

2025 -- S 0332

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Introduced By: Senators LaMountain, Britto, Tikoian, Burke, McKenney, Felag, Murray,
and Lawson

Date Introduced: February 21, 2025

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.**

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.(1) General public assistance shall be provided to the
12 following individuals and families provided all other eligibility requirements of this chapter are
13 met: Individuals age eighteen (18) or older, provided that they do not have a dependent child who
14 is living in his or her home, and provided that they are determined by the department, in accordance
15 with this chapter and departmental regulations, to be suffering from an illness, injury, or medical
16 condition as determined by physical examination by a licensed physician, that is reasonably
17 expected to last for a period of at least thirty (30) days from the date the application for general
18 public assistance is filed with the department and that precludes the individual from working. The
19 illness, injury, or medical condition may be based on a primary diagnosis of alcoholism or

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

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

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

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

19 (1) A home occupied by the individuals;

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

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

25 (4) Such tools of the trade not to exceed an aggregate value of one thousand dollars
26 (\$1,000) and household furnishings and effects as the director shall determine by regulation; and

27 (5) Individual retirement accounts.

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

31 (ii) Pursuant to the purposes set forth in § 40-6-3 and notwithstanding the provisions of §
32 40-6-3.3 [Repealed], individuals found ineligible for cash assistance under chapter 5.1 of this title
33 due to provisions of the chapter regarding alien sponsors, the deeming of alien sponsor income or
34 the deeming of stepparent income, shall not be eligible for general public assistance.

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

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

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

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

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

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

27 SECTION 2. Section 42-7.2-20.8 of the General Laws in Chapter 42-7.2 entitled "Office
28 of Health and Human Services" is hereby amended to read as follows:

29 **42-7.2-20.8. Creditors.**

30 Notwithstanding any provision of the general or public laws to the contrary, money in the
31 ABLE program shall be exempt from creditor process and shall not be liable to attachment,
32 garnishment, or other process, nor shall it be seized, taken, appropriated or applied by any legal or
33 equitable process or operation of law to pay any debt or liability or any contributor or beneficiary;
34 ~~provided, however, that the state of residency of the designated beneficiary of an ABLE account~~

1 ~~shall be a creditor of such account in the event of the death of the designated beneficiary.~~

2 SECTION 3. 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 exempt individual retirement accounts as a countable resource for public
2 assistance. This act would prohibit the state as a creditor against an ABLE account in the event of
3 death of a beneficiary.

4 This act would take effect upon passage.

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