

2012 -- S 2043

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HUMAN SERVICES -- ELIGIBILITY FOR GENERAL PUBLIC ASSISTANCE

Introduced By: Senators Tassoni, Cote, and Doyle

Date Introduced: January 11, 2012

Referred To: Senate Finance

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

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

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

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

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

21 (1) A home occupied by such individuals;

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

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

28 (4) Such tools of the trade not to exceed an aggregate value of one thousand dollars
29 (\$1,000) and household furnishings and effects as the director shall determine by regulation.

30 (d) (1) (i) Income. - Income shall not disqualify an individual from receiving general
31 public assistance provided that the income as defined and determined by the department is within
32 the income limitations established by the regulations of the department.

33 (ii) Pursuant to the purposes set forth in section 40-6-3 and notwithstanding the
34 provisions of section 40-6-3.3 [Repealed] individuals found ineligible for cash assistance under

1 chapter 5.1 of this title due to provisions of the chapter regarding alien sponsors, the deeming of
2 alien sponsor income or the deeming of stepparent income, shall not be eligible for general public
3 assistance.

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

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

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

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

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

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

31 (5) Notwithstanding any other provision of law, and subject to any federal law to the
32 contrary, no person older than two (2) years shall receive any general public assistance from or
33 through the state unless the person seeking general public assistance can establish that he or she
34 has been domiciled in Rhode Island for the immediately preceding twenty-four (24) months.

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 -- ELIGIBILITY FOR GENERAL PUBLIC
ASSISTANCE

1 This act would require that anyone seeking general public assistance in Rhode Island
2 establish that he or she has been domiciled in Rhode Island for the immediately preceding
3 twenty-four (24) months.

4 This act would take effect upon passage.

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