

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

v.

DOCKET # 25-2044

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held on July 17, 2025, and the Appellant declined the option of a video hearing. [REDACTED] (Appellant) initiated this matter to appeal a decision made by the Department of Human Services (DHS) regarding the fact that DHS counted her gross pension payment amount when determining her Cost of Care at the Nursing Home Facility (NHF). She is seeking to have DHS recalculate her Cost of Care using her net income amount instead of her gross income amount. For the reasons discussed in more 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. General Laws (R.I.G.L.) §42-7.2-6.1 and the RI Code of Regulations 210-RICR-10-05-2 to be the principal entity responsible for appeals and hearings related to DHS programs, including the Long-Term Services and Supports program (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 the calculation of the Appellant's Cost of Care was done in compliance with state regulations as set forth below.

IV. PARTIES AND EXHIBITS

Present for DHS was Michael Pangman, Eligibility Technician III, who presented testimony regarding the case. DHS did not offer any documentary evidence for the hearing.

The Appellant and her Authorized Representatives (ARs) appeared for the hearing and testified on behalf of the Appellant.

V. RELEVANT LAW/REGULATIONS

For the purposes of post eligibility treatment of income (PETI), the first step in the PETI process is the determination of the gross income of the LTSS beneficiary by adding all earned and unearned income without factoring in any disregards or exclusions that apply for eligibility purposes. 210-RICR-50-00-8.5(B)

VI. FINDINGS OF FACT

1. The Appellant receives a monthly annuity benefit from the LIUNA Pension fund in the amount of \$234.00 and a monthly pension from the City of Providence in the amount of \$444.08.
2. DHS has determined the Appellant's Cost of Care to be \$1,783.08.
3. The ARs argue that the Appellant's Cost of Care is incorrect and should be \$1,700.66 because her gross income is reduced by State income taxes.

4. DHS stands by its position that the decision of the \$1,783.08 Cost of Care is correct, based on the PETI regulation.

VII. DISCUSSION

As noted above, DHS stands by its position that the decision was correct, and that the gross income is used when determining the Appellant's Cost of Care based on 210-RICR-50-00-8.5. During the hearing, the ARs stated that they understand why DHS made the decision based on gross income and are no longer contesting the decision regarding the calculation of the Cost of Care. Despite the fact that the Appellant conceded that DHS's calculation was accurate, the ARs requested that the hearing go forward so that they have written documentation from the Hearing Office confirming the accuracy of the Cost of Care.

VIII. CONCLUSION OF LAW

After careful consideration of the testimony and evidence presented at the Administrative Hearing, it is clear by a preponderance of evidence that:

1. DHS correctly used the Appellant's gross income to determine her Cost of Care.
2. DHS followed state regulations when calculating the Appellant's Cost of Care.
3. The Appellant is not entitled to the exclusion/reduction of the gross income due to it being taxed.

IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that DHS was correct in using the Appellant's gross income, rather than her net income to determine the Appellant's Cost of Care.

APPEAL DENIED

/s/ Vermont Richardson

Appeals Officer

NOTICE OF APPELLANT 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 to her Authorized Representatives [REDACTED] [REDACTED] and [REDACTED]; copies were sent, via email, to [REDACTED], [REDACTED] and to DHS Representatives Michael Pangman, Rebecca Cahoon, Rose Leandre, Jacqueline Neirinckx, Vanessa Ward on this 29th day of July, 2025.

[Signature]