

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

[REDACTED]

v.

DOCKET No. 25-0485

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Teams video hearing on the above-entitled matter was conducted on June 17, 2025. The Rhode Island Department of Human Services (DHS) and the Appellant's Power of Attorney (POA) [REDACTED] attended the hearing. The POA initiated this matter to appeal the Benefits Decision Notice (BDN) dated January 15, 2025, for Medicaid Long-Term Services and Supports (LTSS). The BDN informed the Appellant that she was approved for private health insurance through HealthSource RI, however, the Appellant had applied for LTSS. For the reasons discussed in more detail below, the decision has been decided in the Appellant's favor.

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 Medicaid LTSS. 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

The issue is whether DHS properly denied the Appellant's application for LTSS in accordance with the Medicaid regulations, as set forth below.

IV. PARTIES AND EXHIBITS

LTSS Appeals Representative Michael Pangman attended the hearing and provided testimony on behalf of DHS.

The POA presented the arguments on behalf of the Appellant. He submitted the following evidence:

- Typed timeline of events leading to the appeal.
- Typed explanation of the increases/decreases to the joint account held by the Appellant and himself.
- Washington Trust bank statements for account ending in 0001 for period April 12, 2022, through August 9, 2022. In addition, one Washington Trust bank statement was submitted for period March 13, 2024, through April 9, 2024.

The record was held open until June 30, 2025, for DHS to submit documents discussed at the hearing, specifically case notes, Additional Documentation Required (ADR), and verification of when requested documents were received by DHS. The POA was to submit the E-mail thread between himself and an LTSS eligibility technician. DHS did not submit any documents. The AR submitted an e-mail thread for period February 14, 2025, through February 19, 2025.

V. RELEVANT LAW AND/OR POLICY

Per federal regulations, LTSS determinations are to be made within 90 days following submission of the application and all of the required verifications. An application is considered

incomplete until all information required to make a determination are received/date stamped as being received by the Agency. RIGL §40-8-8.6(2) and 210-RICR-50-00-4.7(C).

210-RICR-50-00-4.9(5), entitled "Application reinstatement", directs that an application denied due to non-cooperation may be reinstated if the requested information is provided to the Agency within 30 days of the initial denial, which in this case, it was. A new application review period begins the day the application is reinstated.

VI. FINDINGS OF FACT

1. An ADR was mailed to the Appellant's address of record on December 10, 2024, requesting bank statements and a copy of the Appellant's Trust, by January 14, 2025.
The Appellant lived in a nursing home facility (NHF) at the time. DHS did not have the POA listed in the Appellant's case file, and he did not check the Appellant's home mail daily; therefore, he did not receive the request timely.
2. A BDN was mailed to the Appellant on January 15, 2025, advising her that she had been approved for private health insurance. That BDN did not address the LTSS application.
3. The POA contacted DHS and was told that required documents had not been submitted. He was given an additional 30 days to submit the documents. On January 28, 2025, DHS received all required documents requested on the ADR, which was within the requested guidelines.
4. The POA filed an appeal request on February 18, 2025, as he was unclear what happened with the LTSS application.
5. On February 19, 2025, a DHS eligibility technician e-mailed the POA confirming that the required documents had been received.

6. DHS did not dispute that the documentation was received within the extended 30 day period, therefore it was considered to be timely.
7. As of the hearing date, June 17, 2025, the case had not been processed.

VII. DISCUSSION

The LTSS Appeals Representative maintains that he referred this case to his Senior Supervisor for review on May 8, 2025, however the application still had not been processed as of June 17, 2025.

Per the regulations cited above in section V, DHS would have had 90 days to process the application after all of the required information was received on January 28, 2025. Therefore, DHS would have had until April 25, 2025, to complete the application and issue a BDN to the Appellant with the results of her LTSS eligibility.

DHS is in violation of Federal and State regulations regarding timeliness of application processing.

VIII. CONCLUSIONS OF LAW

After careful and considerate review of the Federal and State regulations for Medicaid LTSS, as well as the testimony and evidence provided, this Appeals Officer concludes:

1. The POA complied with the ADR within the extended 30 day time frame.
2. DHS received the required documents needed to process the Appellant's application on January 28, 2025, but failed to process the application according to the regulations.
3. DHS failed to provide any evidence, testimony or regulations to support the denial of the Appellant's application.

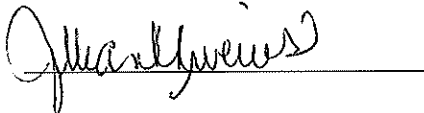
IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence and testimony, by a preponderance of testimony given in this case, it is found that a final order be entered that DHS failed to follow Federal and State regulations to reinstate the Appellant's application when the required documentation was received. Therefore, the Appellant's request for relief is granted.

X. AGENCY ACTION

DHS is to process the Appellant's application, with all of the submitted documents, and issue a new BDN within days of 15 days from of the certification of this decision.

APPEAL GRANTED

A handwritten signature in cursive script, appearing to read "Jillian Rivers", is written over a horizontal line.

Jillian Rivers

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 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] and her Power of Attorney [REDACTED]; copies were sent via email to [REDACTED], and to DHS Representatives Rebecca Cahoon, Rose Leandre, Vanessa Ward, Michael Pangman, Jacqueline Neirinckx, Kirsten Cornford and DHS Policy Office on this 30th day of July, 2025.

Rebecca Cahoon