STATE OF RHODE ISLAND

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

APPEALS OFFICE

[redacted]

v. DOCKET NO. 26-0317

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held on July 2, 2026, and the Appellant did not elect the option for a video hearing. [redacted] (Appellant) initiated this matter to appeal a decision made by the Department of Human Services (DHS) regarding the denial of his August 2025 Medicaid Long-Term Service Support (LTSS) application due to being over income. He is seeking to have his application approved using the Medically Needy Eligibility Pathway. This pathway allows individuals with income above the standard Medicaid thresholds to qualify by "spending down" excess income on medical expenses. For the reasons discussed in more detail below, the Appellant's appeal is granted.

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 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

The issue is whether DHS properly denied the Appellant's August 2025 Medicaid LTSS application in accordance with state regulations as set forth below.

IV. PARTIES AND EXHIBITS

Present for the Agency was Jennifer Ramos, Eligibility Technician III, who presented testimony regarding the case. DHS did not offer any documentary evidence.

The Appellant's Attorney appeared for the hearing and testified on behalf of the Appellant and did not submit any documentary evidence.

V. RELEVANT LAW and/or REGULATIONS

According to regulation 210-RICR-50-00-2.5(A), to be considered for the medically needy pathway, an otherwise Medicaid eligible person must have income above the Federal cap of three hundred percent (300%) of the SSI rate. All LTSS applicants with countable income above the Federal cap are automatically evaluated for the MN eligibility pathway. Total countable income must be at or below the projected cost for the type of LTSS the person is seeking or receiving, at the private pay rate, adjusted annually as required in 210-RICR-50-00-2.6.

VI. FINDINGS OF FACT

1. In August of 2025 the Appellant submitted an application for Medicaid LTSS to DHS.
2. On January 14, 2026, the Appellant filed an appeal stating that "certain deductions have always been allowed and therefore should not negatively affect an applicant's medically needy income limit. Furthermore, RI has not updated the income limits as

required by the Federal government and RI regulations."

3. The Appellant's total countable income is $10,474.59.
4. The projected monthly private-pay rates are associated with each institutional level of care that are used to determine whether a LTSS applicant or beneficiary with excess countable income qualifies for LTSS medically needy eligibility with or without a spenddown. The private-pay amount is currently $10,190.00 per month or $335 per day. It was last updated in the regulations in August 2023.
5. At the time of the hearing the Appellant reported he is incurring a $12,000 a month charge to stay at his current Nursing Facility (NF).
6. According to the Agency's testimony the Appellant is over the income criteria for LTSS Medicaid coverage because his total countable income is $10,474.59 and the projected monthly rate for nursing home coverage is stated in the regulations as $10,190.00 per month.
7. The Appellant does not dispute that his income is $10,474.59 and that it is over the current private-pay rate of $10,190.00, but that he would be income eligible if DHS would deduct the cost of the nursing facility from his total countable income.

VII. DISCUSSION

The LTSS Representative asserts that the Appellant's August 2025 application was denied due to the Appellant being over income. All parties agree that the Appellant's total countable income is $10,474.59 which is over the most recent published $10,190.00 monthly private-pay rate for nursing home coverage.

The Attorney argues that pursuant to 210-RICR-50-00-2.5(A), the private-pay rate must be adjusted annually, but was not. The Appellant submitted an application for Medicaid LTSS in August 2025, which DHS denied on the basis that the Appellant's income exceeded the applicable limit. However, the private-pay rate used in determining eligibility has not been updated since August 2023. The Attorney contends that DHS's failure to update the private-pay rate annually, as required by the regulation, resulted in the use of an outdated rate and an incorrect determination that the Appellant was over the applicable income limit.

While the Appellant's total countable income exceeds the current private-pay rate of $10,190.00, DHS did not update the private-pay rate annually as required by the applicable regulations. Accordingly, as the Appellant's actual NF costs are the only current NF private-rate costs available, DHS must redetermine the Appellant's eligibility by comparing his countable income to his actual NF costs, instead of the outdated projected monthly private pay costs for nursing facilities set forth in 210 RICR 50-00-2.7.

VII. CONCLUSIONS OF LAW

After careful and considerable review of the regulations as well as the testimony presented at the administrative hearing, it is clear:

1. The Appellant submitted an application for Medicaid LTSS in August 2025. The application was denied on the basis that the Appellant's income exceeded the limit.
2. The Appellant's total countable income is $10,474.59, which was applied to an outdated $10,190.00 private-pay rate for nursing home coverage.
3. The Agency should have used an updated private-pay rate for nursing home coverage, as required by 210-RICR-50-00-2.5.

VII. 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 show that DHS did not properly process the Appellant's August 2025 application.

VIII. AGENCY ACTION

DHS is to redetermine LTSS Medicaid eligibility as of the date of the Appellant's application, by comparing his countable income to his NF private pay costs at the time of the LTSS application. DHS must issue a new BDN within 15 days from the certification of this hearing decision.

APPEAL GRANTED

/s/ Velmont Richardson

Appeals Officer

NOTICE OF APPELLATE RIGHTS

This decision is a final order under R.I.G.L. § 42-35-12. Under R.I.G.L. § 42-35-15, this Order may be appealed to court within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a complaint in 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.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of eighteen (18) and/or appeals of a DCYF action may need to be filed in Providence Family Court. If you have any questions about which court a complaint for appeal should be made, you should seek the advice of an attorney, Rhode Island Legal Services, or the clerk of the court where you wish to file your appeal. The courts' contact information can be found on the judiciary's website (https://www.courts.ri.gov). Copies of the appeal must be served upon all parties in your case within ten (10) days of the filing of your appeal.

If you exercise any of these appellate rights, please inform the EOHHS appeals office of this so we can prepare a copy of the record for the court. You can contact the Appeals Office at OHHS.AppealsOffice@ohhs.ri.gov, 401.462.2132 (Phone), 401.462.0458 (Fax), or at 3 West Road, Virks Building, Cranston, RI 02908.

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 DHS Representatives Rose Leandre, Jennifer Ramos, Denis Hine, Kimberly Martinous, Michael Pangman, Rebecca Cahoon, Jacqueline Neirinckx Kirsten Cornford, and DHS Policy Office on this 24th day of July 2026.

/s/ Rebecca L Abramson