

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

V.

DOCKET No. 25-2750

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on August 19, 2025, with the Department of Human Services (DHS) and [REDACTED] (hereinafter the “Appellant”). The Appellant declined the option of a video hearing. The Appellant initiated this matter to appeal against DHS’ decision to terminate their Medicaid coverage as stated in the Medicaid Review (Ex-Parte) Notice dated May 23, 2025. DHS testified that the Appellant is not eligible for Medicaid because they have not been lawfully present in the United States as a Lawful Permanent Resident for five years. 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.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 terminate the Appellant's Medicaid coverage?

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

Eligibility Technician, Brandon Klibanoff, attended the hearing on DHS' behalf and provided testimony. The following exhibits were offered as evidence by DHS:

Exhibit #1 – Medicaid Review (Ex-Parte) Notice, Date: May 23, 2025.

Exhibit #2 – Family Medicaid Notice Reasons for Case Number: [REDACTED]

Exhibit #3 – Family-Based Second Preference Category (F2) Description.

Exhibit #4 – The Appellant's Lawful Permanent Resident Card.

The Appellant was present and testified on their own behalf. The Appellant provided the following exhibits as evidence:

Exhibit #5 – Electronic Appeal, Date: June 11, 2025.

Exhibit #6 – Lawful Permanent Resident Cards for the Appellant and Her Children.

VI. RELEVANT LAW/REGULATIONS

In accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, 42 U.S.C. § 1305) and the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 (42 U.S.C. § 1396), Qualified non-citizens over age 19 as defined in PRWORA may be eligible under the Medicaid State Plan when all other eligibility requirements are met. Lawful permanent residents (LPRs) Green card holders are subject to the five-year bar (waiting period) for Medicaid eligibility. LPRs may only become eligible for Medicaid after the five-year period is complete. See 210-RICR-10-00-3.7(A)(2)(a)(3)(AA).

VII. FINDINGS OF FACT

1. The Appellant was previously approved for Medicaid.
2. The Appellant became a Lawful Permanent Resident on October 5, 2024.
3. On May 23, 2025, DHS sent the Appellant a Medicaid Review (Ex-Parte) Notice explaining that the Appellant was no longer qualified for Medicaid coverage because they have not been lawfully present in the United States for five years.
4. The Appellant does not dispute that they have not been lawfully present in the United States for five years.

VIII. DISCUSSION

As stated above, Lawful Permanent Residents are subject to the five-year bar for Medicaid eligibility, and they may only become eligible for Medicaid after the five-year waiting period is complete. DHS testified that the Appellant is not eligible for Medicaid coverage because they have not been lawfully present in the United States as a Lawful Permanent Resident for five years.

The Appellant did not dispute their failure to meet the five-year bar for Medicaid eligibility, as they confirmed that they became a Lawful Permanent Resident on October 5, 2024. The Appellant expressed concern that their children may no longer be qualified for Medicaid due to the five-year bar for

Medicaid eligibility, however, DHS testified that no notice was sent regarding the Appellant's children's ineligibility for Medicaid and DHS further testified that the Appellant is the only person whose Medicaid coverage is currently being terminated according to the Medicaid Review (Ex-Parte) Notice. As this decision is limited solely to the Appellant's Medicaid eligibility, the children's eligibility for Medicaid will not be discussed further.

Because a Lawful Permanent Resident must be lawfully present in the United States for five years to become eligible for Medicaid and because it is undisputed that the Appellant has not met the five-year bar for Medicaid eligibility as a Lawful Permanent Resident, there is a preponderance of evidence to show that DHS correctly terminated the Appellant's Medicaid coverage.

IX. CONCLUSION OF LAW

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

1. Lawful Permanent Residents may only become eligible for Medicaid after the five-year waiting period is complete.
2. The Appellant has not met the five-year bar for Medicaid eligibility as a Lawful Permanent Resident.
3. There is a preponderance of evidence to show that DHS correctly terminated the Appellant's Medicaid coverage.

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' termination of the Appellant's Medicaid coverage.

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

_____; copies were sent, via email, to _____

_____ at _____, Kirsten Cornford, the DHS Appeals Unit at

DHS.Appeals@dhs.ri.gov, and the DHS Policy Office at dhs.policyquestions@dhs.ri.gov on this

21st day of AUGUST, 2025.

