

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,  
POLICIES, PROCEDURES, AND OTHER MATERIALS  
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

**FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL**

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at [www.sec.state.ri.us/ProposedRules/](http://www.sec.state.ri.us/ProposedRules/) or on the Department of Human Services website at [www.dhs.ri.gov](http://www.dhs.ri.gov), or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

### **SCOPE OF CHANGE**

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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### **SUMMARY OF CHANGE**

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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## **~~0834~~ ~~NOTICE REQUIREMENTS~~**

### **~~0834.05~~ ~~NOTICE OF ADVERSE ACTION~~**

~~REV:05/1997~~

~~A decision on continuing eligibility (prospectively) must be made as soon as it becomes known that a change in a family's income, resources, and/or circumstances will affect the payment (see Section 0826).~~

~~When it is determined that a change in the recipient's circumstances will result in a reduction, suspension, or discontinuance of a payment, the recipient must be notified by issuing a notice of adverse action at least ten (10) days prior to the effective date.~~

~~The notice must contain:~~

~~\_\_\_\_\_ the reason for the proposed action and the agency policy which requires the action;~~

~~\_\_\_\_\_ an explanation of the opportunity to discuss the action with the eligibility technician authorizing the discontinuance, suspension or reduction in payment;~~

~~an explanation of the opportunity to have an  
Adjustment Conference with the Supervisor;~~

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~~an explanation of the provision for continuance of  
the payment if a hearing is requested in writing  
within the ten day period of the date of the  
notice; and~~

~~-~~

~~an explanation of the opportunity to request a  
hearing within thirty (30) days of the date of the  
notice.~~

## **0834.05.05 When Timely Notice Not Required**

REV:05/1997

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~~Where timely notice is not required, an adequate notice must be sent  
not later than the date of action when:~~

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~~the agency has factual information confirming the death  
of a recipient or of the payee when there is no  
relative available to serve as new payee;~~

~~-~~

~~The agency receives a clear written statement signed by  
a recipient that s/he no longer wishes assistance, or  
that gives information which requires discontinuance or  
reduction of assistance, and the recipient has  
indicated, in writing, that s/he understands that this  
is the consequence of supplying such information;~~

~~-~~

~~the recipient has been admitted or committed to an  
institution;~~

~~-~~

~~the recipient has been placed in skilled nursing care,  
intermediate care or long term hospitalization;~~

~~-~~

~~the recipient's whereabouts are unknown and agency mail  
directed to her/him has been returned by the post  
office indicating no known forwarding address. The  
recipient's check must, however, be made available to  
her/him if the whereabouts becomes known during the  
payment period covered by a return check;~~

~~-~~

~~a recipient has been accepted for assistance in another  
state and that fact has been established by the  
jurisdiction previously providing assistance;~~

~~-~~

~~a child is removed from the home as a result of a  
judicial determination, or voluntarily placed in foster  
care by his/her legal guardian;~~

~~-~~

~~a change in level of medical care is prescribed by the  
recipient's physician; or~~

~~-~~

~~a special allowance granted for a specific period is  
terminated and the recipient has been informed, in  
writing, at the time of initiation that the allowance~~

~~\_\_\_\_\_ shall automatically be discontinued at the end of the  
\_\_\_\_\_ specified period.~~

## **0834.05.10 Acknowledgment of Client Understanding**

REV:05/1997

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When the client notifies the agency directly, either by phone or in person, of a change in circumstances, the agency representative must discuss with the client the effect that this change will cause and must receive an acknowledgment, in writing, that the client understands that this will result in the discontinuance or reduction of the assistance.~~

## **0834.10 REQUIRED ACTION**

REV:05/1997

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A client has a right to request a hearing within thirty (30) days of the agency's notice of action. If a request for a hearing is made within the ten (10) day advance notice period, no action for reduction, suspension, or discontinuance is taken until the hearing decision is issued except in the following instance:~~

~~—  
\_\_\_\_\_ When the reduction, suspension, or discontinuance is caused  
\_\_\_\_\_ by a change in either State or Federal law that requires  
\_\_\_\_\_ automatic grant adjustment for classes of recipients. A  
\_\_\_\_\_ timely notice of such grant adjustment can be issued by mass  
\_\_\_\_\_ mailing, and the payment is not continued and no hearing  
\_\_\_\_\_ need be granted. However, a hearing is granted and the  
\_\_\_\_\_ payment is continued when the reason for the appeal is  
\_\_\_\_\_ incorrect grant computation. The Regional Manager will  
\_\_\_\_\_ review the issue to determine this and will inform the  
\_\_\_\_\_ recipient, in writing, of the action that will be taken.~~

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If the payment is continued and, at the hearing, a determination is made that the sole issue is one of State or Federal law or policy or change in State or Federal law and not one of incorrect grant computation, assistance is reduced, discontinued, or suspended immediately and the recipient must be promptly informed, in writing, of the action. However, the formal hearing decision is issued within the time limits for hearing decisions.~~

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When a second change occurs while the hearing decision is pending, and the recipient does not request a hearing within the advance notice period on the second issue, assistance is reduced, discontinued, or suspended, and the recipient must be promptly notified of this in writing.~~

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At the end of the ten (10) day advance notice period, the action remains in force if the client has not responded and requested a hearing. The client continues to have a right to a hearing, however, on the issue for thirty (30) days following the notice of adverse action.~~