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

[redacted]

V. DOCKET No. 26-4081

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on October 7, 2026. The Appellant, [redacted], declined the option of a video hearing. The Appellant's appeal identification number is [redacted] and their DHS case number is [redacted] The Appellant initiated this matter to appeal the eligibility determination for Long Term Services and Support Medicaid (LTSS) made by the Department of Human Services (DHS) on February 27, 2026. DHS determined the Appellant's eligibility for LTSS with an application date of November 20, 2025. The Appellant asserts that their eligibility for LTSS should be determined with an application date of August 7, 2025. 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 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 determine the Appellant's eligibility for LTSS?

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

Associate Director for Medical Services, Rose Leandre, and Eligibility Technician III, Jennifer Ramos, attended the hearing on behalf of DHS. The following exhibit was offered as evidence for DHS:

Exhibit #1 – February 27, 2026, BDN.

The Appellant did not attend the hearing. Administrator for [redacted], [redacted] (Administrator [redacted]), and Business Office Manager for [redacted]

[redacted], [redacted], attended the hearing on the Appellant's behalf. The following exhibits were offered as evidence for the Appellant:

Exhibit #2 – March 26, 2026, Appeal Form.

Exhibit #3 – United States Postal Service Receipts.

VI. RELEVANT LAW/REGULATIONS

All application forms must be complete and signed before being submitted. To ensure equity between people who apply on-line versus through the DHS-2, an application that is not completed and signed will not be accepted and will be returned. 210-RICR-50-00-4.6(A).

VII. FINDINGS OF FACT

1. Administrator [redacted] testified that the Appellant's son mailed the Appellant's LTSS application to DHS on August 5, 2025.
2. Administrator [redacted] testified that the United States Postal Service Receipts prove that the application was received by DHS on August 7, 2025. Page 1 of the receipts shows a tracking number ending in 8774 and that the package was received by the United States Postal Service on August 5, 2025. Page 2 of the receipts shows the same tracking number ending in 8774, it lists the address as Cranston, RI 02920, PO BOX 8709, and states "The item was signed for by DHS." at 9:40 AM on August 7, 2025.
3. DHS maintains a "tracker" for pending nursing home LTSS applications. The pending LTSS application tracker is updated by various nursing homes in Rhode Island. DHS testified that in October 2025 they found the Appellant's name on the tracker, but they could not find any pending application for LTSS in their system so

they notified the Appellant's nursing home that they would need a complete LTSS application to determine the Appellant's eligibility. DHS testified that the Nursing Home initially submitted the United States Postal Service Receipts and the first page of the Appellant's LTSS application, which was signed by the Appellant's son on page 1 and dated July 18, 2025, to DHS as proof that the Appellant had a pending application with DHS. DHS testified that this was insufficient because it was not a complete application and it did not contain a signature on the last page.

4. DHS testified that they utilize a different tracker for incomplete LTSS applications and that they could not find any record of an incomplete application under the Appellant's name. DHS also testified that when they receive an incomplete LTSS application they return it to the applicant with a form stating that it is not signed and that it needs to be signed and returned to DHS.
5. DHS testified that the Appellant submitted a complete LTSS application on November 20, 2025. Both Administrator [redacted] and DHS agreed that the November 20, 2025, LTSS application contains the Appellant's son's signature on page 1 dated July 18, 2025, and the Appellant's signature on the last page dated November 12, 2025.
6. Appellant [redacted] further testified that the United States Postal Service Receipts show that the package delivered to DHS weighed 1 pound and 3.8 ounces and, therefore, that it was likely the Appellant's LTSS application that was picked up by DHS on August 7, 2025.
7. DHS testified that because it did not receive a complete LTSS application, with signatures on both the first and last page, until November 2025, they could not honor

the Appellant's request to process their LTSS application as being received in August 2025.

8. DHS testified that the Appellant's LTSS application was approved on February 27, 2026, and that the Appellant was determined to be eligible for LTSS as of August 1, 2025, because the Appellant was afforded three months of retroactive LTSS coverage based on the November 2025 application date.
9. Administrator [redacted] testified that the Appellant is seeking three months of retroactive LTSS coverage for the initial August 2025 application.
10. Administrator [redacted] testified that the Appellant did not appear to be covered by LTSS as of August 1, 2025. DHS conceded that this was because the Appellant was deemed to have a transfer penalty for August 1, 2025, until September 5, 2025, due to a disqualifying transfer. DHS testified that this was an error because DHS was unable to verify the disqualifying transfer, therefore, they would fix the Appellant's LTSS eligibility to reflect that the Appellant was covered by LTSS effective August 1, 2025, regardless of the outcome of this Appeal.

VIII. DISCUSSION

As stated above, when DHS receives an incomplete and unsigned application, it will not be accepted and will be returned to the applicant. Administrator [redacted] testified that the Appellant was never properly notified that there was an issue with the application sent to DHS in August 2025 and that they only discovered there was an issue after they added the Appellant's name to the pending LTSS application tracker. Therefore, Administrator [redacted] requested that the August 2025 LTSS application date be honored by DHS.

Administrator [redacted] provided straightforward and forthcoming testimony throughout the Hearing and provided the United States Postal Service Receipts as evidence to support their testimony that the Appellant's son sent an LTSS application to DHS on August 5, 2025. Because of Administrator [redacted]s forthcoming demeanor during the hearing and because they submitted evidence that supports their testimony, I find Administrator [redacted] testimony to be credible.

Both DHS and Administrator [redacted] agreed that the complete LTSS application received by DHS on November 20, 2025, contains a signature on the first page that is dated July 18, 2025, and a different signature on the last page that is dated November 12, 2025. Administrator [redacted] also testified that the first five pages of the November 20, 2025, application state that it is a reapplication and that it contains a letterhead from the nursing home explaining this. Because the last page of the November 20, 2025, LTSS application was not signed until November 12, 2025, and because it has two different signatures and dates, it is more likely than not that the Appellant's August 2025 LTSS application was incomplete.

The United States Postal Service Receipts and Administrator [redacted]s testimony clearly show that DHS picked up a package that was mailed to them by the Appellant's son and that the package weighed 1 pound and 3.8 ounces. An LTSS application contains approximately 35 pages, so it is more likely than not that the package's weight is equivalent to the weight of an LTSS application. Because the Appellant's LTSS application contains a signature from July 18, 2025, and because the United States Postal Service Receipts show that DHS picked up a package weighing approximately the same amount as a LTSS application, it is more likely than not that DHS received the Appellant's LTSS application in August 2025.

DHS was unable to provide any evidence or testimony to show that the Appellant was properly notified that there was an issue with their August 2025 LTSS application or that they returned the August 2025 LTSS application to the Appellant. The Appellant only became aware that there was an issue with their August 2025 LTSS application after their nursing home reached out to DHS for an update by placing the Appellant's name on the pending LTSS application tracker. This harmed the Appellant because they were not allowed the chance to rectify the situation and preserve an August 2025 application date, which would have potentially allowed the Appellant an opportunity to be evaluated for three months of retroactive coverage from the August 2025 application date. The Appellant submitted a complete LTSS application on November 20, 2025, after the nursing home was informed by DHS that there was an issue with their original August 2025 LTSS application. This shows that had the Appellant been properly notified of their incomplete August 2025 LTSS application they would have likely completed and returned it to DHS. Because DHS has a regulatory duty to return incomplete applications and because it failed to return the Appellant's incomplete August 2025 LTSS application to the Appellant, there is a preponderance of evidence to show that DHS did not correctly determine the Appellant's eligibility for LTSS as their failure to properly inform the Appellant of their incomplete LTSS application resulted in a significant delay in processing the Appellant's LTSS application.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the Administrative Hearing, I conclude that:

1. The Appellant submitted an incomplete LTSS application to DHS on August 7, 2025.

2. An application that is not complete and that is not signed will not be accepted by DHS and will be returned to the applicant.
3. The Appellant's August 7, 2025, LTSS application was not returned to the Appellant.
4. There is a preponderance of evidence to show that DHS did not correctly determine the Appellant's eligibility for LTSS.

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 not sufficient evidence to support DHS' determination of the Appellant's LTSS eligibility.

XI. AGENCY ACTIONS:

1. DHS is to redetermine the Appellant's eligibility for LTSS back to August 2025, as if it received a complete LTSS application on August 7, 2025.

2. DHS will redetermine the Appellant's eligibility for three months of retroactive LTSS coverage as if it received a complete LTSS application on August 7, 2025.

APPEAL GRANTED

/s/ Jack Peloquin

Jack Peloquin

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], Rebecca Cahoon, Rose Leandre, Jacqueline Neirinckx, Kimberly Martinous, Michael Pangman, Jennifer Ramos, Denise Hines, Kirsten Cornford, and the DHS Policy Office at dhs.policyquestions@dhs.ri.gov on this 13th day of October, 2026.

Samara Mitchell