

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES (EOHHS)**

██████████ (Appellant)

Docket No. 25-1803

v.

Healthsource RI (HSRI)

DECISION

I. INTRODUCTION

A pre-hearing conference was conducted on this matter on June 12, 2025, via Microsoft Teams, the Appellant declined the video option. The Appellant initiated this matter to the Executive Office of Health and Human Services (“EOHHS”) to dispute a billing, refund or credit issue with HSRI. For reasons discussed in this decision, the Appellant’s appeal is untimely and therefore the appeal is denied.

II. JURISDICTION

EOHHS is responsible for legal services including applying and interpreting the law, oversight of the rule making process, and administrative duties for all publicly funded health and human services programs. EOHHS has been authorized as the designated exchange appeals entity pursuant to the Rules and Regulations pertaining to HSRI. (220-RICR-90-00-1).

III. ISSUES

The preliminary issue before this Appeals Officer was whether 1) the appeal was filed timely in order to allow this hearing to go forward and rule on the merits, and if timely, 2) were the actions taken by HSRI in compliance with federal and state regulations.

IV. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, unless otherwise specified, a preponderance of the evidence is generally required to prevail. (2 Richard J. Pierce, Administrative Law Treaties § 10.7 (2002) & see Lyons v. Rhode Island Pub. Employees Council 94, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that for each element to be proven, the factfinder must believe that the facts asserted by the proponent are more probably true than false. When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. (Narragansett Electric Co. vs. Carbone, 898 A.2d 87 (R.I. 2006)).

V. PARTIES

Mary Laurila from HSRI and the Appellant were present.

VI. RELEVANT LAW/REGULATIONS

HSRI appeals must be filed within thirty-five days of the contested agency action. (210-RICR-10-05.2.2.1(A)(9)).

VII. FINDINGS OF FACTS

1. HSRI sent notices to the Appellant on February 12, 2024, February 13, 2024, October 1, 2024, and October 2, 2024.
2. These notices were regarding information of Health Coverage thru the Exchange.
3. The Appellant requested an appeal on April 17, 2025.
4. The Appellant’s appeal explanation was, “Dispute ticket [REDACTED], Void 1095-A form. I didn't know my son was automatically enrolled, I moved from the [REDACTED] in

Jun 2023, the new resident gave me all my mail monthly and I never received any communications from the enrollment or insurance cards. The first notification on the mail I ever got was October 2024 and that's when I found out my son had the benefit, I called immediately and was charged me \$3.84 to close the account, the IRS is charging 2K for that and I can't pay the sum."

VIII. DISCUSSION

For this tribunal to accept a hearing request, an appeal must be requested in a timely manner. This matter was scheduled by EOHHS, and a pre-hearing conference was conducted in which the issue under appeal and pertinent details of the HSRI's decision was discussed. HSRI clarified that there were four notices that were sent to the Appellant that informed of the agency actions when they occurred. Regulations are clear, in that an action must be contested within 35 days of a notice. The first two notices were sent in February of 2024, and the second two in October of 2024, therefore an appeal requested on April 17, 2025, is untimely according to regulations.

IX. CONCLUSION OF LAW

After the pre-hearing conference, it was determined that this appeal request was filed outside of the 35-day timeframe allowed to file an HSRI appeal.

X. DECISION

Based on regulation 210-RICR-10-05.2.2.1(A)(9), this appeal request is untimely.

On the preliminary matter, it is the final order of the Appeals Officer that this appeal is denied. The secondary matter of the actions taken by HSRI will not proceed to hearing to address the merits of the appeal.

/s/Holly Young | Appeals Officer | Executive Office of Health and Human Services

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order. Pursuant to RI General Laws §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 the enforcement of this order. The agency may grant, or the review court may order, a stay upon the appropriate terms.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED] and via email to [REDACTED]; copies were sent electronically to Mary Laurila, Ben Gagliardi, Esq., Vianchell Tiburcio, and Lindsay Lang.

On this 13th day of June, 2025.

