

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

[REDACTED]

V. Docket #: 26-2633

Executive Office of Health and
Human Services

DECISION

INTRODUCTION

The Appellant, [REDACTED], initiated this matter to appeal the denial of being a Medicaid provider based on the result of a background check made by the Executive Office of Health and Human Services (EOHHS). A Microsoft Teams hearing in this matter occurred on June 2, 2026, at 11:00 AM. The Appellant elected the option of a video hearing. For the reasons discussed in more details below, the Appellant's appeal is granted.

JURISDICTION

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 Medicaid programs. The administrative hearing was held in accordance with 210-RICR-10-05-2, 210-RICR-20-00-1.7 (C), and the Administrative Procedures Act (R.I.G.L. § 42-35-1 et. seq.).

ISSUE

The issue is whether the denial of the Appellant from being a Medicaid provider based on the result of a background check 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). 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

In attendance at the hearing were:

- The Appellant
- EOHHS' Implementation Director of Policy & Programs overseeing Provider Enrollment Nicholas James
- EOHHS' Deputy Director of Medicaid Jane Morgan

The following exhibits were presented as evidence:

- The Appellant's Appeal
- Rhode Island Criminal Record Information Report on the Appellant
- Federal Bureau of Investigation's Criminal Justice Information Services Division background check on the Appellant
- Rhode Island Medicaid Community Health Worker Program Manual
- Rhode Island Attorney General's Office Qualification Letter to Provider – Disqualified issued regarding the Appellant

- EOHHS letter of March 31, 2026, regarding the Appellant being disqualified from participating in the Medicaid program.

RELEVANT LAW/REGULATIONS

State and federal law requests a national criminal records check for anyone applying to be a Medicaid provider or renewing their status as a Medicaid provider if they are classified as a high-risk provider. 210-RICR-20-00-1.6 (C). High risk providers include those designated as such by the Centers for Medicare and Medicaid Services under 42 C.F.R. § 424.518, personal care attendants, homemakers providing direct care to individuals, shared living caregivers providing direct care to individuals, and community health workers. 210-RICR-20-00-1.3 (A)(3).

R.I.G.L. § 42-7.2-18.2 & -18.4 list certain criminal offenses that are considered disqualifying for purposes of being a Medicaid provider. These include felony assault, felony drug offenses, and felony larceny. In certain cases, EOHHS can allow someone with disqualifying information to still be a Medicaid participant. This determination is in EOHHS' sole discretion when the disqualified provider would not be a threat to the health, welfare, and safety of Medicaid recipients, and participation would not compromise the integrity of the Medicaid program.

EOHHS' Good Moral Character committee reviews requests for disqualified participants to still participate in the Rhode Island Medicaid program. Some offenses are mandatory disqualifiers, and the Good Moral Character committee cannot lift the disqualifying bar. This list of mandatory disqualifiers includes felony convictions involving violence.

FINDINGS OF FACT

The Appellant has several criminal offenses on their record. When the Appellant was released from prison in 2018, they chose to turn their life around and wanted to help others. The Appellant then worked for [REDACTED], and later [REDACTED] as a community health worker. The Appellant then started [REDACTED], which provides community health

worker services in Rhode Island. The Appellant applied to be a Medicaid provider so that [REDACTED] [REDACTED] could provide services and bill Medicaid.

The Appellant was denied Medicaid provider status. This was a result of their background check. The Appellant requested a review by the Good Moral Character committee which determined that the Appellant had Mandatory Disqualifiers that included felony convictions involving violence. Specifically, EOHHS sites the following offenses as being bars to becoming a Medicaid provider:

- 1) Felony Possession with Intent to Deliver Schedule 1 Control Substance
- 2) Felony Possession of a Schedule 1 Controlled Substance
- 3) Misdemeanor Forgery/Counterfeiting
- 4) Felony Possession/Manufacturing/Delivering of Cocaine 1oz – 1Kg
- 5) Felony Possession of arms by person convicted of crime of violence or who is a fugitive from justice
- 6) Felony Possession of Firearm while committing a control substance violation.

DISCUSSION

EOHHS claims that the Appellant's criminal record requires them to be Mandatorily Disqualified from participating as a Medicaid provider because they have a felony conviction involving violence. In denying the Appellant, EOHHS lists six different offenses. Four of those offenses are not Mandatory Disqualifiers and do not involve violence. These include three drug charges and a misdemeanor forgery/counterfeiting charge.

The fifth offense listed is felony possession of a firearm while committing a control substance violation. While the possession of a firearm makes it easier for a drug offense to become violent, that charge alone does not establish that violence occurred.

The final offense is felony possession of arms by person convicted of a crime of violence or who is a fugitive from justice. The offense implies that the Appellant has a previous violent crime. However,

this alone does not meet the Mandatory Disqualifier of a felony conviction involving violence. First, the offense could be a result of being a fugitive from justice and not being convicted of a crime of violence. Second, it does not establish that the crime of violence was a felony as is required to be a disqualifier. Third, if the Appellant previously committed a violent crime, that criminal offense should be included in the list of disqualifying offenses. As discussed above, the other offenses listed by EOHHS do not amount to felony convictions involving violence. Therefore, there is insufficient evidence that the Appellant is Mandatorily Disqualified based on the charges relied on by EOHHS.

CONCLUSION OF LAW

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

1. The possession of a firearm while committing a felony does not, in of itself, make the felony one involving violence.
2. EOHHS failed to establish that the Appellant is Mandatorily Disqualified from being a Medicaid provider.

[This space was intentionally left blank]

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 that the Appellant should be Mandatorily Disqualified from participating in the Rhode Island Medicaid program. EOHHS to review the Appellant's Good Moral Character request at the next Good Moral Character committee session.

APPEAL GRANTED

/s/ Shawn J. Masse

Shawn J. Masse

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], Nicholas James, and Jane Morgan, on this 9th day of June, 2026.

Rebecca Allen