

2012 -- S 2795

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LC02175
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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 - PUBLIC ASSISTANCE ACT

Introduced By: Senators Moura, Cote, Shibley, Ottiano, and Pinga

Date Introduced: March 21, 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
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 section 40-6-
14 3.2(a)(2) and (a)(3), and only for an initial period of up to six (6) months, renewable for a period
15 of up to an additional six (6) months. In order to receive assistance for a period greater than
16 twelve (12) 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.

32 (ii) Pursuant to the purposes set forth in section 40-6-3 and notwithstanding the
33 provisions of section 40-6-3.3 [Repealed] individuals found ineligible for cash assistance under
34 chapter 5.1 of this title due to provisions of the chapter regarding alien sponsors, the deeming of

1 alien sponsor income or the deeming of stepparent income, shall not be eligible for general public
2 assistance.

3 (2) Notwithstanding the provisions of section 40-6-3.3 [Repealed] the receipt of lump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

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

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

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

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

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

30 (h) Limitations. Notwithstanding any other provisions of the general laws to the
31 contrary, the amount of general public assistance paid to a female recipient shall be capped or
32 limited at the amount said recipient is eligible for at her initial application for assistance. If the
33 same recipient has additional children after the benefit determination has been made, the amount
34 of general public assistance shall not be increased because of said additional children.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT

1 This act would limit the amount of public assistance paid to a female recipient at the
2 amount she is eligible to receive at the time she makes her initial application for general public
3 assistance.

4 This act would take effect upon passage.

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