

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

[REDACTED]

V.

DOCKET No.

25-0545

Department of Human Services

**DECISION**

**INTRODUCTION**

The Appellant [REDACTED], initiated this matter to appeal the Medicaid denial for June 2024 made by the Department of Human Services (DHS). A Microsoft Teams hearing in this matter occurred on May 5, 2025, at 1:00 PM. The Appellant did not elect the option of a video hearing. For the reasons discussed in more details below, the Appellant's appeal is granted.

**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 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to DHS programs. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (RIGL § 42-35-1 et. seq.).

**ISSUE**

The issue is whether the denial of June 2024 Medicaid coverage was done in compliance with federal and state regulations.

## **STANDARD OF PROOF**

It is well settled that in adjudications modeled on the Federal Administrative Procedures Act, a preponderance of the evidence is required to prevail. This means that for each element to be proven, the factfinder must believe that the facts asserted are more probably true than false. 2 Richard J. Pierce, *Administrative Law Treaties* § 10.7 (2002) & see *Lyons v. Rhode Island Pub. Employees Council* 94, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006).

## **PARTIES AND EXHIBITS**

The Appellant and DHS Eligibility Technician III Jesus Martinez attended the hearing. The following exhibits were presented as evidence:

- The Additional Documentation Required notice dated June 21, 2024.
- The Eligibility Determination Results in the Appellant’s case.
- A letter from [REDACTED] regarding the Appellant’s residency.
- The Tax Assessor’s database printout of [REDACTED].
- The Benefits Decision Notice and accompanying Medicaid Health Plan Enrollment Notice dated July 11, 2024.
- The Appellant’s appeal and accompanying letter.

## **RELEVANT LAW/REGULATIONS**

42 C.F.R. § 435.403 sets out the residency requirements for Medicaid. This requires that DHS provide Medicaid to eligible residents of Rhode Island. Someone is considered a resident of Rhode Island when they are 21 years of age or older and intends to reside in Rhode Island, including those without a fix address, or has entered Rhode Island with a job commitment or seeking employment, regardless of if they are currently employed. 42 C.F.R. § 435.403(h)(1). When there is a dispute of residency of an individual

between two or more states that the states cannot resolve, the state where the individual is physically located is the state of residence. 42 C.F.R. § 435.403(m).

### **OBJECTIONS AND MOTIONS**

No objections or motions were made in this matter.

### **FINDINGS OF FACT**

1. The Appellant was approved for Medicaid.
2. DHS received a computer match that the Appellant was potentially receiving benefits in a second state concurrently with receiving them in Rhode Island.
3. DHS issued an Additional Documentation Required notice on June 21, 2024.
  - a. That notice listed information on proof of RI residency was needed.
  - b. That the verification can include a rent/mortgage receipt or a valid RI Driver's License.
  - c. That the verification was due by July 6, 2024.
4. The Appellant submitted a letter verifying her RI residency.
  - a. That letter was written by one of the homeowners of the house where the Appellant was staying.
  - b. That letter was submitted to DHS before the July 6, 2024, due date.
5. DHS reprocessed the Appellant's case on July 11, 2024. DHS approved Medicaid coverage for July 1, 2024, onwards.
6. The Eligibility Determination Results provided by DHS clearly show that the Appellant was approved and authorized for Medicaid under the MA-MAGI provision for June 2024. This was last authorized by the computer system (MUSPMEDDY) on May 1, 2025.

### **DISCUSSION**

The Appellant supplied a written letter signed by one of the homeowners of the place she was staying confirming she was residing at the house. DHS contended that this did not fulfill the

documentation requirement and therefore the closure for June 2024 was proper. However, this appears moot. The Eligibility Determination Results provided by DHS clearly shows the Appellant as being approved and authorized for MA-MAGI Medicaid for June 2024. So, while DHS argued that the closure was correct it appears that DHS has already reversed course and approved eligibility for that month.

Even if the Eligibility Determination Results was not dispositive on the issue, the letter provided by the Appellant is sufficient to verify residency. It is not uncommon for those seeking Medicaid to be unhoused/homeless or couch surfing due to financial and/or housing instability. By the very nature of the situation, a traditional rent or mortgage receipt would not be available. Instead, it is common, and acceptable, for a letter from the landlord confirming the individual's residency to be used. Here, there is a letter from the homeowner clearly establishing that the Appellant is residing at the house. For purposes of residency this is enough to establish Rhode Island residency.

Furthermore, when there is a dispute between two states which cannot be resolved, the state where the individual is physically located is the state of residence. 42 C.F.R. § 435.403(m). This letter clearly establishes that the Appellant is physically located in Rhode Island to resolve the residency question under federal regulations in favor of her residency being in Rhode Island.

### **CONCLUSION OF LAW**

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

1. The issue of June 2024 Medicaid coverage is moot as DHS has approved Medicaid for the Appellant.
2. Even if the issue of residency was still up for debate, the letter timely provided by the Appellant is sufficient to establish Rhode Island residency under 42 C.F.R. § 435.403 (h)(1) & (m).

## **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 not sufficient evidence to support the denial of the Appellant's June 2024 Medicaid coverage. DHS is to ensure that the approved and authorized segment for June 2024 is properly transmitted to MMIS, and the Appellant is informed when she can have her outstanding medical bills be resubmitted to Medicaid by her providers.

## **APPEAL GRANTED**

/s/ Shawn J. Masse

Shawn J. Masse - 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

\_\_\_\_\_; copies were sent, via email, to

\_\_\_\_\_, Kirsten Comford, Laura Larrivee, Jesus Martinez, the DHS Appeals Unit, and the DHS Policy Unit on this 7th day of May,

2025.

