



Rhode Island Executive Office of Health and Human Services  
Appeals Office, 57 Howard Ave., LP Building, 2<sup>nd</sup> floor, Cranston, RI

phone: 401.462.2132 fax: 401.462.0458

Date: May 22, 2015

Docket # 15-459

Hearing Date: April 6, 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) RULE AND REGULATIONS  
RHODE ISLAND PROGRAM (RIW) RHODE ISLAND WORKS  
SECTION: 0608.10 INTERIM CASH ASSISTANCE-BRIDGE FUND PROGRAM  
0600.05 GENERAL PUBLIC ASSISTANCE PROGRAM**

### **RHODE ISLAND GENERAL LAWS 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), Ivy Miller the Agency Representative and Cruz Gomez, the Agency Supervisor.

Present at the hearing were: You (the Appellant) and Ivy Miller the Agency Representative.

**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.

**APPEAL RIGHTS:**

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

**DISCUSSION OF THE EVIDENCE:****THE AGENCY REPRESENTATIVES TESTIFIED:**

- On January 14, 2015 the Appellant applied for GPA and it was explained to him by an agency representative that he needed to have the MA-63 completed by his doctor, the AP-70 to be completed by himself and both documents returned back to the agency within 30-days.
- The Appellant returned the MA-63 and the AP-70 and both documents were reviewed by the MART unit for determination on February 4, 2015. The Agency Supervisor reviewed the MART unit's determination and decided that the Appellant did not meet the guideline for eligibility.
- The Agency issued a denial notice to the Appellant on February 5, 2015 stating that the medical information submitted did not indicate that the Appellant has a medical condition which is expected to last at least 30 days and would preclude either full or part-time employment, as per DHS Policy § 0608.10.
- The Appellant filed his appeal on February 12, 2015 stating that he disagreed with the agency's decision.
- The Agency submitted the Appellant's MA-63 completed by Dr. John Abroguena, dated January 29 2015.
- The Agency also submitted the AP-70 completed by the Appellant that had been turned into the Agency for review.
- The Agency was not able to compare the Appellant past work history to the present due to the lack of work history.

**THE APPELLANT TESTIFIED:**

- The Appellant currently receives SNAP but would like to also be found eligible for GPA so that he can purchase items that are not allowed to be purchased with SNAP. GPA would allow him to purchase socks and underwear.
- The Appellant has no work history because he has been in and out of the ACI since he has been 18 years old; he has served a 4 year and 7 year sentence.
- Appellant's doctor has told him that his depression is not good and that his blood pressure and thyroid is good/better since he has been taken his medication.

- Appellant testified that he gets winded easily and that he can't stand 6 out of 8 hours. The Appellant doesn't agree with what his doctor said about him, the doctor never asked about what he can lift or how long he can stand.
- The Appellant wished to present a letter from his attorney that he states that he had turned into the Agency but the Agency doesn't have it in their file

**FINDINGS OF FACT:**

- On January 14, 2015 the Appellant applied for GPA – Medical Assistance and it was explained to him by an agency representative that he needed to have the MA-63 completed by his doctor, the AP-70 to be completed by himself and both documents returned back to the agency within 30-days.
- The Appellant returned the MA-63 and the AP-70 and both documents were reviewed by the MART unit for determination on February 4, 2015. The Agency Supervisor reviewed the MART unit's determination and decided that the Appellant did not meet the guideline for eligibility.
- The Agency issued a denial notice to the Appellant on February 5, 2015 stating that the medical information submitted did not indicate that the Appellant has a medical condition which is expected to last at least 30 days and would preclude either full or part-time employment, as per DHS Policy § 0608.10.
- The Appellant filed his appeal on February 12, 2015 stating that he disagreed with the agency's decision.
- The Agency submitted the Appellant's MA-63 completed by Dr. John Abroguena, dated January 29 2015.
- The Agency also submitted the AP-70 completed by the Appellant that had been turned into the Agency for review; this document was not dated.
- The Appellant has no work history because he has been in and out of the ACI since he has been 18 years old; he has served a 4 year and 7 year sentence.
- Appellant's doctor has told him that his depression is not good and that his blood pressure and thyroid is good/better since he has been taken his medication.

At the close of Hearing the Appellant requested additional time to submit a letter from his attorney and it was agreed to keep the hearing open for 2 week to allow the Appellant to submit his attorney hearing closed on April 30, 2015.

**THE EVIDENCE RECORD:**

- MA-63, signed by Dr. John Abroguena and
- ✓ The patient is a 38 year old male

- ✓ Findings on present physical examination: Cardiovascular and Mental Disorder.
- ✓ Patient's prognosis for elimination or reducing these conditions through medication or other treatment – GOOD
- ✓ Primary diagnosis is Depression; date of diagnosis is October 2014; patient on medication
- ✓ Other diagnosis – hypertension; date of diagnosis October 2014; patient on medication
- ✓ No hospitalization for medical problems
- ✓ Has not been admitted to any psychiatric or treatment center
- ✓ Physical activities are listed as being able to:
  - ❖ Walk 6 out of 8 hours
  - ❖ Stand 6 out of 8 hours
  - ❖ Sit 6 out of 8 hours
  - ❖ Reach frequently (1/3 to 2/3 of an 8 hr. day)
  - ❖ Bend frequently (1/3 to 2/3 of an 8 hr. day)
  - ❖ Able to lift/carry up to 25 lbs. frequently (1/3 to 2/3 of an 8 hr. day)
  - ❖ Able to lift/carry up to 50 lbs. occasionally (a few times up to 1/3 of an 8 hrs. day)
  - ❖ Can bend/stoop frequently(1/3 to 2/3 of an 8 hr. day)
  - ❖ Can push/pull frequently(1/3 to 2/3 of an 8 hr. day)
- ✓ Mental Activities:
  - ❖ Ability to remember and carry out simple instructions = slightly limited
  - ❖ Maintain attention and concentration on order to complete tasks in a timely manner = slightly limited
  - ❖ Make simple work-related decisions = slightly limited
  - ❖ Interact appropriately with co-workers and supervisors = slightly limited
  - ❖ Work at a consistent pace without extraordinary supervision = slightly limited
  - ❖ Respond appropriately to changes in work routine or environment = slightly limited
- ✓ "Does the patient have any other impairment(s) that may affect his ability to work?" THIS QUESTION WAS LEFT BLANK

AP-70, signed by the Appellant

- ✓ Appellant is a single male, living with another person.
- ✓ List of doctors and medical providers are
  - Dr. John Abroguena, 285 Chad Brown Street
  - Sara (?), 530 North Main Street
- ✓ Question #5 asks, "List and describe all of your medical and mental problems that you feel keep you from working. If these problems cause you pain, tell us specifically where you hurt and what, if any, problem the pain causes you." THIS QUESTION WAS NOT ANSWERED AND WAS LEFT BLANK

- ✓ Prescription medicines are:
  - Levothyroxine            88 mcg            once a day
  - Citalopram HBR        40 MG            once a day
  - Atenolol – Chlorthal    50-25 TB        once a day
- ✓ Has only completed the 9<sup>th</sup> grade (1992); speaks English; can read and write; and received special education classes.
- ✓ Has trouble sleeping, suffers cold sweats
- ✓ Can do dishes, vacuum, laundry, dust, and make a bed; never needing help with these activities.
- ✓ Doesn't read, watch sports, plays sports, listens to music, ride a bike, walk, play games, talk on phone, arts and crafts, or take care of children.
- ✓ Isn't presently working and hasn't stopped working due to his illness or injury.
- ✓ Last employed June 13, 2013 stocking shelves over night
- ✓ Part 4, question #5, "In your usual job, circle how many hours per day you did the following." Appellant indicated walking and bending 8 hour per day; standing 7 hours per day; and sitting 1 hour per day.
- ✓ Part 4, question #6A, "How much did you lift on a regular basis?" 20 lbs. was checked
- ✓ Part 4, question 6B "How much did you lift and carry on a regular basis?" 10 lbs. was checked
- ✓ Appellant was asked to list the jobs that he had for the last 15 years. THIS QUESTION WAS LEFT BLANK.
- ✓ At the Appellant's last employment, he used a forklift.
- ✓ The Appellant indicated that he applied for Social Security Disability Benefits December 2014.

A letter from the Appellant's attorney, Mr. David B. Green, Esq. (Green & Greenberg dated and received on April 7, 2015. This letter states: "Please be advised that I represent the above-referenced claimant in connection with a claim for Social Security Disability/Supplemental Security Income benefits. My office has filed a reconsideration appeal on behalf of my client on April 6, 2015. If you need further information, please do not hesitate to contact me." Signed, David Green.

## **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 applied for GPA on January 14, 2015 while he was pending an SSI decision. It was explained to the Appellant by an agency representative that he would also need to have completed and returned an MA-63 by his doctor and an AP-70 completed by himself. The Appellant returned the MA-63 and AP-70 which were then reviewed by the Medical Assistance Review Team (MART) and on February 4, 2015 the agency supervisor reviewed the MART unit's determination and decided that the Appellant did not meet the guideline set in policy for being eligible for GPA.

DHS Policy with regards to the GPS program states that in part that:

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. (§ 0608.05 Interim Cash Assistance Bridge Fund Program)

Having received his notice of denial by the agency, the Appellant filed an Appeal on February 12, 2015.

As part of the Appellant's application, he was required to submit completed and signed copies of a MA-63 and an AP-70 which the Agency used to determine their decision. The MA-63 (Physician Examination Report) was completed by his doctor, Dr. John Abroguena and was dated January 29, 2015. This report indicates that this Appellant is a 38 year old male, 39 inches tall, weighs 154 pounds and has a blood pressure of 95/62. The findings on present physical examination have Cardiovascular and Mental Disorder being checked off. With regards to the prognosis for eliminating or reducing these conditions through medication or other treatment, the doctor indicated "GOOD". This doctor has been treating this Appellant since at least October 2014 and his conditions are not a result of an injury or accident. It is noted that the primary diagnosis is Depression, which was diagnosed October 2014 and is on medication for. Also, the Appellant is noted as having hypertension, which was diagnosed October 2014 and is on medication. The Appellant has not been hospitalized for these noted diagnosis or any other condition; he has neither been admitted to any psychiatric or treatment center. Within this report, there is a section labeled "Physical Activities" which notes that the Appellant can walk, stand and sit six out of eight hours of a work day. The Appellant is also noted as having the ability to reach, bend, and is able to lift/carry up to twenty-five pounds 1/3 to 2/3 of an eight hour work day and having the ability to lift/carry up to fifty pounds, bend/stoop and push/pull a few to 1/3 of the time of an eight hour work day. The report indicates in the section "Mental Activities" that the Appellant has the ability to remember and carry out simple instructions; maintain attention and concentrate in order to complete tasks in a timely manner; make simple work related decisions; interact appropriately with co-workers and supervisors; work at a consistent pace without extraordinary supervision; and respond appropriately to

changes in work routine or environment with as being slightly limited, as compared to having no limitations, moderately limited or markedly limited. Dr. Abroguena indicates that the Appellant is compliant with the prescribed treatment but was not detailed as to how, where, or when. Lastly, the report asks the treating physician, "Does the patient have any other impairment(s) that may affect his/her ability to work"; this question was left blank and was not answered.

The other document that the Appellant submitted and which the Agency used as part of their review of the Appellant's application was the AP-70, completed and signed by the Appellant. The Appellant noted his name, address, date of birth and social security number; that he is single; and that he lives with another individual. The Appellant listed all the doctors, nurses, counselors, physical therapists and clinics that he has seen in the past year as Dr. John Abroguena (the physician who complete the MA-63) and Sara (?). The Appellant did not indicate the name of a hospital or the date(s) that he had been admitted during the past year. On the first page of the AP-70, Part 1, question 5 asks the Appellant to list and describe all of the medical and mental problems that the Appellant feels is keeping him from working; if the problems cause pain, state specifically where the pain is, and what, if any problems the pain causes; this question was left blank by the Appellant. The Appellant lists he prescribed medications; Levothyroxine (88 mcg, once a day), Citalopram HBR (40 MG, once a day) and Atenolol – Chlorthal (50-25 TB, once a day). The Appellant indicates that he currently receives monthly medical treatment. He notes that the last school grade that he completed was the 9<sup>th</sup> grade and received special education classes, he can speak English, as well as read and write English. He can get around on his own and does not need help with bathing, preparing food, dressing, eating, toileting, medications or money management/paying bills. The Appellant does indicate that he has trouble sleeping, that he has cold sweats. The Appellant can do dishes, vacuum, laundry, dust and make beds; he never needs help with housework. He doesn't regularly read, watch sports, plays sports, listens to music, ride a bike, walk, play games, talk on the phone, arts & craft or take care of children. The Appellant relies on others for transportation. He will go shopping and to the doctors once a month and never goes to a restaurant, a meeting or the movies. The Appellant is not currently working but not due to an illness or injury. The Appellant last worked June 13, 2013 stocking shelves over-night. In his usual job he would walk and bend up to eight hours a day, stand seven hour a day and sit one hour a day. The Appellant indicates that as part of his usual job, he could lift twenty pounds on a regular basis and could lift and carry ten pounds on a regular basis. As part of the Appellant's AP-70, he failed to list any usual jobs that he had in the past fifteen years. He did indicate that he had used a forklift at his last job. The Appellant noted that he applied for social security disability in December 2014. Finally, in Part 6 of the AP-70, the Appellant was asked to describe how his illness(es) or injury(ies) affects his ability to work if he felt that it had not already been addressed as part of the AP-70; the Appellant left this question blank and did not answer.

There is DHS Policy that establishes the legal basis for a General Public Assistance Program. Policy § 600.05, General Public Assistance Program states that :

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 adult's age 18-64 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).

Furthermore, Title 40, Chapter 6 of the Rhode Island General Laws clearly states in section 3.1 (b)(2) that:

(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.

As part of the Appellant's testimony, he stated that he needs GPA to help him purchase items that he is not allowed to purchase with his food stamps such as socks and underwear. The reason for the Appellant having such a small work history is due to time spent at the ACI since he turned eighteen years old; he has had a four year and seven year sentence to serve. The Appellant also testified as to being depressed, which his doctor told him that it isn't good but that the Appellant's blood pressure and thyroid is better since he has been on medication. With regards to work, he gets easily winded and that he can't even stand six out of eight hours; the Appellant has no idea how Dr. Abroguena came up with his figures.

During the Hearing the Appellant expressed the desire to present a letter from his attorney, David B. Green, Esq. and the record of Hearing was left open for two weeks. Attorney Green's letter was received April 7, 2015 stating that he represented the Appellant with regards to the Appellant's claim for Social Security Disability/Supplemental Security Income benefits and that a reconsideration appeal on behalf of the Appellant was filed April 6, 2015.

If the MA-63 that was completed by Dr. Abroguena which states that the Appellant's prognosis for eliminating or reducing his conditions through medication or other treatment was "good"; that the Appellant could walk, stand and sit for six out of eight hours of a work day; that the Appellant could reach, bend or carry/lift up to twenty five pounds 1/3 to 2/3 of an eight hour work day and would be able to lift/carry up to fifty pounds a few time to 1/3 of an eight hour work day; that the Appellant was only slightly limited when it comes to having the ability to remember and carry out simple instructions, maintain attention/concentration in order to complete tasks in a timely manner, make simple work related decisions, interact with co-workers/supervisors, work at a consistent pace without extraordinary supervision and respond appropriately to changes in work routine or environment; if all those facts from a licensed physician could be set aside and examine just the Appellant's statements in his AP-70, the result would not be different.

The Appellant states in the AP-70, that although he only has a ninth grade education, he can speak, read and write English, he isn't in the need of a walker or cane. He never needs help with housework. He isn't of need of personal help to get to places, he just relies on others for transportation. The Appellant indicated himself that in his usual job he could walk and bend for eight hours, stand for seven hours and sit for just one hour. It is the Appellant who indicated that he could lift twenty pounds and carry/lift ten pounds on his usual job. In fact the Appellant's last job that he held, June 13, 2013, he had stocked shelves overnight and used a forklift. As part of the AP-70, the Appellant was asked to describe how his illness or injury affects his ability to work and this question was left blank, which could leave one to conclude that the Appellant does not have any pain or injury that would affect his ability to work.

The Appellant has been diagnosed as have Cardiovascular and Mental Disorder (depression) by a licensed physician, Dr. Abroguena, who the Appellant has been seeing since October 2014. Dr. Abroguena reported that the prognosis for eliminating or reducing these conditions that the Appellant suffers through medication or other treatment is "good". The Appellant himself testified that since taking his medication, his blood pressure and thyroid is better. Therefore, it has not been proven that the Appellant suffers from an illness, injury, or medical condition as determined 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.

After a careful review of the Agency's policies, as well as the evidence and testimony given, this Appeals Officer finds that 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's request for relief is therefore denied.

A handwritten signature in cursive script that reads "Thomas Broccoli".

Appeals Officer

## APPENDIX

## RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

### **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.

### **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 adult's age 18-64 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).

## RHODE ISLAND GENERAL LAWS

**§ 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.