



Rhode Island Executive Office of Health and Human Services
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March 12, 2015

Docket # 14-2375
Hearing Date: February 11, 2015



ADMINISTRATIVE HEARING DECISION

The Administrative Hearing that you requested has been decided against you. 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 Ivy Miller, 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 he 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 November 5, 2014.
- Medical information was provided to the Agency on November 13, 2014.
- The doctor from Crossroads said that the appellant's prognosis was fair to poor.
- He also indicated that liver function tests were done for Cirrhosis in January 2009.
- The appellant's secondary diagnosis was listed as depression and anxiety per PHQ-9 scores and psychiatric interview but no date of diagnosis was provided.
- A third diagnosis listed was osteoarthritis and stated x-rays and many years.
- The physical limitations that the doctor indicated were that the appellant could stand and/or walk for less than two hours but that he could sit for six to eight hours, he could reach frequently, bend occasionally, and lift up to ten pounds occasionally.
- As to mental limitations, the doctor indicated that the appellant was markedly limited in his ability to interact appropriately with coworkers and in working at a consistent pace, moderately limited in his ability to maintain attention and responds appropriately to changes in the work routine or environment, and slightly limited in his ability to remember.
- The doctor reported on the MA63 that he believed that the patient's medical and psychiatric condition precluded him from meaningful employment but he indicated prior that the appellant had an interview by a psychiatrist but the MA63 was not signed by a psychiatrist, it was signed by an MD at Crossroads.
- The answers provided on the MA63 do not indicate that the appellant cannot do at least sedentary work, thereby indicating that he can do some type of physical work.

- The Agency has no evidence to support the mental limitations reported on the MA63 because according to the MA63 the appellant only had an interview with a psychiatrist and the MA63 was not signed by a psychiatrist.
- The appellant did submit an AP70 form which is considered a supplement to the MA63. The AP70 was read but the decision is really based on the MA63 and the information from the doctor.

The appellant testified:

- He receives his medical treatment at Crossroads.
- His doctor at Crossroads sent him to the psychologist who is also at Crossroads.
- The reported psychiatric interview was a full session with a psychologist and he diagnosed him with depression.
- He saw the psychologist around the time of his GPA application and is supposed to see him again this month.
- Physically he is unable to work because of constant pain, fatigue, and lack of endurance and strength due to the combination of arthritis and cirrhosis.
- He also has partial loss of the use of his legs due to nerve damage. He was in two comas in January and February 2009 and after he came out of the comas he had nerve damage in his legs.
- The arthritis is in his knees, his right hand, his right shoulder, and in his lower back..
- He has had on and off episodes of depression before but this is the first time he has actually been diagnosed with it and it has gradually gotten worse over the last few years.
- Due to his depression he doesn't want to do anything and does not want to be bothered by anyone. He does not like to be around people.
- He has been taking Prozac for 7 or 8 months and it does help some. Prozac was first prescribed by his medical doctor at Crossroads and then the psychologist doubled the dose.

- He also takes gabapentin for the nerves in his legs and it is supposed to help with his anxiety as well.
- He also takes a medication for his blood pressure and the varicose veins in his upper esophagus.
- He is limited to what he can take for arthritis pain due to the cirrhosis.
- The last liver functions tests he had were this past summer or early fall. They showed the cirrhosis has stayed the same.

FINDINGS OF FACT:

- The appellant applied for GPA (General Public Assistance) on November 5, 2014.
- A notice (GPA-167) dated November 24, 2014 was sent to the appellant, informing him that in accordance with DHS policy section 0608.10, titled GPA Eligibility Requirements, he was ineligible for GPA because the medical information submitted did not indicate that he had a medical condition which was expected to last at least 30 days and precluded either full or part-time employment.
- The appellant submitted an appeal received by the Agency on December 12, 2014.
- An Administrative Hearing was convened on February 11, 2015.
- The appellant has medically established diagnoses of cirrhosis, depression/anxiety, and osteoarthritis.

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 he 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 November 5, 2014. On November 24, 2014 the Agency sent the appellant a letter informing him that in accordance with DHS policy section 0608.10 titled Eligibility Requirements for GPA Medical, he was not eligible for GPA because the medical information submitted with his

application did not indicate that he had a medical condition that was expected to last at least 30-days and precluded either full or part-time employment. At hearing, the Agency conceded that due to changes made to the Department of Human Services (DHS) GPA rules and regulations, the section number and title cited in the appellant's denial notice is incorrect. The Agency maintained that the explanation on the notice as to why the appellant is ineligible is correct. Despite the noted flaw in his denial notice, the appellant wanted to go forward with the appeal hearing based on the notice's explanation of denial.

The Agency maintains that to qualify for the GPA program, an applicant must have a medical condition documented by a doctor, which prevents him/her from working, either full or part-time, for at least 30 days. The Agency argues that based on the medical information provided at the time of the appellant's application, specifically the information provided by his medical doctor on an Agency MA63 form, the appellant did not meet this criterion.

A review of the DHS rules and regulations finds that the current version of the regulations pertaining to the GPA program became effective January 1, 2014 and remained in effect as of November 5, 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 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, per the current DHS regulations in combination with the RIGL which establishes the legal basis for the GPA program, for GPA eligibility to exist an individual must have an illness, injury, or medical condition, determined by physical examination by

a licensed physician, that precludes any work and is reasonably expected to last for at least 30-days from the date the individual's GPA application was filed with DHS.

The appellant argues at hearing that he is physically unable to work due to constant pain, fatigue, and the lack of endurance and strength, all resulting from arthritis and cirrhosis. He also testifies that he has partially lost the use of his legs due to nerve damage in 2009 subsequent to two comas. Upon questioning, the appellant testifies that his arthritis is in his knees, his right hand, his right shoulder, and in his lower back. He also testifies that he has had periods of depression in the past and was recently diagnosed with depression by a psychologist and prescribed medication. He testifies that the medication helps some but that he does not want to be bothered by or be around other people.

A full review of the record of hearing finds an AP70 form (Information for Determination of Disability) signed by the appellant on November 12, 2014 and an Agency MA63 form (Physician Examination Report) signed on November 13, 2014 by the appellant's primary physician. A review of the AP70 finds that the appellant reports that he has not worked since September 2008 and that he has been unable to work since being injured on the job. He claims that his physical disabilities have since worsened and that he now also has severe mental disorders which affect his sleeping, eating, emotions and anger. Where asked on the form to describe all of the medical and mental problems that keep him from working, he reported leg edema to the point that he cannot walk, esophagus spasms, rotator cuff pain, depression and anxiety, and PTSD. He further indicated on the form that he has insomnia and severe night tremors and that his homelessness has made it more difficult to face each day and that he experiences anger on a daily basis.

A review of the MA63 finds where asked to list the appellant's diagnoses along with supportive symptoms, objective findings, and supportive diagnostics tests and dates, the appellant's physician reports the following:

- A primary diagnosis of cirrhosis made on January 30, 2009 per liver function tests (LFT) and abdominal ultrasounds. No current signs or symptoms are reported.
- A secondary diagnosis of depression/anxiety based upon PHQ-9 scores and a psychiatric interview. No date of diagnosis is indicated. The actual PHQ-9 scores are not reported nor are any objective findings of the psychiatric interview.
- A third diagnosis of osteoarthritis per x-rays. This condition is reported as having existed for many years. The location of the arthritis, current signs or symptoms, and/or the current severity of the arthritis are not indicated.

There is no mention anywhere on the MA63 of PTSD, esophagus spasms, and/or leg edema as reported by the appellant on the AP70. While there is mention of a coma occurring in January 2009, there is no mention of related nerve damage in the legs

resulting in current loss of functioning as testified by the appellant at hearing. Further review of the MA63 finds that while the appellant's physician reports that in his opinion the appellant is precluded from meaningful employment due to his medical and psychiatric conditions, it is unclear what is meant by "meaningful". Where asked on the MA63 about the appellant's physical and mental functional abilities, there is no report of functional loss to the extent that would preclude any and/or all work. While the physician reports that the appellant is significantly limited in his ability to walk and/or stand, he also reports that the appellant retains the ability to sit, reach, bend, stoop, lift, carry, push, and pull to the extent to be capable of some work. While the medical provider specifically reports elsewhere on the form that the appellant's ability to work is affected by problems concentrating and executing decisions and reports that the appellant is moderately limited in his ability to maintain attention and concentration, he also reports that the appellant is only slightly limited in his ability to make simple work-related decision and remember and carry out simple instructions, thereby retaining the mental ability to perform some work. While both the physician and the appellant report limitations with social interactions, the record in its entirety does not clearly support the level of limitation indicated on the MA63 and/or that the appellant's social limitations are to the extent to preclude all work. In summary, the appellant's physician does not clearly opine that the appellant is incapable of doing any work and the information provided by the appellant's physician as to dates of diagnoses, objective signs, current symptoms, and/or loss of functioning fail to establish that the appellant's medically established diagnoses of cirrhosis, depression/anxiety, and/or osteoarthritis precluded the appellant from working at the time of his application for the GPA program.

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 not have a physician determined and verified illness, injury, or medical condition that precluded him from working at the time of his application for GPA on November 5, 2014 and he is thereby ineligible for the GPA program. The appellant's request for relief is denied.



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).

0608.10 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 receipt 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.