

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

[REDACTED]

V.

DOCKET No.

25-1838

HealthSource Rhode Island

**DECISION**

**INTRODUCTION**

The Appellant, [REDACTED], initiated this matter to appeal the Advance Premium Tax Credit (APTC) determination made by HealthSource RI (HSRI). A Microsoft Teams hearing in this matter occurred on May 28, 2025, at 1:00 PM. The Appellant did not elect the option of a video hearing. HSRI moved to have the appeal dismissed for timeliness during the hearing. For the reasons discussed in more details below, the Appellant's appeal is denied on grounds of it being filed untimely.

**JURISDICTION**

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by R.I.G.L. § 42-7.2-6.1, 210-RICR-10-05-2, and 220-RICR-90-00-1.14 to be the entity responsible for appeals and hearings related to HSRI and the Health Exchange. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (RIGL § 42-35-1 et. seq.).

## **ISSUE**

The issues are whether the Appellant's appeal was timely filed and, if so, was the determination of APTC done in compliance with federal and state regulations.

## **STANDARD OF PROOF**

It is well settled that in adjudications modeled on the Federal Administrative Procedures Act a preponderance of the evidence is required to prevail. 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. 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). 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).

## **PARTIES AND EXHIBITS**

HSRI Appeals Specialist Mary Laurila and the Appellant attended the hearing. The following exhibits were presented as evidence:

- The Benefits Decision Notice dated January 9, 2024.
- The Enrollment Notice dated January 12, 2024.
- Call history between HSRI and the Appellant.

## **RELEVANT LAW/REGULATIONS**

220-RICR-90-00-1.14 (C) requires HSRI appeals to be filed within thirty days of the agency action. An additional five days are given when the notice of the agency action is being mailed to account for the mailing time.

## **OBJECTIONS AND MOTIONS**

HSRI made a motion to have the matter dismissed for being an untimely filed appeal. Because the issue is decisive of this matter, it is discussed in the discussion section below.

## **FINDINGS OF FACT**

1. The Appellant had coverage under Rhode Island Medicaid during the SARS-COV-2 (i.e., COVID-19) pandemic public health emergency.
2. The Appellant then moved from Rhode Island to Michigan.
3. As part of the unwinding of the public health emergency, the Appellant was found no longer eligible for Medicaid. They were auto enrolled in a Qualified Health Plan.
4. Two notices were issued advising the Appellant of the auto enrollment. These were sent to their address of record with HSRI, which was the Appellant's former address in Rhode Island.
5. The Appellant was approved for Advance Premium Tax Credits and Cost Sharing Reduction. This resulted in the Appellant's premium being \$0.92 a month.
6. The Appellant received bills regarding these premiums being due. The Appellant called HSRI in 2024 and found that they were enrolled in a health plan in Rhode Island.
7. The Appellant filed an appeal on April 16, 2025, regarding being enrolled in a health plan during 2024.

## **DISCUSSION**

HSRI regulations requires that an appeal be filed within thirty days of the agency action, with an additional five days given to account for the mailing of the notice of the action, 220-RICR-90-00-1.14 (C). Notices were clearly sent out to the Appellant on January 9, 2024, and January 12, 2024. This would put the latest date to appeal on February 16, 2024. The appeal was clearly filed late with it being received by EOHHS on April 16, 2025. This results in the appeal being filed fourteen months after the deadline has passed to appeal the determination. The Appellant testified that they did not receive the Benefits

Decision Notice and the Enrollment Notice. However, they testified that they do not have any evidence to support that the notices were not sent to their address of record. As such there is insufficient evidence to support a claim of a failure to provide notice that would warrant accepting the untimely appeal.

### **CONCLUSION OF LAW**

After careful review of the testimony and evidence present at the administrative hearing, this tribunal concludes:

1. The appeal was filed untimely.
2. There is insufficient evidence that the Appellant was not provided notice to her address of record with HSRI to warrant accepting an untimely.

### **DECISION**

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support that the appeal was filed untimely. As such HSRI's motion is granted and the matter is dismissed as untimely.

### **APPEAL DISMISSED**

/s/ Shawn J. Masse

Shawn J. Masse

Appeals Officer

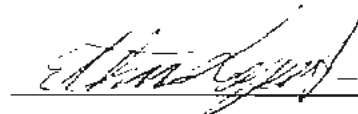
### **NOTICE OF APPELLATE RIGHTS**

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.

This final order constitutes a final order of the Department of 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.

### **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], Ben Gagliardi, Esq., Lindsay Lang, Mary Laurila, and Vianchell Tiburcio on this 29<sup>TH</sup> day of MAY, 2025.

  
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