the individual is determined by the Department of Human Services to have an illness, injury or medical condition as documented by a physical examination by a licensed physician, that is reasonably expected to last for a period of at least thirty (30) days from the date the application for General Public Assistance is filed with the Department, and which precludes the individual from working, including full or part time work. The medical condition may be based on a primary diagnosis of alcoholism and/or substance abuse;

- o the individual has, within thirty (30) days of the application for General Public Assistance or notice from the Department, applied for and cooperated in the determination of eligibility for benefits under the Title XVI Supplemental Security Income (SSI) Program and/or the Title XIX Medical Assistance Program, if the applicant or recipient is determined by the Department to be potentially eligible for benefits from those programs.

When a married couple apply for assistance, each person must meet the eligibility requirements. However, it is possible that eligibility exists for one spouse and not for the other. Refer to Section 0618 to determine the appropriate standards for GPA medical eligibility

0608.10.05 Determining Medical Condition Precludes Work

REV:11/1996

Determinations of illness, injury or medical condition which preclude an individual from work for purposes of GPA Medical eligibility will be

made by the GPA supervisor. An individual must have an illness, injury or medical condition, as documented by a physical examination by a licensed physician, that is reasonably expected to last for a period of at least thirty (30) days from the date of application for General Public Assistance and which precludes the individual from working, including full or part time work. Eligibility for GPA will not exist if an illness, injury or medical condition which precludes work cannot be reasonably verified. A decision on an application for General Public Assistance must be made within thirty (30) days of the Department's receipt of a completed application.

EVIDENCE OF ILLNESS, INJURY OR MEDICAL CONDITION

The agency medical form (MA-63), is used to establish the existence of a mental or physical condition(s) that is preventing the individual from working, including full or part time work.

The MA-63 form, completed by a licensed physician(s) pursuant to a physical examination, should demonstrate the effect the physical or mental condition has on the person's ability to work.

The extent of the illness, injury or medical condition and recommendations for treatment or care are also solicited on the form. The applicant's physician may submit copies of the patient's medical records or a letter which includes all relevant information in lieu of or in addition to the MA-63. Clients may submit MA-63's from all their treating physicians in order to establish a comprehensive health profile.

The MA-63 form must be completed by a Doctor of Medicine (MD) or a Doctor of Osteopathy (DO) for a medical, surgical or psychiatric diagnosis. A chiropractor may complete the form if the physical condition that is preventing the applicant/recipient from working is primarily related to a dysfunction of the back and spinal cord, such as, a chronic disc syndrome or degenerative arthritis. However, since the services provided by chiropractors are not included in the General Public Assistance Medical Program scope of services, payment cannot be rendered for such services.

The applicant is provided with an AP-70 form at the initial agency screening (or at another time as determined by local office procedures). This form, which is designed to be completed by the GPA applicant, gathers information on the person's condition and how it affects day to day activities. The information on the AP-70 will be considered by the Department as part of the process of determining whether the applicant/recipient meets the GPA eligibility criteria of illness, injury or medical condition which precludes the individual from working, including full or part time work. If the applicant fails to complete the AP-70, eligibility will be based on the MA-63 only.

MENTAL RETARDATION

An individual psychometric examination showing an I.Q. of 70 or less is evidence that a person is mentally retarded and that he or she meets the medical criteria for eligibility in Section 0608.10. The evidence is substantiated by use of the Agency Medical Form (MA-63). Previous examination reports may be used as evidence provided the examination

was an individual one given within five (5) years. Referral for Supplemental Security Income (SSI) benefits must be made in such a situation.

PERMANENT DISABILITY

An individual must be referred to the Social Security Administration (SSA) to apply for Supplemental Security Income and/or Social Security Disability Insurance Benefits if the individual is determined by the Department to be potentially eligible for benefits. "Disability" is defined by SSA as the inability to do any substantial gainful activity because of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. To meet this definition, a person must have a severe impairment which renders him/her unable to engage in the previously performed work or in any other substantial gainful activity which exists in the national economy. To determine whether the person is able to do any other work, the SSA considers the person's residual functional capacity and his/her age, education and work experience. As an aid to the field staff, each GPA office has been provided with a copy of the Social Security handbook entitled "Disability Evaluation Under Social Security." Individuals who are referred to the SSA are done so through the use of the RI/DHS/SSA-1 which contains written notice to the applicant/recipient that s/he must file for SSI within thirty (30) days of the date of the referral.

REFERRAL PROCESS TO OFFICE OF MEDICAL REVIEW (OMR)

An individual shall also be referred to the Office of Medical Review (OMR) for a determination of disability if the individual is determined by the Department to be potentially eligible for Title XIX Medical Assistance benefits.

The referral process to the Office of Medical Review for a determination of disability for purposes of Title XIX Medical Assistance eligibility is as follows:

- (1) The MA-63 and the AP-70 are forwarded to the Office of Medical Review which will make the determination of disability for Title XIX Medical Assistance.
- (2) The Office of Medical Review may consult with the GPA field staff and request any other medical information that is available from the GPA record. The Office of Medical Review may also require the individual to undergo further medical evaluations arranged by the Department if these referrals have not already been made. The Office of Medical Review may also recommend that the GPA social worker refer the recipient to the Social Security Administration to file for disability benefits if this referral has not already been made.
- (3) If, in the opinion of the Office of Medical Review no disability exists for Medical Assistance, this finding is transmitted to the field staff.

STATE OF RHODE ISLAND GENERAL LAWS

TITLE 40 Human services

CHAPTER 40-6 Public Assistance Act

SECTION 40-6-3.1

§ 40-6-3.1 **Eligibility for general public assistance.** – (a) The state, acting by and through the department, shall provide assistance (in the form specified in § 40-6-3.2) to residents of the state found by the department in accordance with this chapter and rules and regulations of the department to be eligible for general public assistance; provided further, that benefits under this program shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, and benefits shall not be provided to illegal or undocumented aliens.

(b) Individuals eligible for GPA.

- (1) General public assistance shall be provided to the following individuals and families provided all other eligibility requirements of this chapter are met:
- (2) Individuals age eighteen (18) or older, provided that they do not have a dependent child who is living in his or her home, and provided that they are determined by the department in accordance with this chapter and departmental regulations to be suffering from an illness, injury, or medical condition as determined by physical examination by a licensed physician, that is reasonably expected to last for a period of at least thirty (30) days from the date the application for general public assistance is filed with the department, and which precludes the individual from working. The illness, injury, or medical condition may be based on a primary diagnosis of alcoholism or substance abuse. The total physical or mental incapacity shall be verified by a medical practitioner and/or a qualified substance abuse counselor designated by the department, within forty-five (45) days of the date the individual is found by the department to be totally incapacitated. If total physical or mental incapacity cannot be reasonably verified then the individual shall not be eligible for general public assistance under this subsection.

- (3) The department shall provide an application for medical assistance (Medicaid) benefits to each applicant for general public assistance and shall use a uniform medical form for both programs to secure information from the applicant's treating physician. A decision on the application for

general public assistance shall be made within thirty (30) days of receipts of a completed application.

(4) Individuals found eligible on the basis of illness, injury, or medical condition under this subsection (b) shall be eligible for assistance only in the forms specified in § 40-6-3.2(a)(2) and (a)(3), and only for an initial period of up to six (6) months, renewable for a period of up to an additional six (6) months. In order to receive assistance for a period greater than twelve (12) months, individuals must reapply for general public assistance.

(c) *Resources.* Ownership of real or personal property shall disqualify individuals from receiving general public assistance; provided, however, that the following property or resources owned by such individuals shall be exempted:

(1) A home occupied by such individuals;

(2) One motor vehicle having an equity value not exceeding four thousand six hundred fifty dollars (\$4,650) or a vehicle necessary to transport a family member with a disability, where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with the disability;

(3) Cash or liquid assets not exceeding four hundred dollars (\$400);

(4) Such tools of the trade not to exceed an aggregate value of one thousand dollars (\$1,000) and household furnishings and effects as the director shall determine by regulation.

(d)(1)(i) *Income.* Income shall not disqualify an individual from receiving general public assistance provided that the income as defined and determined by the department is within the income limitations established by the regulations of the department.

(ii) Pursuant to the purposes set forth in § 40-6-3 and notwithstanding the provisions of § 40-6-3.3 [Repealed], individuals found ineligible for cash assistance under chapter 5.1 of this title due to provisions of the chapter regarding alien sponsors, the deeming of alien sponsor income or the deeming of stepparent income, shall not be eligible for general public assistance.

(2) Notwithstanding the provisions of § 40-6-3.3 [Repealed], the receipt of lump sum income shall disqualify an individual from receiving general public assistance.

(3) The department shall promulgate rules and regulations regarding the treatment of lump sum income.

(e) *Postsecondary education.* (1) An individual age eighteen (18) or older, attending a school, college, or university as a full-time student or attending a full-time program of vocational or technical training, all beyond the level of secondary education, shall not be eligible for general

public assistance under this chapter, excepting however those individuals active as students with the department's vocational rehabilitation programs who have been certified as unemployable by the department.

(2) Notwithstanding the foregoing prohibition, an individual, age eighteen (18) or older, pursuing a course of study on a part-time basis beyond the level of secondary education, may be eligible for general public assistance, provided the student remains available for and is actively seeking employment, and provided that the individual meets all other eligibility requirements for general public assistance pursuant to this chapter.

(f) Cooperation in applying for SSI and medical assistance. All applicants and recipients of general public assistance shall, within thirty (30) days of application for general public assistance or notice from the department, be required to apply for and cooperate in the determination for benefits under the federal supplemental security income (SSI) program and/or medical assistance, as provided pursuant to title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., provided the applicant or recipient is determined by the department to be potentially eligible for benefits.

(g) Report of income or resources by recipients. If, at any time during the receipt of general public assistance, the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him or her, it shall be his or her duty and a condition of eligibility to notify the department of this fact immediately on the receipt or possession of additional income or resources.

History of Section.

(P.L. 1987, ch. 118, art. 13, § 2; P.L. 1991, ch. 44, art. 23, § 2; P.L. 1992, ch. 133, art. 46, § 1; P.L. 1993, ch. 138, art. 25, § 1; P.L. 1994, ch. 70, art. 18, § 1; P.L. 1996, ch. 129, § 11; P.L. 1996, ch. 131, § 11; P.L. 1996, ch. 132, § 11; P.L. 1996, ch. 133, § 11; P.L. 1998, ch. 72, § 1.)

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.