

218-RICR-10-00-1

TITLE 218 – DEPARTMENT OF HUMAN SERVICES

CHAPTER 10 – GENERAL PROVISIONS

SUBCHAPTER 00 - N/A

PART 1 – General Provisions

1.1 Scope and Purpose of the Agency

The Rhode Island Department of Human Services (DHS), through federal/state programs established by the Social Security Act of 1935 (42 U.S.C. Chapter 7), as amended, the Vocational Rehabilitation Act of 1973 (29 U.S.C. § 701), as amended, and through state programs established by R.I. Gen. Laws Chapter 40-6, as amended, is the department authorized by law and designation to administer programs to Rhode Island residents who are in need and who meet the eligibility requirements of various financial, medical, social, and rehabilitation services.

1.2 Definitions

"Affordable Care Coverage" or "ACC" means affordable Medicaid coverage for low-income individuals who are otherwise ineligible for Medicaid and not eligible for or enrolled in Medicare.

"Agency" means the Department of Human Services (DHS), including any board, commission or officer of the department.

"Agency error" means that an individual or household unintentionally received increased or decreased benefits caused by incorrect actions (including delayed or no action) by the Department of Human Services staff or department processes.

"Child Care Assistance Program" or "CCAP" means a state agency program for low-income working families to access affordable, high-quality early care and afterschool programs.

"Department of Behavioral Healthcare, Development Disabilities and Hospitals" or "BHDDH" means the state agency that is responsible for planning, funding and overseeing a community system of services and supports for adults with behavioral health disabilities and/or developmental disabilities.

"Department of Children, Youth and Families" or "DCYF" means the state agency which is responsible for the safety, protection and well-being of children through a family and child-centered wrap-around model of care. DCYF partners with

families and communities to raise safe and healthy children and youth in a caring environment.

"Department of Human Services" or "DHS" means the state agency that provides a full continuum of services for families, adults, children, elders, individuals with disabilities and veterans.

"Division of Elderly Affairs" or "DEA" means the state agency that provides care and support for the state's elderly population and their families.

"Elders and Adults with Disabilities" "EAD" means the Medicaid IHCC group established by R.I. Gen. Laws Chapter 40-8.5 for adults with a SSI characteristic related to age (elders 65 years of age or older) or disability.

"Executive Office of Health and Human Services" or "EOHHS" means the state agency that is designated under the Medicaid State Plan as the Single State Agency responsible for the administration of the Title XIX Medicaid Program.

"Department of Health" or "DOH" means the state agency that addresses the social and environmental determinants of health, eliminates the disparities of health and promotes health equity. It also ensures access to quality health services for the citizens of Rhode Island.

"Federal data hub" means the database of the United States population built by the U.S. Internal Revenue Service (IRS) and Health and Human Services (HHS) used to facilitate determinations for coverage, including Medicaid, under the Affordable Care Act of 2010 (42 U.S.C. § 18001 et seq.).

"Fraud" means an applicant or recipient who knowingly provides false information or fails to disclose pertinent information affecting eligibility of benefits to the Department of Human Services (DHS) for purposes of procuring payment or services under any assistance program administered by the DHS.

"Fraud unit" means the Fraud Detection and Prevention Unit, Office of Internal Audits, and/or the Department of Administration.

"General Public Assistance Program" or "GPA" means a state program for adults age eighteen (18) and over who have very limited income and resources and have an illness or medical condition that keeps them from working. This program also applies to adults who apply for Supplemental Security Income (SSI) but are not yet determined eligible, and may receive GPA benefits while their disability determination review occurs.

"General Public Assistance - Hardship Program" means a type of cash assistance state program that must be requested by an individual who is pending SSI and GPA Bridge program. This program consists of a bi-monthly payment to the recipient which is reviewed on a monthly basis.

"HealthSource RI" or "HSRI" means the state-based health insurance marketplace (also referred to as a benefit exchange) established in conjunction with implementation of the federal Affordable Care Act (42 U.S.C. § 18001 *et seq.*).

"Household error" means an error or unintentional omission in the information submitted by the household that may have affected program benefits.

"Integrated Health Care Coverage Group" or "IHCC" means any Medicaid coverage group consisting of adults who are eligible upon receipt of Supplemental Security Income (SSI), SSI protected status, the SSI income methodology and a related characteristic (age or disability), or a result of participation in another federal or state program.

"Intentional program violations" means an individual or household that committed any act that constitutes a violation of the Supplemental Nutrition Assistance Program (SNAP), SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or EBT cards. This may also consist of having intentionally made a false or misleading statement, or misrepresented, concealed or withheld facts from the Department of Human Services.

"Katie Beckett" or "KB" means a Medicaid program to provide health insurance coverage to children under age 19 who are living at home but have complex health needs that typically require the care provided in a health facility.

"Long Term Social Services" or "LTSS" means program services to individuals that may need long term care. The Department of Human Services provides publicly funded long-term services and supports to meet the needs of individuals with chronic illnesses or disabilities.

"Medical Assistance Program" also known as "Medicaid" or "MA" means a federal and state funded program that pays for medical and health related services for eligible applicants/recipients.

"Medicare Premium Payment Program" or "MPPP" means the program that assists individuals over age 65 and individuals with disabilities pay all or some of the costs of Medicare Part A and Part B premiums, deductibles and co-payments.

"Office of Child Support Services" or "OCSS" means the state agency that provides services such as; establishing paternity of children, establishing court orders for financial and medical support, modifies, changes and enforces support orders.

"Office of Rehabilitation Services" or "ORS" means the state agency that provides a wide variety of services to individuals with disabilities.

"Office of Veterans Affairs" or "VA" means the state agency that provides social services and information of all programs and benefits to veterans and their dependents. It is also responsible for the administration of the Veteran's Home, the Rhode Island Veteran's Cemetery, grave registration program and the Historical Cemeteries Program.

"Overpayment" means the program benefits were received in excess of the eligible benefit amount.

"Provider error" means that an institution unintentionally received increased benefits caused by incorrect actions (including delayed or no action) by the Department of Human Services staff or department processes.

"RI Bridges" means Rhode Island's health and human services eligibility and enrollment system. It is also known as the Unified Health Infrastructure Project (UHIP).

"Rhode Island Works Program" or "RIW" means the agency program offers temporary cash assistance, child care assistance and assistance in finding employment or job training to needy families.

"Social Services" or "SS" means the federal and state program authorized under Title XX of the Social Security Act (42 U.S.C. 1397) to meet the social service needs of individuals and families who are receiving RIW or SSI and other individuals and families whose income is less than the established standard.

"Supplemental Nutrition Assistance Program" or "SNAP" means the state-administered federal program that helps individuals and families buy food.

"Supplemental Security Income" or "SSI" means a Federal income program designed to help aged, blind and disabled individuals who have little or no income and few resources. The program provides cash to meet basic needs for food, clothing and shelter.

"State Supplemental Payment Program" or "SSP" means a state program that augments SSI in the form of cash assistance.

1.3 Eligibility

- A. The Department of Human Services (DHS) matches various databases, including those provided through the Federal Data Hub to verify eligibility for, and the amount of, benefits due to a household or individual for Medicaid (MA), the Rhode Island Works Program (RIW), General Public Assistance (GPA), Child Care Assistance Program (CCAP) and the Supplemental Nutrition Assistance Program (SNAP) through the state's electronic eligibility system, known as RIBridges. The RIBridges system compares benefit information and other data with the DHS applicant or recipient by social security number (SSN) for purposes of identifying unreported information. The process of matching databases is

considered an interface; an interface match occurs when an applicant's or recipient's SSN exists in both databases.

B. The current interfaces utilized by the DHS are as follows:

1. New Hires Interface - provides information from the State Directory of New Hires about individuals who have been newly hired and their place of employment. Individuals' SSNs on the New Hire file are matched against the state's electronic eligibility system.
2. IRS Match Summary - provides information about unearned income, specifically, interest and dividend income. Information provided by the IRS interface includes the amount of interest and/or dividends received for each account for a specific tax year.
3. Unemployment Insurance (UI) Interface - matches applicants or recipients in the DHS assistance programs to the Unemployment Insurance active claimants through the Rhode Island Department of Labor and Training (DLT). The files are processed against the state's electronic eligibility system database to determine whether the correct UI amount is reflected in the case with a matched SSN of an applicant or recipient or case member in the DHS whose income and/or resources is used in eligibility determination.
4. Temporary Disability Insurance (TDI) Interface - matches applicants or recipients in the DHS assistance programs to the Unemployment Insurance active claimants through the Rhode Island Department of Labor and Training (DLT). The files are processed against the state's electronic eligibility system database to determine whether the correct TDI amount is reflected in the case with a matched SSN of an applicant or recipient or case member in the DHS whose income and/or resources is used in eligibility determination.
5. Prisoner Inquiry Interface - provides information about the Rhode Island Department of Corrections (DOC) and the Social Security Administration (SSA) concerning prison inmates. The DOC and the SSA send files to the DHS of individuals' SSNs whose incarceration has been reported for comparison of applicants and recipients of all the DHS assistance programs.
6. Beneficiary Data Exchange Interface (Bendex) - provides information from the Social Security Administration about an individual's Social Security and Medicare benefits.
7. Public Assistance Reporting Information System (PARIS) Inquiry - an interface that provides information about benefits active individuals may be receiving from other states.

8. DCYF Interface - provides information for transitioning cases between the Department of Human Services (DHS) and the Department of Children, Youth and Families (DCYF) for family members that are placed into Foster Care by the DCYF and for those family members who are returned to the household via reunification.
9. State Data Exchange (SDX) Individual Inquiry Interface - provides information of Supplemental Security Income (SSI) payments for an individual from the Social Security Administration.
10. 40 Quarters Information Interface - provides information for a Legal Permanent Resident (LPR) who can be credited with forty (40) qualifying quarters of work under the Social Security System (credits may be earned individually, in combination with a spouse and in some circumstances a parent), may be eligible for benefits without having to meet the five-year bar.
11. Electronic Disqualified Recipient System (EDRS) Inquiry - an interface that accesses the most up-to-date comprehensive data on disqualified applicants or recipients receiving Supplemental Nutrition Assistance Program (SNAP) benefits.
12. The Systematic Alien Verification for Entitlements Program (SAVE) interface - provides a fast, secure and efficient verification service for federal, state and local benefit-granting agencies to verify an applicant's immigration status or naturalization/derived citizenship. SAVE is administered by the Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security. The SAVE Program enables agencies to obtain immigration status information to determine a non-citizen applicant's eligibility for benefits.

1.4 Confidentiality Requirements

- A. The use and disclosure of information concerning applicants and recipients will be limited to purposes directly connected with the following:
 1. The administration of the program. Such purpose includes; establishing eligibility, determining the amount of assistance, and providing services for applicants and recipients.
 2. Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of the program.
 3. The administration of any other federal or state assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need. The disclosure to any committee or legislative body

(Federal, State or Local) of any information that identifies, by name and address, any applicant or recipient is prohibited.

4. All information, such as Federal Tax Information, shall remain confidential.

1.4.1 Types of Information to be Safeguarded

A. The types of information to be safeguarded include the following as well as any information which, at the discretion of the state agency Director, is deemed necessary for proper administration of the program:

1. Name and address of applicant or recipient;
2. Information related to the social and economic conditions or circumstances of an individual;
3. Agency evaluation of information about an individual;
4. Medical data, including diagnosis and history of disease or disability concerning an individual;
5. Any other material defined in law as confidential matter;
6. Internal memos of the agency.

B. General information, not identified with any particular individual, such as total expenditures made, numbers of recipients, and other statistical information and social data contained in general studies, reports or surveys would not fall within the class of material to be safeguarded. In the use of case material for research or training, it is necessary to effectively disguise the identity of the applicant or recipient, his/her family and/or his/her situation.

1.4.2 Maintaining Confidentiality

A. It is the applicant's or recipient's right and expectation that all information requested about him/her and his/her situation shall be respected and safeguarded by the state agency and all its personnel. The applicant or recipient is made aware of his/her right to confidentiality in the application process and in other contacts with the state agency.

B. The applicants' or recipient's right to privacy shall be protected during the interview. There shall be no conversation on the information to be safeguarded within or without state or local offices except as is necessary for purposes of administering the program. All paper records and electronic files shall be properly stored and shall only be available to the staff responsible for the administration and supervision of the program.

1.4.3 Release of Information

- A. The release or use of information concerning an applicant or recipient applying for or receiving assistance or services is restricted to other agencies whose representatives are subject to standards of confidentiality which are comparable to those of the state agency administering the assistance and service programs.
- B. DHS shall obtain permission from an applicant or recipient or their family, whenever possible, before responding to a request for information from an outside source, unless the information is to be used to verify program eligibility.
- C. In the event of the issuance of a subpoena for the case record or for any DHS representative to testify concerning an applicant or recipient, the request shall be transmitted to DHS legal department. The Court will be advised by a DHS attorney of these rules and regulations against disclosure of information. The same policy applies to requests for information from a governmental authority, the courts, a law enforcement official, or the media.
- D. DHS exchanges information with other entities to verify the income and eligibility of applicants and recipients. Information made available by DHS is only to the extent necessary to assist in the valid administrative needs of the program receiving the information.

1.4.4 Disclosure of Tax Data

- A. Section 26 U.S.C. § 7213(a) of the Internal Revenue Code prohibits disclosure of any return or return information. Violations of this statute shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than five (5) years, or both, together with the costs of prosecution.
- B. Section 26 U.S.C. § 7431 of the Internal Revenue Code provides that any person who knowingly, or due to negligence, discloses any return or return information with respect to a taxpayer, is subject to civil action for damages in a District Court of the United States.
- C. Section 26 U.S.C. § 6103(l) of the Internal Revenue Code does not allow for disclosure of tax data by the State except when such disclosure is for the purposes of, and to the extent necessary in, determining eligibility for, or the correct amount of benefits under an appropriate public assistance program. The taxpayer does not have the authority to authorize the Department of Human Services to disclose tax data in his/her file.

1.4.5 Access to Public Information

- A. DHS recognizes both the public's right to access public records and the individual's right to dignity and privacy. It is the DHS policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws Chapter 38-2. It is the policy of the DHS to ensure all public records under its jurisdiction are available for public inspection and reproduction consistent with

all applicable state and/or federal laws, unless otherwise prohibited by a court of competent jurisdiction.

- B. The Executive Office of Health and Human Services (EOHHS) has established regulations to set forth the specific rules to access public records maintained by the Department of Human Services. (Please refer to EOHHS "Access to Public Records" regulations 210-RICR-10-05-4).

1.4.6 Penalties and Sanctions

R.I. Gen. Laws § 40-6-12 states that any person violating any of the provisions of these rules and regulations shall be deemed guilty of a misdemeanor, and shall be fined not more than two hundred dollars (\$200) or shall be imprisoned for not more than six (6) months, or both. Other provisions of law cited herein may contain additional penalties and sanctions for violations of confidentiality and/or privacy.

1.5 Residency Requirements

The financial and Social Services Programs of the Department of Human Services (DHS) exist primarily to meet the needs of residents of the state. Therefore, as a factor of eligibility, an individual who is applying or reapplying for benefits or services from Rhode Island must be a resident of the state. Any person living in the state voluntarily with the intent of making the state his/her home, for whatever reason, is a resident of the state.

1.5.1 Verification of Residency

- A. At the time of initial application, self-attestation of Rhode Island residency is accepted and/or verified electronically and the intent to remain is accepted unless required for the evaluation of resources or income that has been earned by the applicant in another state. In addition, electronic data matches verified through information exchanges are conducted on a regular basis in conjunction with the post-eligibility verification process.
- B. Current acceptable forms of residency document verifications are, but not limited to, the following:
 - 1. Rent receipt;
 - 2. Lease agreement;
 - 3. Utility bills;
 - 4. Medical bills;
 - 5. Bank statements;

6. Payroll statement;
7. Mortgage statement;
8. Car registration;
9. City or town tax statement; and/or
10. School records.

1.5.2 Denial of Eligibility on Basis of Residence

- A. Eligibility based on residency may not be denied due to the following:
 1. A person has not lived in the state of a specified period;
 2. An individual in an institution, who satisfies the rules set forth in 210-RICR-40-05-1.9.3(A)(2), did not establish residence in the state before entering the institution;
 3. A person is temporarily absent from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined that the person is a resident there.
- B. Residence is retained until abandoned. Temporary absence from the state, with subsequent returns to the state, or intent to return when the purposes of the absence have been accomplished, does not interrupt the continuity of residence.

1.5.3 Absence of a Recipient

- A. A recipient who leaves Rhode Island with the intent to reside in another state is considered to have abandoned residence and is not eligible to continue to receive assistance from Rhode Island. He/She is advised of his/her right to apply for assistance in the state to which he/she is moving. Assistance is not continued beyond the final benefit distribution of the month in which he/she leaves.
- B. A recipient receiving a benefit who leaves Rhode Island and who has intent to return and maintains his/her residence here, is notified by receiving a notice that assistance will be discontinued for the next effective benefit distribution, unless he/she has notified DHS that he/she has returned to the state prior to that discontinuance. Any interim benefit distribution may be forwarded unless the recipient notifies the agency that he/she has been accepted in another state. However, any benefit distribution beyond the next effective benefit month cannot be forwarded.

1.5.4 Interstate-Agreements on Residency

There may be written agreements between states setting rules and procedures for resolving cases of disputed residence. However, there can be no criteria which would result in the loss of residence in both states and a procedure to provide Medicaid pending resolution of the dispute must be included.

1.6 Fraud Unit Referrals

- A. When a complaint of possible fraud is received which concerns a recipient of the Rhode Island Works Program (RIW) cash assistance, General Public Assistance (GPA), Child Care Assistance Program (CCAP), Supplemental Nutrition Assistance Program (SNAP), Medicaid Assistance (MA), or an allegation of fraud by a provider, the agency representative obtains all information regarding the complaint.
- B. An agency representative who notes a recipient or household exhibits an indication of questionable eligibility shall refer the case to the fraud detection unit.

1.6.1 Responsibilities of the Fraud Detection and Prevention Unit

- A. Under the direction of the Office of Internal Audits, the fraud unit shall analyze data to determine the risk of fraud.
- B. If a referral is regarding an allegation of medical provider fraud, the fraud unit shall refer such claim to the Program Integrity Division within the Office of Health and Human Services or the Office of the Attorney General.
- C. If a claim warrants further investigation, the case shall be reviewed in accordance with the investigative procedures established by the Office of Internal Audits.
- D. Upon completion of the investigation, the fraud unit shall determine whether an overpayment has occurred. If an overpayment is determined, such claim shall be classified as fraud, agency error or household error.
- E. If such claim is determined to be fraud, the fraud unit shall pursue administrative penalties set forth by the federal and state regulations. At its discretion the fraud unit may refer any case that is determined to be of a criminal nature to the Rhode Island State Police or the Office of the Attorney General.
- F. A recipient has the right to an administrative disqualification hearing. If such recipient waives the hearing and chooses to sign the waiver agreement, the waiver shall be returned to the fraud unit within ten (10) days.
- G. All overpayments shall be referred to the DHS's Collection, Claims and Recoveries Unit (CCRU) for collections.

1.7 Complaints and Appeals Process

- A. Expressions of dissatisfaction may arise in the administration of DHS programs. The agency provides a method for receiving:
1. Complaints from certain applicants/recipients or their designated representatives questioning the application of policy with respect to such applicants/recipients;
 2. Appeals by an applicant/recipient or his/her designated representatives concerning:
 - a. A decision or delay in a decision rendered by an agency representative;
 - b. How agency services have been delivered; and/or,
 - c. Some aspect of the financial, medical, social services, or food assistance programs.
 3. Requests for a hearing by an individual claimant or a group, relating to more general issues of agency policy and/or the adequacy of agency standards.
- B. The agency has interpreters available for individuals needing such services.

1.7.1 The Complaint Process

- A. Complaints received from an applicant/recipient or his/her designated representative, either in the field or at Central Office, are referred to the appropriate agency representative for review.
- B. If the complaint involves a question of eligibility or need, or relates to social services:
1. The complaint is referred to the appropriate agency representative;
 2. The agency representative has the responsibility to contact the individual to discuss with him/her the details of the complaint.
- C. When the issue cannot be resolved by the agency representative, the claimant is informed of his/her right to:
1. Discuss the issue with the agency representative;
 2. Have an adjustment conference;
 3. Request a hearing.

- D. If the complaint relates to Child Support Services:
 - 1. The complaint is referred by the agency representative to the appropriate child support agency representative.
 - 2. The child support agency representative contacts the individual to discuss the complaint.
- E. If further information/documentation is required concerning the situation from alternate sources, the claimant may obtain the necessary information or may request the agency representative to obtain this information.

1.8 Civil Rights Compliance

The Rhode Island Department of Human Services (DHS) is committed to the impartial and equitable treatment of all individuals in the administration of all its programs and in the provision of its services.

1.8.1 Nondiscrimination Notice

- A. The nondiscrimination notice, which is posted in all the DHS offices, reflects the state agency's recognition of its responsibility to ensure that services are rendered to residents of the State of Rhode Island in compliance with all applicable Federal and state laws. This notice is also available in tape-recorded format in English, Spanish, Portuguese, Cambodian, Laotian and Russian.
- B. In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Section 501 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), the Food Stamp Act, and the Age Discrimination Act of 1975, the U.S. Department of Health and Human Services implementing regulations (45 C.F.R. Parts 80 and 84), the U.S. Department of Education implementing regulations (34 C.F.R. Parts 104 and 106), and the U.S. Department of Agriculture, Food and Nutrition Services (7 C.F.R. § 272.6), the Rhode Island Department of Human Services (DHS), does not discriminate on the basis of race, color, national origin, disability, political beliefs, or sex in acceptance for or provision of services, employment or treatment, in its educational and other programs and activities. Under other provisions of applicable law, DHS does not discriminate on the basis of sexual orientation.
 - 1. For further information about these laws, regulations and the DHS' discrimination complaint procedures for resolution of complaints of discrimination, contact the DHS at R.I. Department of Human Services, 206 Elmwood Avenue, Providence, RI 02907, telephone number 401-415-8216 TDD 401-462-6239.

- C. The Community Relations Liaison Officer is the coordinator for implementation of Title VI; the Office of Rehabilitation Services (ORS) Administrator or his/her designee is the coordinator for implementation of Title IX, Section 504, and ADA. The Director of DHS or his/her designee has the overall responsibility for the DHS' civil rights compliance.
- D. Inquiries concerning the application of Title IX and 34 C.F.R. Part 106 to DHS may also be made directly to the Assistant Secretary for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202 or the Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921.
- E. The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department (Not all prohibited bases will apply to all programs and/or employment activities).
 - 1. For an individual requesting to file a complaint of discrimination, the individual shall complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form.
 - 2. An individual may also write a letter containing all the information requested in the form. The completed complaint form or letter should be mailed to the U.S. Department of Agriculture, S.W., Washington, D.C. 20250-9410, by fax (202)690-7442 or email at: program.intake@usda.gov. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800)877-8339, or (800)845-6136 (Spanish).

1.9 Access to Interpreter Services

- A. Persons with Limited English Proficiency
 - 1. Inability to speak English may impede communication and create a barrier to prompt determination of eligibility and the provision of agency services. The Department of Human Services displays interpretation policies in all its offices in English, Spanish, Portuguese, Cambodian, Laotian, and Russian.
 - 2. If an individual is applying for or receiving benefits and is not fluent in English, the individual does not have to bring their own interpreter to a Department of Human Services office. DHS shall schedule interpreters or

bilingual staff when necessary to communicate with the individual, unless, after being informed of his/her right to interpreter services, the individual expresses a clear preference to bring his/her own interpreter. DHS shall schedule an interpreter or bilingual staff member to help the individual read English language notices, letters, or other written information from DHS.

3. If the individual is having difficulties obtaining interpreter or bilingual staff services at a DHS office, the individual may contact the Limited English Proficiency (LEP) Coordinator at the R.I. Department of Human Services, 206 Elmwood Avenue, Providence, RI 02907, (401)415-8216.
4. Whenever it is determined by the state agency representative that an individual cannot make his/her needs known in English, the individual shall be afforded the assistance of an interpreter who can fluently and accurately communicate in the needed language.

B. Services for the Hearing Impaired

1. Inability to hear and/or communicate through the spoken word may impede communication and create a barrier to prompt determination of eligibility and the provision of agency services. Whenever it is determined by the state agency representative that an individual cannot make his/her needs known, the individual shall be afforded the assistance of a sign-language interpreter. Individuals providing their own interpreters will not be remunerated.
2. Relay Rhode Island Service relays conversations between people who use text telephones (TTY's) and people who use standard voice telephones. This service is available by calling (401)222-5300, or videophone (401)354-7630 or fax (401)222-5736.
3. Any unusual circumstances not addressed above should be referred to the state agency representative for alternate arrangements.

C. Services for the Blind or Visually Impaired

1. Inability to see or have a visual impairment may impede communication and create a barrier to prompt determination of eligibility and the provision of agency services. Whenever it is determined by the state agency representative that an individual cannot make his/her needs known, the individual shall be afforded assistance from the Office of Rehabilitation Services.
2. Rhode Island Services for the Blind and Visually Impaired provide individuals the opportunities and support that will enable individuals to become active, independent and self-sustaining members of the

community. This service is available by calling (401)222-2300, fax (401)222-1328.

1.10 Voter Registration

- A. The National Voter Registration Act of 1993 requires that applications to register to vote be provided at state agencies that determine public assistance benefits, including, but not limited to, the Rhode Island Works Program (RIW), Medicaid (MA), and the Supplemental Nutrition Assistance Program (SNAP) as well as state agencies providing services to persons with disabilities. These agencies must:
 - 1. Distribute voter registration forms or the Voter Information Sheet with each application, recertification or renewal of benefits, or change of address form,
 - 2. Aid assistance in completing forms; and
 - 3. Ensure that the completed forms reach the proper state election office for processing.
- C. These services are to be provided by every office where such programs are administered.
- D. Individuals to be registered are applicants/recipients meeting all the following criteria at application for benefits, at recertification, or if reporting a change of address. The individual must:
 - 1. Be eighteen (18) years old or over; and
 - 2. Meet the requirement of citizenship; and
 - 3. Be present in the office at the time of the interview or when a change of address is reported; and
 - 4. Not be registered to vote at her/his current address.
- E. Completion of the Voter Registration form is only an application to register to vote. The State Board of Elections makes the determination of approval or denial of the application and sends its own confirmation or denial notice to the applicant. (Please refer to the Board of Elections Voter Registration regulation, 410-RICR-20-00-19).

1.11 Severability

If any provision in any section of this rule of the application thereof to any person or circumstances is held invalid, its invalidity does not affect other provisions or applications of the rule which can be given effect without the invalid provision or

application, and to this end the provisions of this rule are declared to be severable.