

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

V.

DOCKET No. 24-3603

Department of Human Services

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on August 20, 2024, at 10:00 AM. The Appellant, [REDACTED] (hereinafter "Appellant"), initiated this matter to appeal the denial of her application for Long-Term Care and Social Supports Medicaid ("LTSS") as stated in the Benefit Decision Notice ("BDN") dated May 15, 2024, issued by the Department of Human Services ("DHS"). DHS' position is that the Appellant's application for LTSS was correctly denied because she was over the resources limit for LTSS at the time of her application. The Appellant disputes that she was over the resources limit for LTSS at the time of her application. For the reasons discussed in detail below, the Appellant's appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services ("EOHHS") is authorized and designated by R.I.G.L. § 42-7.2-6.1 and EOHHS regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to DHS and EOHHS programs. The Administrative Hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35.1 et seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

Did DHS correctly determine the Appellant's eligibility for LTSS?

IV. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, unless otherwise specified, a preponderance of the evidence is generally required to prevail. See (2 Richard J. Pierce, *Administrative Law Treaties* §10.7 (2002) & *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 1130, 134 (R.I. 1989) (preponderance standard is the "normal" standard in civil cases)). This means that for each element to be proven, the factfinder must believe that the facts asserted by the proponent are more probably true than false. When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. See (*Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006)).

V. PARTIES AND EXHIBITS

Present for DHS was Eligibility Technician, Christine Santos. Christine Santos provided testimony and submitted the following exhibits as evidence:

Exhibit #1 – EOHHS Hearing Appointment Reschedule Notice, Date: July 30, 2024.

Exhibit #2 – Appeal Form, Received: June 3, 2024.

Exhibit #3 – Eligibility Determination Results for Case: [REDACTED]

Exhibit #4 – BDN, Date: May 15, 2024.

Exhibit #5 – Bank Statements Submitted to DHS by the Appellant.

Exhibit #6 – LTSS Summary of Resources for Case: [REDACTED]

The Appellant attended the hearing, provided testimony, and offered the following as evidence:

Exhibit #7 – Bank Statements Submitted as Evidence by the Appellant.

VI. RELEVANT LAW/REGULATIONS

The State has established a four thousand dollar (\$4,000) resource limit for Medicaid LTSS eligibility for family size of one (1) – that is, a single individual. The process for determining countable resources for LTSS purposes requires evaluating total assets at the time of application. See (210-RICR-50-00-6.5(A-B)).

VII. FINDINGS OF FACT

1. The Appellant applied for LTSS in March 2024.
2. DHS determined that the Appellant was ineligible for LTSS as of March 2024 because her resources exceeded the four-thousand-dollar (\$4,000) resource limit for LTSS.
3. The bank statements sent by the Appellant to DHS show that she had \$7,873.56 in March 2024 amongst her four bank accounts and that she was over the four-thousand-dollar (\$4,000) resource limit for LTSS.
4. The bank statements show that Appellant had \$751.81 in her [REDACTED] Checking Account ending in [REDACTED] and \$0 in her [REDACTED] Checking Account ending in [REDACTED] as of March 19, 2023. The bank statements also show that she had \$7,010.12 in her [REDACTED] Savings Account ending in [REDACTED] as of March 6, 2024, and \$111.63 in her [REDACTED] Account ending in [REDACTED] as of March 25, 2024.
5. DHS sent the Appellant a BDN on May 15, 2024, stating that her application for LTSS was denied because she was over the resource limit for LTSS.

VIII. DISCUSSION

The State has established a four-thousand-dollar (\$4,000) resource limit for Medicaid LTSS eligibility for family size of one (1) and the process for determining countable resources for LTSS purposes requires DHS to evaluate the Appellant's total assets at the time of application. DHS' position is

that the Appellant's bank statements clearly show that she was over the \$4,000 resource limit for LTSS and, therefore, DHS correctly denied the Appellant's March 2024 application for LTSS.

The Appellant disputes that she was over the resources limit for LTSS as of March 2024. A review of the bank statements submitted by both the Appellant and DHS both clearly show that the Appellant had over \$7,000 amongst her four bank accounts as of March 2024, clearly exceeding the \$4,000 resource limit for LTSS. The Appellant testified that one of her [REDACTED] Accounts is not a bank account but a credit card. The bank statements submitted as evidence by both DHS and the Appellant clearly show that her two [REDACTED] Accounts, one ending in [REDACTED] and one ending in [REDACTED] were [REDACTED] [REDACTED] Checking Accounts.

Because the bank statements submitted as evidence by both DHS and the Appellant clearly show that as of March 2024, the Appellant was over the resource limit for LTSS by over \$3,000, there is a preponderance of evidence to show that DHS correctly denied the Appellant's application for LTSS.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing, this Appeals Officer concludes that:

1. As of March 2024, the Appellant had over \$7,000 amongst her four bank accounts.
2. DHS correctly determined the Appellant as ineligible for LTSS as of March 2024, because her resources exceeded the \$4,000 resource limit for LTSS.

X. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support DHS' determination of the Appellant's eligibility for LTSS.

APPEAL DENIED

/s/ Jack Peloquin

Jack Peloquin

Appeals Officer

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 an 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.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED]; copies were sent, via email, to [REDACTED] and to Rebecca Cahoon, Rose Leandre, Glenda Ramos, Robert Paliotta, Iwona Ramian, Esq., the DHS Appeals Unit at DHS.Appeals@dhs.ri.gov and the DHS Policy Office at dhs.policyquestions@dhs.ri.gov on this 30th day of August, 2024.

[Signature]