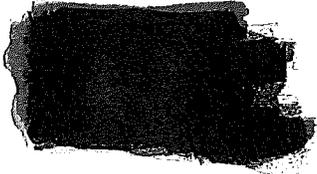


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HUMAN SERVICES
APPEALS OFFICE
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Docket # 14-2171
Hearing Date: January 15, 2015

Date: February 24, 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 policy reference(s) were the matters before the hearing:

**THE DHS POLICY MANUAL: MEDICAL ASSISTANCE
SECTION: 0300.25.20 FINANCIAL ELIGIBILITY REQUIREMENTS
SECTION: 0308.05 APPLICANT REQUIRED TO COOPERATE**

The facts of your case, the agency policy, 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: your representative, and agency representatives: Marylou Mccaffrey, Cheryl Lafazia, Thomas Conlon, and the Policy Unit.

Present at the hearing were: your representative, Marylou Mccaffrey and Kim Tebow (agency representatives).

ISSUE: Did the appellant fail to provide required proof of her situation, specifically verification of resources, for her May 2014 application for the Medical Assistance/Long Term Care Program (MA/LTC)?

DHS POLICIES: Please see the attached **APPENDIX** for pertinent excerpts from the Rhode Island Department of Human Services Policy Manual.

DISCUSSION OF THE EVIDENCE:

The agency representative testified:

- The agency representative stated that the agency notified the appellant by notice dated August 1, 2014 that her application filed for the month of May 2014 was denied because the appellant did not provide proof of her resources. (Copy of notice submitted).
- The agency representative testified that the agency had attempted to obtain the information identified in the August 1, 2014 notice. The appellant's representative contacted the agency caseworker on July 21, 2014 to notify her that the appellant died on [REDACTED], 2014.
- The agency representative stated that on July 21, 2014 the appellant's representative instructed her to close the application.
- The agency representative stated that she sent a request for documents (RDOC) dated June 5, 2014 to the appellant's representative requesting the following documents be forwarded as soon as possible. 1. Rent receipt, 2. Six months of bank statements, 3. Copy of face/cash value of a life insurance policy, 4. Copies of any/all unpaid medical bills, 5. Copy of Blue Cross payments. (Copy of notice submitted).
- The agency representative sent another RDOC on July 16, 2014 to the appellant's representative requesting the previously requested documents. The July 16, 2014 RDOC stated that if there was no further contact within 10 days the appellant's application would be denied. (copy of notice submitted).
- The agency representative stated that at the time of the application denial the applicant's representative had not provided the requested documents that were requested in the June 5, 2014 notice.

The appellant's representative testified:

- He stated that he was not aware that he could submit the requested information today. He does have the outstanding bills owed to the nursing facility. He also has bills from Kent Hospital.
- He stated that the appellant had been paying off the outstanding bills. Presently she owes approximately \$1700.00 to the nursing facility, \$630.00 to the hospital, and approximately \$700.00 to West View nursing home.

- He explained that since becoming involved with this application he has tried to respond to the agency requests for documentation of the resources but he has yet to obtain all of the requested documentation.
- He agreed to submit the resource information to the record of hearing as of the close of business February 16, 2015.

FINDINGS OF FACT:

1. The agency denied the appellant's May 2014 application for MA/LTC benefits by notice dated August 1, 2014 due to her failure to provide proof of her resources.
2. The agency requested resource documentation by notices dated June 5, 2014 and July 16, 2014.
3. The record of hearing was held open through February 16, 2015 for submission of the required eligibility documentation from the appellant's representative.

CONCLUSION:

The issue to be decided is whether the appellant failed to provide proof of her resources as required in order for the agency to determine her eligibility from her May 2014 MA/LTC Program application.

There is no dispute as to the fact that the appellant applied for MA/LTC during May 2014 when she was a resident of a nursing facility. The agency has submitted notice documentation that resource information was requested from the appellant's representative and that appropriate time was allowed for submission of the requested eligibility documents.

The appellant's representative submits that due to the appellant's death on [REDACTED], 2014 he has been unable to obtain all of the requested resource documentation.

The agency has agreed at hearing to allow the appellant's representative more time to submit the required documentation in order to determine eligibility.

As of the close of business February 16, 2015 the agency has not heard from or received any additional documentation from the appellant's representative.

Review of the agency record determines that the agency provided sufficient notice and time to the appellant's representative regarding the need for resource documentation

associated with the denial of her May 2014 application. The agency is unable to determine MA/LTC eligibility with the information submitted to date.

After a careful review of the agency's policies, as well as, the evidence and testimony given, the Hearing Officer finds that the appellant has not provided the agency with the required documentation of the resources in question at the time of her May 2014 application. The agency action to deny the appellant's May 2014 MA/LTC application is allowed. The appellant's request for relief is denied.

APPEAL RIGHTS (see page 5)


Michael Gorman
Hearing Officer

APPENDIX

Financial Eligibility Requirements 0300.25.20
REV: 06/1994

Financial eligibility is based on the applicant/recipient's income and resources. Certain income and resources are COUNTABLE and thus included in the calculation of the individual's total income and resources to determine if financial eligibility exists. Other income and resources may be EXCLUDED from the calculation and not count toward the individual's allowable limit.

APPLICANT REQUIRED TO COOPERATE 0308.05
REV: 04/2001

As a condition of eligibility, the MA applicant must meet certain cooperation requirements. These requirements include:

- o Providing the information needed for an eligibility determination;**
- o Assignment of rights to medical support or other third party payments for medical care to the Department;**
- o Cooperating in establishing paternity and obtaining support (an exception exists for pregnant women with no other children, pregnant women are not required to cooperate with Child Support Enforcement until the birth of the child);**

APPLICANT REQUIRED TO COOPERATE 0308.05

- o **Cooperating in identifying and providing third party liability information;**
- o **Making resources available and utilizing resources;**
- o **Cooperating in Quality Control procedures;**
- o **Enrollment in cost effective employer-sponsored health insurance through the RIte Share Premium Assistance Program (Section 0349).**

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.