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**TITLE 218 – DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 20 – INDIVIDUAL AND FAMILY SUPPORT PROGRAMS**

**SUBCHAPTER 00 – N/A**

**PART 3 – General Public Assistance Program**

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### **3.1 Introduction**

- A. R.I. Gen. Laws Chapter 40-6, entitled "Public Assistance Act," establishes the legal basis for a General Public Assistance Program. In that the State has resources:
  - 1. The General Public Assistance (GPA) cash programs are available for adults age eighteen (18) years of age and older who have an illness or medical condition that keeps them from working.
  - 2. GPA shall not be provided to any individual who has been determined eligible for Supplemental Security Income (SSI) or who is eligible or who would be eligible for the Rhode Island Works (RIW) program.
  - 3. GPA eligibility shall not exist for certain persons who are in the care of, confined by, or in the custody of another State Agency such as the Department of Corrections (DOC), the Department of Children, Youth and Families (DCYF) or the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).
- B. Types of GPA Assistance
  - 1. Interim cash assistance, also known as GPA Bridge, may be provided to individuals who have been approved for Title XIX Medicaid and are pursuing a claim for Supplemental Security Income (SSI).
  - 2. GPA Hardship Emergency, may be provided to individuals who have a disability, expected to last thirty (30) days or more which prevents them from working, and have applied for Title XIX Medicaid. This program is subject to funding made available to the Rhode Island Department of Human Services (DHS) for this purpose.
  - 3. Supplemental payments for funeral and burial costs may be provided through vendor payments as determined by Departmental Regulations.

### **3.2 Interim Cash Assistance – Bridge Fund**

- A. Individuals may be eligible to receive cash assistance in the form of a semi-monthly payment while they are awaiting the determination of SSI eligibility. This program of interim cash assistance is referred to as the "Bridge" Fund or program.
  - 1. This program is limited to individuals who have applied for and been found eligible for Title XIX Medicaid and who have applied for and are actively pursuing a claim for Supplemental Security Income (SSI) benefits.

2. A determination for Medicaid affordable care coverage (ACC) must be completed under the Modified Adjusted Gross Income (MAGI) or Elder and Adults with Disability rules (EAD) prior to a determination of eligibility.
3. Eligibility for the Interim Cash Assistance for Disabled (Bridge Fund) is restricted to individual applicants only.
  - a. Couples may apply as individuals (one (1) or both could be found eligible as individuals).
    - (1) If both are eligible, each may be provided individual Bridge payments.
4. Applicants must meet the following eligibility requirements:
  - a. Must have filed an application for Bridge Fund;
  - b. Must have applied for Medicaid affordable care coverage (ACC) for eligibility under Modified Adjusted Gross Income (MAGI) or Elder and Adults with Disabilities (EAD) Rules;
  - c. Must have been found eligible for Title XIX Medicaid;
  - d. Must have filed a claim for Supplemental Security Income (SSI) benefits and be actively pursuing the claim;
  - e. Must have signed an agreement that if the SSI claim is waived in favor of Title II Social Security Disability Insurance (SSDI), the individual will repay DHS to the extent DHS would have been reimbursed through the SSI claim;
  - f. Must have completed the Authorization for Reimbursement form before any benefits can be paid; and
  - g. Income and resource must be within the limits established in §§ 3.5 and 3.6 of this Part.

**B. Bridge Fund Payments**

1. Payments under the Bridge Fund will be made semi-monthly (approximately the first (1<sup>st</sup>) and sixteenth (16<sup>th</sup>) of the month).
2. The payment level is two hundred dollars (\$200.00) per month but is subject to annual appropriations.
3. All payments to eligible applicants will be made prospectively beginning with the next effective payroll after all eligibility requirements have been met and approval granted.

### 3.2.1 The Application Process

- A. The application process for General Public Assistance starts when an individual or his/her representative contacts the DHS to request assistance by way of a signed DHS-2 application or DHS customer portal application submission and either are applying for or are approved for Medicaid affordable care coverage.
1. The purpose of the application process is to:
    - a. Ensure the right of a person to apply without delay for assistance.
    - b. Provide an opportunity for the person to state his/her needs and to learn what the DHS can do to help him/her.
    - c. Provide the initial opportunity for the person to know what his/her responsibilities are in his/her relationship with the DHS.
  2. An applicant may be assisted by an individual(s) of his/her choice and, when accompanied by such individual(s), may be represented by him/her.
  3. A request for assistance may be received in the DHS regional office in person, by phone, electronically or by mail.
    - a. Applicants can apply online via [www.healthyhode.ri.gov](http://www.healthyhode.ri.gov).
    - b. Applicants for GPA hardship and bridge payments must apply for and be determined eligible for Medicaid affordable healthcare coverage prior to a determination of GPA eligibility.
    - c. Applicants may be required to complete additional forms once an application is received.
  4. If the application for GPA is necessary by reason of accident, injury or illness for which a third (3<sup>rd</sup>) party may be liable, such applicant is advised that the DHS-2, Application for Assistance, or DHS customer portal GPA application, contains an assignment of rights to the Department of Human Services (DHS), for and on behalf of the applicant and any person for whom s/he may legally act, for repayment limited to the amount of financial assistance furnished by the Department.
- B. The DHS representative has the responsibility to act promptly upon the application. A decision on eligibility and payment or ineligibility is made within thirty (30) days from the date of the receipt of the signed application.
1. Within thirty (30) days of submitting an application, the applicant is responsible to fulfill any eligibility requirements as prescribed in § 3.3 of this Part and to provide such verifying documentation as may be necessary to complete the application.

- a. If the applicant does not comply with the above procedural requirements, the application is denied and the applicant is notified of his/her right to reapply.
- b. When the applicant is found ineligible, he/she is notified of his/her ineligibility and informed of his/her right to appeal the decision, and the method by which to request a fair hearing.

C. Potential Eligibility for Supplemental Security Income (SSI)

- 1. An applicant for GPA who will be sixty-five (65) years of age within one (1) month, or an applicant who is disabled as defined below, is required to file for and cooperate in the eligibility determination for SSI.
  - a. Disability is defined by the Social Security Administration (SSA) as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairments which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months.
- 2. The applicant is expected to file a written application for SSI within thirty (30) days from the date of the GPA intake appointment.
  - a. If verification of filing is not received by the DHS representative within thirty (30) days, or if the individual applies and subsequently refuses to cooperate in the determination of SSI eligibility, a notice of GPA ineligibility is sent, and the case is closed due to non-compliance.
  - b. "Interim assistance" begins with the day on which the individual files an application for SSI benefits and is found eligible for SSI benefits. It ends when the individual receives the initial SSI check.

D. SSI Denial

- 1. If upon review by the worker, or if the applicant reports to the worker that his/her SSI application has been denied, the worker should instruct the applicant that s/he has sixty (60) days from the SSI denial date in which to file for reconsideration of the denial.
- 2. If the reconsideration is completed and subsequently denied, the applicant should be aware that, according to SSA policy, the applicant has sixty (60) days from the reconsideration denial to file a request for a SSA hearing.
- 3. Applicants should always check current SSA policy for appropriate filing dates and deadlines.

E. Application for Payment – Collateral Source

1. A collateral source is a third (3<sup>rd</sup>) party who may be liable for accident, injury or illness of GPA applicants awaiting a decision on an application for payment.
  - a. When an applicant needs and accepts a GPA payment during the period in which application for payment from a collateral source is pending, repayment to the State of Rhode Island may be required if the applicant is subsequently found eligible for monies from the collateral source.
2. When the DHS-2, Application for Assistance, or DHS Customer Portal application, is signed by the applicant, s/he assigns all rights to the Department of Human Services (DHS) for and on behalf of herself/himself and any person for whom s/he may legally act, for amounts recoverable from a third (3<sup>rd</sup>) party equal to the amount of financial and/or medical assistance provided as a result of said accident, injury or illness.
  - a. Collateral Sources. (third (3<sup>rd</sup>) parties) include but are not limited to:
    - (1) Insurance companies,
    - (2) Employers,
    - (3) Property owners,
    - (4) Business establishments,
    - (5) Service providers, and the like who may be liable for personal injury to the applicant as a result of on-the-job accidents,
    - (6) Automobile accidents, slip-and-fall accidents malpractice claims, etc. and insurance companies liable for Worker's Compensation and other insurance who may be liable for payment to the insured.
  - b. Generally, these payments are retroactive payments covering a period of time GPA was paid because the income from the collateral source was not available.
  - c. RSDI benefits are not subject to reimbursement.
  - d. Funds subject to such assignment and agreement may extend to and are limited to all GPA payments (monies and vouchers) provided to such applicant, any family members included in the applicant's GPA standard of assistance, and all GPA vendor

payments made on behalf of the applicant for medical care related to the accident, injury or illness for which the third (3<sup>rd</sup>) party may be liable.

- (1) The applicant is informed of his/her right to a hearing regarding the apportionment of such funds.

### **3.2.2 Eligibility Requirements for GPA**

#### **A. Residence Requirements**

1. To be eligible for GPA, a person must be a resident in a city or town in the state of Rhode Island. No person is eligible for GPA who moves out of Rhode Island.
2. A person does not have to reside in a permanent dwelling or have a fixed mailing address to be considered a resident of a city or town.
  - a. To facilitate the application process of homeless persons for GPA, a sworn statement submitted by the applicant/recipient is acceptable verification of residence.

#### **B. Age and Verification of Age**

1. The minimum age requirement for individuals and couples is eighteen (18). Verification of age is obtained through birth certificates, baptismal certificates, marriage certificates, or other vital records documents.
  - a. Other acceptable documents on which age is specified are award letters for Retirement Survivors Disability Insurance (RSDI), insurance policies, passports, naturalization papers, and employment, school, or military records.
  - b. When verification of age is unobtainable from such documents, a third (3<sup>rd</sup>) party affidavit is acceptable evidence.

#### **C. Citizenship and Alienage Requirements**

1. To be eligible for GPA, an otherwise eligible applicant must be either a United States citizen or a non-citizen lawfully admitted for permanent residence or otherwise residing in the United States under color of law.
2. GPA benefits shall not be provided to undocumented non-citizens.
  - a. A non-citizen is any person who is not a citizen or a national of the United States.

- b. There are legal permanent resident (LPR) non-citizens, non-resident non-citizens, and undocumented non-citizens.
- 3. The following gives the definition of legal permanent resident and non-resident and undocumented non-citizens and the policies to be followed for each.
  - a. Legal Permanent Resident (LPR) Non-citizen
    - (1) For a person who is applying as an individual for GPA, a LPR is defined as one who was lawfully admitted for permanent residence in accordance with the immigration laws, such status not having changed since admission.
    - (2) A LPR, sponsored by an individual or an organization and applying for GPA within three (3) years following entry into the United States, is requested to obtain the cooperation of the sponsor, if possible, for the purpose of determining what income and resources, if any, are available. Income and resources are counted only to the extent that they are actually available to the lawful permanent resident.
  - b. Non-resident Non-citizen
    - (1) Non-resident non-citizens are foreign nationals who have applied for admission to the United States with the intention of merely visiting this country for a specific purpose (non-immigrants).
    - (2) Non-resident non-citizens include the following: diplomats, visitors to the United States who come for business or for pleasure (tourists), people who are in transit through the United States, crewmen aboard ships, qualified students who are here to pursue a full course of study at an established institution of learning, a fiancé(e) who seeks to marry a United States citizen within ninety (90) days after entry, and certain other people who were admitted to this country by the United States Citizenship and Immigration Services (USCIS) on temporary status.
    - (3) An applicant who is a non-resident non-citizen is not eligible for GPA.
  - c. Undocumented Non-citizens
    - (1) Undocumented non-citizens are individuals who are not legally in this country.

- (2) An applicant who is illegally in this country is not eligible for GPA.

#### 4. Verification of Citizenship

- a. To reduce barriers to eligibility for applicants/recipients, the Department will attempt to verify citizenship and identity via the State Verification and Exchange System (SVES) interface with the Social Security Administration.
  - (1) If the interface reveals a discrepancy or is unable to provide verification of citizenship or identity, it is the responsibility of the applicant/recipient to provide the required verification.
- b. Any document submitted as evidence of United States citizenship must show either the applicant's United States birthplace or indicate United States citizenship (e.g., a United States Passport).
- c. When needed, assistance in obtaining the necessary document(s) is provided to applicants by the DHS staff.
- d. Acceptable documents which may be used as evidence of United States citizenship by birth or naturalization include the following:
  - (1) Birth Certificate (including INS Form I-197);
  - (2) Naturalization Papers;
  - (3) United States Passport;
  - (4) Hospital record of birth;
  - (5) Baptismal record (only when the place and date of birth are shown);
  - (6) Military service records;
  - (7) Indian census record;
  - (8) Voter registration record;
  - (9) Applicant's name and place of birth on his/her child's birth certificate;
  - (10) Bureau of Vital Statistics or local government records of an applicant's place of birth; or
  - (11) Family Bible (the date of publication should be prior to the applicant's birth date).

- (12) When verification of United States Citizenship is unobtainable from one (1) of the sources listed above, and the applicant can provide a reasonable explanation as to why such verification is unobtainable, an affidavit from a third (3<sup>rd</sup>) party may be accepted as evidence of United States citizenship, age, and identity.

### **3.2.3 Determination of Income**

- A. Income is the receipt of money, goods, services or money's worth which is available to the assistance unit.
  1. The prospective budgeting method is used to determine the income which will exist during the period of eligibility for GPA.
    - a. This means that weekly income is converted to a monthly amount using the 4.3333 conversion method.
  2. The information the client supplies on the DHS-2 about income is documented.
  3. The document sources are business records, wage stubs, Income Tax returns, Award letters, or other similar documents, as well as reports from Social Security, Veterans' Administration, and other agencies.
  4. All available income, both presently available and potentially available, unless excluded by policy, is considered in determining eligibility. This includes:
    - a. All income, both earned and unearned, of any person for whom assistance is being sought; and
    - b. All income of a spouse in the home, unless the spouse is an SSI recipient.
  5. When there appears to be potential eligibility for a benefit that an applicant/recipient does not yet have, such as Retirement, Survivors and Disability Insurance (RSDI), Unemployment Insurance (UI), Temporary Disability Insurance (TDI), Veterans Administration (VA) benefits, etc., the applicant/recipient is required to file for such benefits.
    - a. Before GPA assistance can be provided, an applicant is required to verify that s/he has filed for the potential source of income.
    - b. If verification of filing an application for aforementioned identified income is not received by the DHS representative within forty-five (45) days of the GPA-Bridge application, the application is denied.

- c. Recipients who may be eligible for an alternate source of income must apply for that benefit within ten (10) days of the date the DHS becomes aware of the potential benefit.

- (1) Failure by the recipient to comply with the referral results in termination of eligibility.

## B. Earned Income

1. Earned income is income, in cash or in kind, earned by an individual through the receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or as an employee.
  - a. It is counted as income only when it is received (or would have been received except for the decision of the recipient to postpone receipt) rather than when earned.
2. Earned income does not include returns from capital investment with respect to which the individual is not himself/herself actively engaged, such as dividends and interest, It also does not include benefits such as individual pensions, RSDI, UI, TDI, or Veterans' Benefits.
3. Earned income does include:
  - a. Earnings over a period of time for which settlement is made at one given time.
  - b. Income which the individual produces as a result of the performance of service, including managerial responsibilities, is classified as earned income. (Examples are income from a roomer or boarder and income from real property.)
  - c. Earned Income Credit (EIC), including payments which the applicant/recipient actually receives.
  - d. Training incentives under JTPA (Job Training Partnership Act) as well as wages from JTPA employment.

## C. Unearned Income

1. Unearned income may be accessed from many sources, including but not limited to:
  - a. Unemployment Insurance (UI)  
  
An applicant or recipient of GPA who has worked in the past fifty-two (52) weeks is required to file a claim for Unemployment Insurance (UI) and advise the DHS of the results.

b. Temporary Disability Insurance (TDI)

An applicant or recipient of GPA who has worked in the past fifty-two (52) weeks is required to file a claim for Temporary Disability Insurance (TDI) and advise the DHS of the results.

c. Retirement, Survivors, and Disability Insurance (RSDI)

In considering Retirement, Survivors, and Disability Insurance (RSDI), the total amount of benefit received from RSDI is considered as income.

d. Workers' Compensation

e. Veterans' Benefits

f. Alimony and/or Child Support

g. Lump Sum Death Benefits

h. Employment Pensions

If an applicant/recipient has had employment of ten (10) or more years with any one (1) employer, the possibility of eligibility for a pension exists and should be determined.

i. Insurance Settlements

(1) Money received from an insurance settlement is considered income unless it is used to replace exempt resources.

(2) If the insurance settlement is received as a result of fire, flood, lightning or severe wind, and if it is used to replace within a reasonable time, the loss caused by the fire, flood, lightning or severe wind, it is not considered as income.

(3) If only part of the money is used to replace the loss, any remaining balance is considered as available income.

j. Interest

When a recipient retains resources and receives interest or dividends, they are considered income, when available, and are applied to the assistance plan.

k. Dividends

l. Income from Legally Liable Sponsors

Income actually available from a liable sponsor is treated in the same manner as any other unearned income in determining the amount of the GPA assistance payment.

m. Contributions

- (1) Regular and substantial contributions are considered income.
- (2) Gifts and contributions that occur infrequently and unpredictably as expressions of affection are not related to support and are not considered income.

2. Since unearned income is not derived from employment, no earned income disregards are applicable.

D. Income Exclusions

1. In determining the amount of GPA assistance payment, the following kinds of income are excluded:
  - a. The income of an SSI recipient (including the SSI benefit).
  - b. Income equal to expenses attributable to the earnings of the income of a self-employed individual (see § 3.6 of this Part).
  - c. The value of home produce of an applicant/recipient utilized by him/her and his/her household for their own consumption.
  - d. The value of United States Department of Agriculture donated foods.
  - e. Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965 (Pub. Law 116-131), as amended.
  - f. The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Fund Act, as amended, (Pub. Law 92-433 and Pub. Law 93-150).
  - g. The value of SNAP benefit allotments.
  - h. Foster care payment paid by the Department of Children, Youth and Families.

- i. Any grant or loan for an undergraduate student for educational purposes made of insured under any programs administered by the United States Department of Education.
- j. Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.
- k. The value of government rent and/or housing subsidies.
- l. Payments of allowances received under the Federal Low-Income Home Energy Assistance Program.
- m. Assistance, in the form of cash or vendor payments from other agencies and organizations, is disregarded if the assistance is for a different purpose, goods, or service not provided in the Consolidated Standard (§ 3.2.5 of this Part).
- n. Payments for reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973 (Pub. Law 93-113).
- o. Payments to individual volunteers under Pub. Law 96-143, the Domestic Volunteer service Act of 1979, which governs the Volunteers in Service to America (VISTA) Program.
- p. Income from any source when Federal Law prohibits its inclusion. The applicant/recipient must present evidence of the Federal prohibition.

#### **3.2.4 Determination of Resources**

- A. The DHS representative must explore the possible ownership of resources by individuals and couples at the initial application for assistance and at all subsequent determinations of continuing eligibility.
  - 1. Resources are defined in terms of real and personal property.
    - a. Real property is any interest in real estate and what is attached or affixed thereto.
    - b. Personal property pertains to such items as automobiles, boats, and liquid assets such as cash, bank accounts, cash value of life insurance policies and similar properties.

2. Jointly held resources are considered to be those of the applicant/recipient. However, the individual is given an opportunity to rebut the presumption of ownership.
3. The individual's resources include those of the eligible or ineligible spouse in the home.
  - a. In a joint GPA/SSI household, the resources that are solely the SSI recipient's are not considered in determining eligibility for GPA.
  - b. A sponsored non-citizen's resources include any resources of the sponsor and sponsor's spouse (if living together) actually contributed to the non-citizen.
4. If, at any time during the receipt of GPA, an individual acquires income or resources in excess of the amount previously reported, it shall be his/her responsibility and a condition of eligibility to notify the Department of this fact within ten (10) days of the receipt of possession of additional resources or income.

B. Exempted Resources

1. Exemption of Home
  - a. The home occupied by the individual or family is exempted. It is further defined as:
    - (1) The house, the usual residence of the assistance unit.
    - (2) The home exemption applies to any land that appertains to the home and any other buildings located on such land, for example, a barn or a shed.
    - (3) To appertain to the home, the real property must adjoin the plot on which the home is located and not be separated from it by intervening real property owned by others.
    - (4) The home exclusion applies, for example, to the home an individual or family leaves temporarily because of a catastrophic fire to reside in a shelter, with relatives or elsewhere, pending restoration of the property to habitable condition and with the intention of resuming residence there as soon as possible.
    - (5) The home is considered owned by a married couple if:
      - (AA) The deed indicates the property is held by them as tenants by the entirety; and

(BB) The property is not the home of the assistance unit (as defined above); and

(CC) The spouse of the applicant/recipient refuses to sell his/her interest in the property.

2. Exemption of Automobile

- a. Automobile means a passenger car, truck or other motor vehicle used to provide transportation of persons or goods. An exemption is provided for one (1) automobile per household.
- b. If the assistance unit has more than one (1) automobile eligibility does not exist.

3. Exemption on Household Items and Effects

Household furnishings, appliances, clothing, personal effects and keepsakes of limited value are exempted.

4. Exemption of Income-Producing Property

- a. Tools of the Trade not to exceed an aggregate value of one thousand dollars (\$1,000.00) actually used or reasonably expected to be used to produce self-employment income may be exempted from consideration as a resource.
- b. In addition to cases in which the property is currently being used to produce self-employment income, situations in which the applicant/recipient is temporarily unable to use the property are examined.
  - (1) The DHS representative evaluates the individual's potential for utilizing the resource in the future to again become self-supporting.
  - (2) If the aggregate value does not exceed one thousand dollars (\$1,000.00) and the property had previously been used by the applicant/recipient to generate income and a reasonable expectation exists that it will be used for that purpose in the foreseeable future, the property is exempted.
  - (3) The statement of the applicant or recipient recorded on the DHS-2 as to the value of tools of the trade will be accepted when determining the aggregate value unless there is reasonable doubt regarding the value stated.

5. Exemption of Liquid Assets

- a. For individuals, couples and families, the resource limit for cash and other liquid assets is three thousand dollars (\$3,000.00).
- b. Liquid assets include, but are not limited to, cash, savings accounts, checking accounts, stocks, savings bonds, mutual fund shares, time deposit shares, money market certificates, promissory notes, mortgages and the cash value of life insurance policies.
- c. The combined value of all cash and liquid assets owned by each member of the assistance unit is counted toward the three thousand dollars (\$3,000.00) cash and other liquid assets exceed this limit, eligibility for GPA does not exist.
  - (1) Any cash value of life insurance policies must be included in this computation.

#### 6. Life Insurance Policies

- a. Common examples include but are not limited to whole life, universal life, group and term insurance.
  - (1) Generally, group and term life insurance policies have no cash surrender value and therefore are not counted as resources for GPA.
- b. All life insurance policies should be examined to determine whether or not a cash surrender provision exists.
  - (1) Usually the policy contains a "Table of Value" which can be used to determine the current cash value.
  - (2) In other cases, it may be necessary for the applicant/recipient to obtain a statement from the issuing company indicating the current cash surrender value of the policy.

#### 7. Medical Insurance

Medical insurance, such as Blue Cross/Blue Shield, Major Medical, Federal Medicare (Part A, Part B), Delta Dental or other medical insurance is not considered a resource in the determination of eligibility.

### 3.2.5 Standards of Assistance

- A. The GPA Standards of Assistance are used to determine eligibility for individuals/couples.

B. Income is applied to the standard after deductions specified in policy are made and eligibility is then determined.

1. Consolidated Standard – Individuals/Couples

- a. The consolidated standard of assistance is computed according to the number of eligible persons in the GPA household.
- b. The table below lists the GPA Monthly Standards for an individual and for a married couple.
- c. The couple must be married by virtue of a ceremonial or other legal marriage.
- d. When only one (1) spouse is eligible, eligibility is based on the couple standard.

(1) Income available to the couple is compared to the couple standard to determine eligibility.

| PLAN SIZE  | GPA MONTHLY STANDARD |
|------------|----------------------|
| Individual | \$327.00             |
| Couple     | \$449.00             |

### 3.2.6 Lost, Stolen, or Destroyed GPA Payments

A. If a GPA recipient reports that s/he has lost his/her GPA payment, the recipient is directed to file a report of loss or theft with the local police department. The worker must verify that a report has been made to the police by obtaining a copy of the report from the recipient.

1. The recipient is told that a replacement check cannot be issued until at least three (3) business days after the date of the report of the non-delivery, loss, theft, or total destruction.
2. The recipient is required to sign an affidavit in duplicate attesting to the non-receipt, loss, or theft of an assistance check.
3. If two (2) checks are reported lost or stolen in the same six (6) month period, the case is referred to the DHS designee, who reviews the case history of reported lost or stolen checks and any measures the recipient has taken to secure future checks.
  - a. A conference may be scheduled to discuss the problem.

- b. If after a thorough review it appears that the recipient's checks remain susceptible to loss or theft and no other solution presents itself, the DHS may decide that the recipient's checks must be sent to a DHS regional office and picked up there by the recipient. This arrangement continues until the recipient can show that checks can be safely mailed to the home.

### **3.2.7 Changes in Circumstances**

- A. In the initial contact with the DHS, and in any subsequent contacts, the recipient is made aware of his/her responsibility to report changes in circumstances within ten (10) days.

1. Financial need is subject to change whenever there is a change in the plan size, the living arrangement, or in income or assets.
2. There are changes in factors other than need which can affect eligibility some of which the DHS may be aware of in advance, and others which are unexpected and the DHS can learn about only when the recipient or another source makes the information known.

- B. Payment Changes

1. Whenever a change in circumstances results in a reduction of the payment or ineligibility for the program, the applicant/recipient must be notified.
2. When it is determined that a change in the recipient's circumstances will result in a reduction, suspension, or discontinuance of assistance, the recipient must be notified at least ten (10) day prior to the effective date.
3. An advance or ten (10) day notice is not required when:
  - a. The DHS has factual information concerning the death of a recipient or the payee when there is no relative available to serve as a new payee.
  - b. The DHS 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 must be the consequence of supplying such information.
  - c. The recipient has been admitted or committed to an institution and there is no other person included in the payment.
  - d. The recipient has been placed in skilled nursing care, intermediate care, or long-term hospitalization.

- e. The claimant's whereabouts are unknown and DHS mail directed to him/her is returned by the post office indicating no known forwarding address.
  - (1) The claimant's check must, however, be made available to him/her if his/her whereabouts become known during the payment period covered by a returned check.
- f. A recipient is accepted on GPA, SSI, or assistance in another State and that fact has been established.
- g. However, adequate notice must be sent not later than the date of action.

### **3.2.8 Renewal and Reapplication Requirements**

- A. Because no formal redetermination of continuing eligibility process is required for GPA recipients, if the DHS becomes aware of a change in the financial circumstances of the recipient that would result in ineligibility, GPA will be terminated.
  - 1. For GPA applicants, initial eligibility may be granted for a period of up to six (6) months, renewable for a period of up to an additional six (6) months.
  - 2. Prior to the expiration of the initial period of eligibility, the DHS must notify the recipient of the procedures to be followed to have another period of eligibility considered.
  - 3. In order to receive GPA for a period greater than twelve (12) months, individuals must reapply for General Public Assistance.

### **3.3 Hardship**

- A. An applicant who is pending a DHS program benefit determination who has no income and is unable to work due to a disability may apply for GPA Hardship.
- B. The recipient may be awarded a one (1) time payment based on availability of funds.
- C. GPA Hardship will not be approved for individuals who have received a hardship payment for a program that was subsequently denied if applying for the same program within a calendar year.
- D. No more than two (2) GPA hardship payments will be issued to the same individual within a calendar year.

1. The amount of payment will be based upon the amount of funding available.

### **3.3.1 Eligibility Requirements**

- A. For an applicant to be considered eligible, the applicant needs to meet the following criteria:
  1. The applicant must have an application pending for a DHS benefit and have no income at the time of application.
  2. The applicant shall provide a completed DHS form by his/her physician stating that the applicant's illness or medical condition prevents him/her from working (part-time or full-time) and is considered ongoing and shall last longer than thirty (30) days.
  3. Eligibility is at the discretion of the DHS's Economic Security and Supports Unit (ESSU) Administrator, ESSU Assistant Administrator or ESSU Supervisor.
  4. Due to limited funding for this program this is not an appealable benefit.

## **3.4 Funeral and Burial Expenses**

### **3.4.1 The Application Process**

- A. For the Department to consider granting assistance to those persons who may be eligible, application for payment of funeral and burial expenses must be made on behalf of the deceased within thirty (30) days of the date of death.
  1. An application for payment of funeral and burial expenses shall also be deemed as received on behalf of a decedent when a person with custody of an unclaimed body contacts the Department of Human Services (DHS) to report the unclaimed body.
  2. Eligibility for the expenditure of GPA funds for a funeral or burial does not exist for anyone who at the time of their demise, was confined by and/or in the custody of the Department of Corrections, the Department of Children, Youth and Families or the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

### **3.4.2 Eligibility Requirements**

- A. Conditions of Eligibility
  1. Payment is made to meet the cost of funeral and burial expenses up to the cost standard for any person who dies and owns no, or insufficient, resources and/or income to meet these expenses.

2. All resources of the deceased are deducted from the cost standard in determining the amount of payment. A deceased's resources include, but are not limited to:
  - a. Life insurance policies, and/or fraternal insurance, when the beneficiary is the deceased's estate or a legally liable relative;
  - b. Cash, securities, bonds, patient accounts for those in a nursing home, or other assets left by the deceased; and
  - c. Any real property not being used as a home by dependent survivors.
3. For the purposes of determining eligibility for GPA burial assistance, the following are EXCLUDED:
  - a. Veterans' benefits
  - b. Social Security lump sum death benefits
  - c. Non-exempt resources (§ 3.5 of this Part) in excess of four hundred dollars (\$400.00) of legally liable relatives (i.e., parents for minor children and spouses who were living together) are considered available to meet the cost of funeral and burial expenses.
4. The income of legally liable relatives, except for a relative on RMW, GPA, or SSI, must be considered in determining eligibility for and the amount of payment. The determination is made on a monthly basis. From the gross monthly income, certain deductions, listed in § 3.4.2(B)(5) of this Part are made.
  - a. The amount remaining, after applying the appropriate deductions, is compared to the approved funeral and burial cost expenses.
5. The following are deducted from the monthly gross income of the legally liable relative in determining the amount of the payment for funeral or burial expenses.
  - a. Work Expense Disregard

From the monthly gross earned income, disregard ninety dollars (\$90.00) from the monthly gross income for each person employed.
  - b. Dependent Care Disregard
    - (1) From the monthly gross earned income, disregard the actual cost, if any, of care for each dependent child under thirteen (13) years of age or incapacitated person who is living in the

home and is claimed or could be claimed as a dependent for the purposes of Federal personal income tax liability.

- (2) For the legally liable relative employed full-time (one hundred (100) hours or more per month), this disregard may not exceed one hundred sixty dollars (\$160.00) per month per child or incapacitated person.
- (3) For the legally liable relative employed part-time (less than one hundred (100) hours per month), this disregard may not exceed eighty dollars (\$80.00) per month per child or incapacitated person.
- (4) Consideration of dependent care expenses is only given when the care is provided by a person not living in the dependent's household.

c. Maintenance Expense Disregard

- (1) An amount is also disregarded for the support of the legally liable relative and any other individuals who are living in the home and are claimed or could be claimed as dependents for purposes of determining Federal personal income tax liability.
- (2) The amount disregarded equals the appropriate monthly GPA consolidated standard for individuals and couples or the appropriate RIW standard based on the size of the legally liable relative's family group.

d. Medical Expense Disregard

- (1) A deduction is made to meet the cost of specific incurred medical expenses or medical services verified as needed for the month.
- (2) Such medical expenses include the amount paid for health insurance plus the amount of verified required monthly medical services that are within the scope of the GPA program.

C. Private Supplementation of Funeral Expenses

1. Friends or family of the decedent (other than legally liable relatives) may privately contract with the funeral director for additional or upgraded services and merchandise.

- a. Those individuals may contribute up to one thousand six hundred dollars (\$1,600.00), for additional funeral home services and merchandise, without affecting eligibility for the nine hundred dollar (\$900.00) basic allowance.
  - b. For each additional one dollar (\$1.00) that those individuals contribute over the one thousand six hundred dollar (\$1,600.00) allowable supplement, a corresponding one dollar (\$1.00) is deducted from the basic allowance to be paid by the State.
2. The following are examples of items which might be contracted for privately by the family:
  - a. Preparation of deceased for viewing (embalming, hairdressing, etc.);
  - b. Use of funeral home for visitation or funeral services;
  - c. Transportation for family members or friends to funeral services;
  - d. Additional or upgraded funeral merchandise (casket, vault, cards, etc.).
3. Payment of fees by the family or friends to clergy, church musicians, florists, newspapers, state officials, or city officials for certified copies of death certificates in no way diminishes the amount that the family is permitted to supplement toward services or merchandise provided by the funeral director.

D. Funeral and Burial Arrangements

1. Relatives and/or friends have a choice among those undertakers willing to provide a quality of service in accordance with the cost standard.
  - a. Church and municipally-owned cemeteries often provide, free of charge, burial lots and/or the cost of opening and closing graves for persons unable to pay.
  - b. The Rhode Island Veterans Cemetery also provides the above to eligible veterans and their eligible dependents.
  - c. These resources must be explored and utilized, where available.
  - d. Additionally, if a city or town provides burial space free of charge, this resource must be used.
  - e. If the above resources are not available, burial costs can be met in accordance with the cost standards.

2. Payment of funeral and burial expenses by the Department is not considered unless an application is filed on behalf of the deceased within thirty (30) days of the date of death.
3. When no relatives or friends are available, the designated DHS representative makes the arrangements appropriate to the faith of the deceased, when known.

E. Application for Payment of Burial Costs

1. The application is made in the city/town of the residence of the deceased.
  - a. When a client dies in a nursing/group home, the community in which the home is located is responsible for burial if need exists.
2. If the deceased was a recipient of RW, GPA, Medicaid, SNAP, or Long Term Services and Supports (LTSS) at the time of death, the information in the eligibility system is used to determine eligibility for GPA burial assistance.
3. If the deceased was a recipient of SSI at the time of death, contact is made with the Social Security Administration to determine available resources to document the application.
  - a. If this information is unobtainable, and there are no relatives or friends, the application is filed by the DHS representative to the best of his/her ability in behalf of the decedent.
4. If the deceased was not an active recipient of RW, GPA, Medicaid, SNAP, or LTSS but had filed an application within ninety (90) days prior to death, and the current information is available to the DHS, a determination of eligibility may be made from the information on file.
5. If the deceased was not previously known to the DHS, an application must be made on behalf of the deceased by a family member, an individual legally identified as next of kin, nursing home, hospital or an individual legally appointed by a court to obtain information to determine eligibility.

F. Cost Standard for Burial

1. The DHS can provide payment up to its cost standard minus the resources and/or income of the deceased, including any amount deemed from legally liable relatives. The cost standard covers at least the following services and merchandise:
  - a. Professional Services

Basic management and supervisory services of the Funeral Director and staff in handling all arrangements relative to final disposition;

- b. Use of Facilities and Equipment;
  - c. Transportation (includes local within ten (10) mile radius) transfer of deceased to funeral home, local transfer of deceased to church and/or cemetery or crematory;
  - d. Merchandise (includes minimum burial casket or appropriate cremation container; and casket name plate when required by the cemetery).
2. A bill must be submitted by the Funeral Director, itemizing the cost of services, by category, as indicated above.
- a. The bill must also include the amount non-legally liable relatives and/or friends have paid or agree to pay toward the expense.
  - b. If eligibility exists, the department meets the balance, up to the cost standard, less any resources that must be considered.
  - c. Refer to § 3.4 of this Part for specific items for which family and/or friends may pay, without diminishing the amount the Department may pay as defined by this Part
3. Cemetery and/or crematory expense is separate and distinct from the Funeral Director/funeral home expense and should be treated as such. Although the Funeral Director will often coordinate the arrangements with the cemetery, the cemetery should be recognized as a separate vendor, which will bill the Department of Human Services.

G. Standards for Funeral and Burial Expenses

1. Basic standards for funeral and burial expenses follow:
- a. Stillborns: An amount up to twenty-five dollars (\$25.00) may be authorized for the funeral and an additional amount up to forty dollars (\$40.00) may be authorized for the burial of a stillborn. These amounts are authorized regardless of the duration of the pregnancy.
  - b. Adults and Children: An amount up to nine hundred dollars (\$900.00) may be authorized to meet funeral expenses of an adult or child. Further, with regard to burial or cremation of an adult or child, when the cost of the lot, opening and closing of the grave and/or cement grave liner is required, or when a crematory fee is

required, in lieu of opening and closing the grave, consideration is given to these costs according to the following maximum amounts:

- (1) Cost of a lot – one hundred fifty dollars (\$150.00);
- (2) Opening and closing of the grave – one hundred seventy-five dollars (\$175.00);
- (3) Cement liner, if required by the cemetery – one hundred twenty-five dollars (\$125.00); and
- (4) Crematory fee – one hundred fifty dollars (\$150.00).

- c. Note that payment to meet burial or crematory costs in excess of these amounts may be authorized only when the designated DHS representative ascertains and documents the existence of special circumstances.

## 2. Additional Costs in Special Circumstances

- a. With the approval of the designated DHS representative, the following costs can also be met:
  - (1) Transportation: If a Funeral Director must transport a body from one community to another, beyond a radius of ten (10) miles, the mileage above and beyond the ten (10) miles is reimbursable at the following rate: Travel by road: two dollars (\$2.00) per mile – one way; Travel by train or air: the verified train or air fare.
  - (2) Special Expenses: Funeral and burial expenses in excess of the basic standard because of individual needs such as, but not limited to, a special sized casket and special sized outer container to accommodate the casket are taken into consideration when such need is documented by the undertaker and approved by the designated DHS representative.

## H. Payment of Funeral and Burial Expenses

1. The Department makes payment only to service providers and does not reimburse any other person for payment of funeral and burial expenses.
2. A bill presented for payment must be itemized.
3. GPA payment of the expenses may not exceed the appropriate cost standards and, after application of the total resources available to the

deceased, is limited to either the actual balance or the cost standard, whichever amount is less.

4. If payments for funeral and burial expenses are made by non-legally liable relatives or friends, the GPA payment in such cases may not, in combination with payments made by friends and/or non-legally liable relatives, exceed the two thousand five hundred dollar (\$2,500.00) maximum for funeral expenses, and may not exceed the separate maximum for burial and/or crematory fees as described in § 3.4 of this Part.
5. In determining the maximum payment for financial expenses, refer to § 3.4 of this Part for items that are independent of and not counted toward the maximum payment.
6. Determination of eligibility and authorization of payment for approved burial expenses are the responsibility of the DHS.
  - a. If the deceased was a recipient of assistance other than GPA, the DHS representative bases the determination of eligibility on the information contained in the eligibility system (see § 3.4 of this Part).

#### I. Recoupment of Funeral and Burial Expenses

1. If, subsequent to payment of funeral and burial expenses on behalf of a decedent by DHS through the GPA Program, resources are discovered, the Director or his/her designee shall determine if efforts will be made by the Department to recoup the cost of funeral and burial expenses from the resources of the decedent or legally liable relative, or, if applicable, recovery in accordance with R.I. Gen. Laws § 40-8-15 is to be made, DHS shall file necessary Petitions with probate Court.
2. Recoupment of expenses by DHS may be made by acceptance of cash, or any of its generally accepted equivalents, including checks money orders and credit/debit cards.

#### J. GPA Burial of Unclaimed Bodies

1. Payment of funeral and burial expenses by the department is not considered unless an application is filed on behalf of the deceased within thirty (30) days of the date of death, or if the Department is contacted by a person, entity, agency, or Funeral Director to request a public expense burial.
  - a. In such instances, the person having custody of the unclaimed body shall attempt, within the first twenty-four (24) hours after

death, to locate relatives or friends of the decedent who will assume responsibility.

- (1) If no such person is found within twenty-four (24) hours after death, the person having custody of the dead body shall notify the director of the Department of Human Services or his/her designee who shall arrange for the removal of the unclaimed body.
- (2) If a body is unclaimed at or before the expiration of thirty (30) hours, DHS shall make a reasonable effort to find relatives or friends of the decedent.
- (3) If no one is located, the Director or his/her designee shall have the authority to authorize a public expense burial in accordance with R.I. Gen. Laws Chapter 23-18.1.
- (4) For the purpose of these Rules, a public expense burial may be treated as a General Public Assistance (GPA) burial.
- (5) After a reasonable period of time, the Director or his/her designee shall have decision-making authority for the funeral and burial arrangements, appropriate to the faith of the deceased, when known.

b. If a non-legally liable relative or friend of a decedent comes forward, that contact shall be deemed a request for a general public assistance burial on behalf of the decedent.

- (1) This person is encouraged to make application for general public assistance burial on behalf of the decedent. The application shall be processed in accordance with § 3.8(E) of this Part.

c. An application made by a legally liable relative shall be processed in accordance with § 3.8(B) of this Part. DHS shall make every attempt to ascertain income and resources of the decedent in either case.

d. If there are relatives unwilling to authorize burial, or unwilling to pay for the decedent's burial, the GPA burial application shall be processed and the Director or his/her designee shall determine if recovery of the decedent's assets shall be made by DHS.

e. To the extent that the Department of Human Services makes payment of the burial expenses, it shall have the right to recover the burial expenses from the estate of the deceased person if there are resources.

- (1) If the Director or his/her designee determines recovery should be made to reimburse DHS for payment of burial expenses or for estate recovery in accordance with R.I. Gen. Laws § 40-8-15, then an affidavit shall be obtained from the relative(s) not willing to authorize burial, stating the names and addresses of all known relatives, and a statement attesting to the fact that they that particular relative(s) waives their rights to the decedent's estate, if any.

### **3.5 Appeal Rights**

- A. An applicant/recipient has a right to request a hearing within ten (10) days of the DHS's notice of action regarding an impending reduction, suspension, or discontinuance of assistance except for Hardship under § 3.3 above.
  1. If a request for a hearing is made within the ten (10) day advance notice period of the date of the notice and a written request for continuation of assistance is included in the request for hearing, no action for reduction, suspension, or discontinuance is taken until the hearing decision is reached except in the following instances:
    - a. When the reduction, suspension or discontinuance is caused by a change in State law that requires automatic grant adjustment for classes of recipients, a timely notice of such grant reduction can be issued by mass mailing, and the payment is not continued and no hearing need be granted.
      - (1) However, a hearing is granted and the payment is continued when the reason for the appeal is incorrect grant computation. The DHS supervisor will review the issue to determine this and will inform the recipient, in writing, of the action that will be taken.
    - b. When a second (2<sup>nd</sup>) change occurs while the hearing decision is pending, and the recipient does not request a hearing within the advance notice period on the second (2<sup>nd</sup>) issue, assistance is reduced, suspended or discontinued and the recipient must be promptly informed of this in writing.
    - c. At the end of the ten (10) day period, the action remains in force if the client has not responded and requested a hearing and submitted a written request for continuation of benefits. No hearing will be granted unless requested within ten (10) days of the date of the notice.
- B. Conditions under Which Assistance Continued

1. If the request for a fair hearing is made within the ten (10) day advance notice period and a written request for continuation of assistance is included in the request for hearing, no action for reduction, suspension, or discontinuance is taken until the fair hearing decision is rendered.
2. If the reduction, suspension, or discontinuance is caused by the application of a change in DHS policy which affects all recipients, a timely notice can be issued by mass mailing.
  - a. If the client requests a hearing regarding the change in policy itself, assistance is not continued.
  - b. However, when the request is based on improper determination of benefits in the individual situation, assistance is continued.

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**TITLE 218 - DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 20 - INDIVIDUAL AND FAMILY SUPPORT PROGRAMS**

**SUBCHAPTER 00 - N/A**

**PART 3 - GENERAL PUBLIC ASSISTANCE PROGRAM**

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