

2018 -- S 2598

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LC004968  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HUMAN SERVICES-PUBLIC ASSISTANCE

Introduced By: Senators Quezada, Calkin, Crowley, Metts, and Jabour

Date Introduced: March 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-6-3.1 of the General Laws in Chapter 40-6 entitled "Public  
2 Assistance Act" is hereby amended to read as follows:

3 **40-6-3.1. Eligibility for general public assistance.**

4 (a) The state, acting by and through the department, shall provide assistance (in the form  
5 specified in § 40-6-3.2) to residents of the state found by the department in accordance with this  
6 chapter and rules and regulations of the department to be eligible for general public assistance;  
7 provided further, that benefits under this program shall be provided only to residents who are  
8 citizens of the United States or aliens lawfully admitted for permanent residence or otherwise  
9 permanently residing in the United States under color of law, and benefits shall not be provided to  
10 illegal or undocumented aliens.

11 (b) Individuals eligible for GPA.

12 (1) General public assistance shall be provided to the following individuals and families  
13 provided all other eligibility requirements of this chapter are met:

14 (2) Individuals age eighteen (18) or older, provided that they do not have a dependent  
15 child who is living in his or her home, and provided that they are determined by the department in  
16 accordance with this chapter and departmental regulations to be suffering from an illness, injury,  
17 or medical condition as determined by physical examination by a licensed physician, that is  
18 reasonably expected to last for a period of at least thirty (30) days from the date the application  
19 for general public assistance is filed with the department, and which precludes the individual

1 from working. The illness, injury, or medical condition may be based on a primary diagnosis of  
2 alcoholism or substance abuse. The total physical or mental incapacity shall be verified by a  
3 medical practitioner and/or a qualified substance abuse counselor designated by the department,  
4 within forty-five (45) days of the date the individual is found by the department to be totally  
5 incapacitated. If total physical or mental incapacity cannot be reasonably verified then the  
6 individual shall not be eligible for general public assistance under this subsection.

7 (3) The department shall provide an application for medical assistance (Medicaid)  
8 benefits to each applicant for general public assistance and shall use a uniform medical form for  
9 both programs to secure information from the applicant's treating physician. A decision on the  
10 application for general public assistance shall be made within thirty (30) days of receipt of a  
11 completed application.

12 (4) Individuals found eligible on the basis of illness, injury, or medical condition under  
13 this subsection (b) shall be eligible for assistance only in the forms specified in § 40-6-3.2(a)(2)  
14 and (a)(3), and only for an initial period of up to six (6) months, renewable for a period of up to  
15 an additional six (6) months. In order to receive assistance for a period greater than twelve (12)  
16 months, individuals must reapply for general public assistance.

17 (c) Resources. Ownership of real or personal property shall disqualify individuals from  
18 receiving general public assistance; provided, however, that the following property or resources  
19 owned by such individuals shall be exempted:

20 (1) A home occupied by such individuals;

21 (2) One motor vehicle having an equity value not exceeding four thousand six hundred  
22 fifty dollars (\$4,650) or a vehicle necessary to transport a family member with a disability, where  
23 the vehicle is specially equipped to meet the specific needs of the person with a disability or if the  
24 vehicle is a special type of vehicle that makes it possible to transport the person with the  
25 disability;

26 (3) Cash or liquid assets not exceeding four hundred dollars (\$400);

27 (4) Such tools of the trade not to exceed an aggregate value of one thousand dollars  
28 (\$1,000) and household furnishings and effects as the director shall determine by regulation.

29 (d) (1) (i) Income. Income shall not disqualify an individual from receiving general  
30 public assistance provided that the income as defined and determined by the department is within  
31 the income limitations established by the regulations of the department. [For the purpose of](#)  
32 [determining income limitations, for any aid provided for in this chapter, including general public](#)  
33 [assistance, aid to families with dependent children \(AFDC\), and, where federal law allows, the](#)  
34 [supplemental nutrition assistance program \(SNAP\) and medical assistance \(RiteCare\), child](#)

1 support that is in arrears for thirty (30) days or more shall not be considered to be income. An  
2 applicant shall execute a sworn affidavit demonstrating said arrearage.

3 (ii) Pursuant to the purposes set forth in § 40-6-3 and notwithstanding the provisions of §  
4 40-6-3.3 [Repealed] individuals found ineligible for cash assistance under chapter 5.1 of this title  
5 due to provisions of the chapter regarding alien sponsors, the deeming of alien sponsor income or  
6 the deeming of stepparent income, shall not be eligible for general public assistance.

7 (2) Notwithstanding the provisions of § 40-6-3.3 [Repealed] the receipt of lump sum  
8 income shall disqualify an individual from receiving general public assistance.

9 (3) The department shall promulgate rules and regulations regarding the treatment of  
10 lump sum income.

11 (e) Postsecondary education. (1) An individual age eighteen (18) or older, attending a  
12 school, college, or university as a full-time student or attending a full-time program of vocational  
13 or technical training, all beyond the level of secondary education, shall not be eligible for general  
14 public assistance under this chapter, excepting however those individuals active as students with  
15 the department's vocational rehabilitation programs who have been certified as unemployable by  
16 the department.

17 (2) Notwithstanding the foregoing prohibition, an individual, age eighteen (18) or older,  
18 pursuing a course of study on a part-time basis beyond the level of secondary education, may be  
19 eligible for general public assistance, provided the student remains available for and is actively  
20 seeking employment, and provided that the individual meets all other eligibility requirements for  
21 general public assistance pursuant to this chapter.

22 (f) Cooperation in applying for SSI and medical assistance. All applicants and recipients  
23 of general public assistance shall, within thirty (30) days of application for general public  
24 assistance or notice from the department, be required to apply for and cooperate in the  
25 determination for benefits under the federal supplemental security income (SSI) program and/or  
26 medical assistance, as provided pursuant to title XIX of the Social Security Act, 42 U.S.C. § 1396  
27 et seq., provided the applicant or recipient is determined by the department to be potentially  
28 eligible for benefits.

29 (g) Report of income or resources by recipients. If, at any time during the receipt of  
30 general public assistance, the recipient thereof becomes possessed of income or resources in  
31 excess of the amount previously reported by him or her, it shall be his or her duty and a condition  
32 of eligibility to notify the department of this fact immediately on the receipt or possession of  
33 additional income or resources.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES-PUBLIC ASSISTANCE

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1           This act would provide that for the purpose of determining income limitations for  
2 receiving general public assistance, child support that is in arrears for thirty (30) days or more  
3 would not be considered to be income. An applicant would be required to execute a sworn  
4 affidavit demonstrating said arrearage.

5           This act would take effect upon passage.

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