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

[redacted]

v. DOCKET No. 26-1049

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Teams video hearing on the above-entitled matter was conducted on August 19, 2026, and they Appellant did not elect the option of a video conference. The appeal was initiated on this matter to appeal the Benefits Decision Notice (BDN) dated January 14, 2026, for Medicaid Long-Term Services and Supports (LTSS). The BDN informed the Appellant that she was denied for LTSS due to not providing required information. 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 Jennifer Ramos attended the hearing and submitted the following into evidence:

- Electronic appeal request submitted on February 2, 2026.
- Benefits Decision Notice (BDN) dated January 14, 2026.
- [redacted] Bank statements for account ending in -9705 inclusive of dates January 1, 2022, through January 31, 2024.
- Additional Documentation Required notice dated December 15, 2026.

The Authorized Representative (AR) [redacted] presented the arguments on behalf of the Appellant. Two witnesses were present, [redacted] and [redacted], both from [redacted] a billing company that works with [redacted] on pending Medicaid applications. The following evidence was submitted into evidence:

- Typed explanation of cash withdrawals and expenditures signed by the Appellant dated August 17, 2026.
- E-mail from [redacted] dated July 20, 2026, at 9:40 a.m.
- E-mail from [redacted] dated July 20, 2026, at 1:12 p.m.
- Appointment of Power of Attorney (POA), the Appellant's nephew, dated October 15, 2022.

V. RELEVANT LAW AND/OR POLICY

The State has established a $4,000.00 resource limit for Medicaid LTSS eligibility. The process for determining countable resources for LTSS purposes requires evaluating total assets at the time of application as well as a look-back period of five (5) years prior to the application date. The purpose of this five (5) year look-back period is to assess whether an applicant has transferred an asset (that is, resource or income) for less than or an unascertainable fair market value. 210-RICR-05-00-6.5 (A & B).

The State reviews asset transfers made by an LTSS applicant/beneficiary in the five (5) year look back period prior to the first (1st) day of the month in which an application is filed to determine if it is disqualifying. In determining whether a transfer is disqualifying the State considers the date, amount of the asset, who is making the transfer, and the instrument used, as well FMV of the transaction, if discernable. 210-RICR-50-00-6.6 (B). The applicant/beneficiary can prove to the State's satisfaction that the transfer of assets was not made to gain or retain eligibility for Medicaid LTSS. 210-RICR-50-00-6.6 (B)(e).

42 C. F. R. 42 § 435.952 states, in part, if information provided by or on behalf of an individual is not reasonably compatible with information obtained through an electronic data match, the agency must seek additional information from the individual. This includes as statement which reasonably explains the discrepancy. Additionally, the agency must permit, on a case by case basis, self-attestation of the individual when the documentation does not exist or is not reasonably available.

VI. FINDINGS OF FACT

1. The Appellant was admitted to [redacted], now known as [redacted] (Facility), on February 19, 2025. The Facility, on behalf of the Appellant, applied for LTSS-Medicaid on March 15, 2025.
2. The Asset Verification System (AVS) requested by DHS showed multiple large transfers from the bank account ending in -9705 which were unexplained.
3. An ADR was sent to the Appellant on December 15, 2025, requesting verification of how the funds were used for transactions in several months between January 2022, and January 2024 in account -9075. Also requested was verification of a December 2021 decrease of $18,000 in account ending in -8122, as well as a Money Market Account.
4. The requested statements in account -9075 were provided. There was no verification submitted for either the account ending in -8122 or the Money Market account.
5. The beginning balance in account -9705 in January 2022 was $164,015.27. Verification was only provided for purchases at [redacted], [redacted] and [redacted], as they were paid by check.
6. The account -9705 was co-owned by the Appellant's POA/nephew. He advised the Facility the funds were used for home modifications to accommodate the Appellant when she moved in with him; these were paid for in cash and no receipts were obtained.

VII. DISCUSSION

DHS maintains its position that all of the requested information was not provided, specifically verification of expenditures. Therefore, they are unable to make a determination of her eligibility for LTSS-Medicaid.

The AR argues that the decreases in funds (or the alleged missing funds) on the ADR did

not match any figures in the bank statements, which was the reason they were unable to obtain verification of what they were heing asked to provide, they feel the ADR did not have the correct information listed. There was no reported contact from the AR to DHS to clarify this issue. [redacted] sent an e-mail to the Appeals Office on July 20, 2026, stating they wanted to go line by line regarding the expenditures listed on the ADR. These were explained by DHS at the hearing.

The issue under appeal is the Appellant did not provide requested information. The AR states she spoke with the POA who reported the funds were used to do modifications and improvements to accommodate the Appellant in his home. He informed then he paid in cash and did not obtain receipts. This was confirmed in a letter written by the Appellant and signed on August 17, 2026. The letter reiterated that the funds were used to make home improvements and modifications, as well as help with household expenses. The letter confirmed the payments were in cash, and no receipts were obtained because she had every intention on remaining in his home until her passing and she did not anticipate she would be in a nursing home. The letter further states the monies were not used as to reduce her countable assets or obtaining Medicaid eligibility. The POA is unable to obtain statements for account -8122 as he is not listed on that account, and the Appellant is not capable of obtaining them herself due to her medical issues. Due to these circumstances, there will never be an opportunity to obtain verification of the expenditures.

Per 42 C. F. R. 42 § 435.952 DHS needs to accept the statements of the POA, as well as the letter from the Appellant, that the funds in question were used to modify the POA's home to accommodate the Appellant and that they were paid for with cash and no receipts obtained. DHS did not submit any documentation or testimony that they have information to dispute the statements of the Appellant or the POA.

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 requested documents do not exist, or they are unattainable.
2. Federal regulations allow for self-attestation when documentation is not available or is unattainable.
3. DHS failed to apply the Federal regulation regarding self-attestation.

VII. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence and testimony, and 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 by not accepting the self-attestations of the Appellant and the POA. Therefore, the Appellant's request for relief is granted.

X. AGENCY ACTION

DHS is to process the Appellant's application using the documents available (the AVS, bank statements, and the Appellant's written statement), make a decision of the Appellant's eligibility and issue a new BDN within days of 15 days from of the certification of this decision.

APPEAL GRANTED

Jillian Rivers

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] and her Authorized Representative [redacted]; copies were sent via email to [redacted], and to DHS Representatives Rebecca Cahoon, Rose Leandre, Michael Pangman, Jennifer Ramos, Denise Hines, Kimberly Martinous, Jacqueline Neirinckx, Kirsten Comford and DHS Policy Office on this 11th day of September 2025.

Tamara McKendall