

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

[REDACTED]

v.

DOCKET NO. 24-4460

HEALTHSOURCE RHODE ISLAND

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held on August 20, 2024.

[REDACTED] (“Appellant”) initiated this matter to appeal a Rhode Island’s Health Benefits Exchange, also known as Healthsource RI (“HSRI” or “Exchange”), decision to auto-enroll her into a Qualified Health Plan (“QHP”) giving her Advance Payment Tax Credits (“APTC”). The Appellant is seeking to have coverage from November through December cancelled and the mandate penalty waived. Based on the evidence presented, and as discussed in more detail below, the Appellant’s appeal is dismissed.

II. JURISDICTION

The Executive Office of Health and Human Services (“EOHHS”) is authorized and designated by R.I.G.L. § 42-7.2-6.1, EOHHS regulation 210-RICR-10-05-2, and HSRI regulation 220-RICR-90-00-1.14 to be the entity responsible for appeals and hearings related to

HSRI. The administrative hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35.1 et. Seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUES

The issues on appeal are whether the Appellant 1) filed her appeal timely and 2) was correctly auto enrolled into a QHP.

IV. PARTIES AND EXHIBITS

Ben Gagliardi, General Counsel for HSRI (“Attorney Gagliardi”), attended the telephonic hearing on behalf of HSRI and offered the following exhibits into evidence at hearing:

- HSRI Exhibit #1 – Benefit Decision Notice (“BDN”) dated September 28, 2023.
- HSRI Exhibit #2 – Enrollment Notice dated October 25, 2023
- HSRI Exhibit #3 – Plan Cancellation Notice dated January 5, 2024.

The Appellant attended the hearing and testified on her own behalf and provided the following exhibits into evidence at hearing:

- Appellant Exhibit #1 – Proof of Employer Insurance.
- Appellant Exhibit #2 – Telephone call logs.
- Appellant Exhibit #3 – Updated contact preference dated July 30, 2024.

V. RELEVANT LAW AND OR/POLICY

210-RICR-10-05-2.2.1(A)(1)(a) indicates that notices must include language regarding how long one has to file an appeal. 210-RICR-10-05-2.2.1(A)(9) specifies for both Healthsource

RI and Medicaid, appeals must be filed within thirty (30) days of the contested action. The thirty (30) days begins five (5) days after the mailing date of the intended agency action.

HSRI Policy Manual Chapter 13 section E indicates that customers should inform Healthsource RI if they move. Specifically, those enrolled in a QHP with or without financial assistance, must report the change within 30 days.

VI. FINDINGS OF FACT

1. On September 28, 2023, A BDN was sent to the Appellant to inform her that, effective September 28, 2023, there was a change to her eligibility for Health Coverage. Specifically, the BDN stated that her MAGI Medicaid was closed effective October 1, 2023, for failure to submit the required documentation. In addition, the BDN provided that her MAGI Medicaid application was denied because the family income exceeded the eligibility limit. Effective November 1, 2023, she was approved for QHP.

2. An Enrollment Notice dated October 25, 2023, informed the Appellant that her monthly bill for coverage was \$41.19; and informed her that she qualified for a tax credit of \$259.00 per month, which was reflected in the monthly bill amount. The notice further explained that if the Appellant did not need or does not want the coverage, she must opt-out no later than November 29, 2023. The notice clearly stated that failure to opt-out may result in tax liability or premiums owed to the carrier.

3. On January 5, 2024, HSRI issued a Cancellation of Coverage notice which stated that their records show that the Appellant signed up for a QHP through HSRI but did not pay her bill in time. Because she missed her first payment deadline, she no longer had coverage through HSRI.

4. The Appellant testified that she never received any notices informing her she was auto enrolled in a health plan and was unaware of any opt out options. She argues although she started receiving bills, she called several times to cancel as she had access to Employer Sponsored Insurance (“ESI”).

5. The Appellant conceded that HSRI did not have her correct address on file as of July 2023, because she had moved and did not update her address with them. When calling in she would give her old address to verify her account.

VII. DISCUSSION

For there to be a decision based on the merits, first, the appeal must be filed timely. Appeals must be filed within thirty (30) days of the contested action. The thirty (30) days begins five (5) days after the mailing date of the intended agency action. See 210-RICR-10-05-2.2.1(A)(9).

A BDN dated September 28, 2023, advised her of the approval for auto enrollment and provisional approval for APTC and cost sharing. An October 25, 2023, enrollment notice was subsequently provided confirming the auto enrollment, her premium amounts/responsibility, as well as her appeal rights and she did not appeal that notice either. Based on the regulations, the appeal should have been filed by November 29, 2023. See 201-RICR-10-05-2.2.1(A)(9).

Generally, an appeal that is not submitted timely is denied. In some cases, it is possible to show there was good cause to justify the late filing of the appeal.

The Appellant disputes at hearing not receiving the notices. However, she concedes that she did move in July 2023 and never updated her address with HSRI or DHS as she was required to do so under HSRI Policy Manual Chapter 13 section E. The Appellant further testified that

when she would call HSRI, she would verify her account using the old address which was the address of record. On July 30, 2024, she updated her contact preferences with HSRI to email. Given the appeal was filed on June 12, 2024, the appeal was filed approximately seven (7) months late. Accordingly, the EOHHS Administrative Appeals Office does not have jurisdiction to hear the merits of the appeal.

VIII. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative Hearing, it is clear that:

1. HSRI sent proper notification as to the Agency action taken and the Appellant's right to appeal.
2. The Appellant moved and did not update her address with HSRI or DHS.
3. The Appellant failed to appeal within the time frame required.

IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it was found, that a final order be entered that the Appellant's appeal was not submitted timely.

Therefore, this appeal is dismissed.

APPEAL DISMISSED

/s/ Vermont Richardson
EOHHS APPEALS OFFICER

NOTICE OF APPELLANT RIGHTS

This final order constitutes a final order of the Executive Office of Health and Human Services pursuant to R.I.G.L. § 42-35-12. Pursuant to R.I.G.L. § 42-35-15, a final order may be appealed to the Superior Court sitting in and for the county of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

This hearing decision constitutes a final order pursuant to R.I.G.L. § 42-35-12. An appellant may seek judicial review to the extent it is available by law. 45 C.F.R. § 155.520 grants appellants who disagree with the decision of a State Exchange appeals entity, the ability to appeal to the U.S. Department of Health and Human Services (HHS) appeals entity within thirty (30) days of the mailing date of this decision. The act of filing an appeal with HHS does not prevent or delay the enforcement of this final order.

You can file an appeal with HHS at <https://www.healthcare.gov/downloads/marketplace-appeal-request-form-a.pdf> or by calling 1.800.318.2596.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED]; copies were sent via email to [REDACTED] and to HSRI/Exchange Representatives

Ben Gagliardi, Mary Laurila, Vianchell Tiburcio and Lindsay Lang this 23rd day of

September, 2024.

Rileen A. Alb