

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

██████████ (Appellant)

Docket: 25-2693

v.

Department of Human Services (DHS)

**DECISION**

**I. INTRODUCTION**

A pre-hearing conference was conducted on this matter on July 7, 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 an issue with Medicaid benefits. For reasons discussed in this decision, the Appellant’s appeal is denied.

**II. JURISDICTION**

EOHHS is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for legal service functions, including appeals and hearings, law interpretation and related duties of itself and four agencies: one of which is DHS. Per the Rhode Island Code of Regulations (“RICR”) 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. (210-RICR-10-05-2.1.1(B)).

**III. ISSUES**

The preliminary issue was 1) does EOHHS have jurisdiction in this matter in order to allow this hearing to go forward and rule on the merits, and if so, 2) were the actions taken 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 AND EXHIBITS**

DHS Eligibility Technician III Jesus Martinez and the Appellant were present. The Administrative record contains the appeal request form, and correspondence sent from the Executive Hearing Office (“EHO”) to the Appellant.

#### **VI. RELEVANT LAW/REGULATIONS**

EOHHS was established in 2006 within the executive branch of state government and serves as the principal agency of the executive branch for the purposes of managing the Departments of Children, Youth, and Families; Health; Human Services; and Behavioral Healthcare, Developmental Disabilities, and Hospitals. The EOHHS is designated as the “single state agency,” authorized under Title XIX of the U.S. Social Security Act (42 U.S.C. § 1396a et. seq.) and, as such, is legally responsible for the program / fiscal management and administration of the Medicaid Program. (210-RICR-10-05-2.1.1(A)).

## **VII. FINDINGS OF FACTS**

1. The Appellant relocated to the State of Rhode Island in January of 2025, at the time Medicare premiums were being paid by another state.
2. The Appellant applied for Medicare Premium Payment Program (“MPP”) benefits on April 14, 2025.
3. MPP benefits were approved by DHS as of April 1, 2025.
4. The Appellant requested an appeal regarding Medicaid on May 15, 2025.
5. The appeal explanation was, “February 28, 2025, I became aware of my case and sent in MPP document on portal called repeatedly. I lost \$\$\$ in March and \$370 April and May, I was refunded \$370 still owed \$\$\$\$.”

## **VIII. DISCUSSION**

This appeal was scheduled based on the preliminary information reported on the appeal request form. At the pre-hearing conference it was discovered that the appeal is not regarding Medicaid benefits as initially indicated on the appeal request form. The Appellant is seeking reimbursement for Medicare premiums that were collected while the Appellant was in the process of relocating to Rhode Island. DHS does not collect Medicare premiums, nor is the Medicare program administered by DHS or any state agency that is managed by EOHHS. Therefore, this office does not have jurisdiction to hear this matter. Any inquiries or concerns regarding Medicare premiums can be directed to the Social Security Administration, which can be reached by phone at 1-800-772-1213.

**IX. CONCLUSION OF LAW**

After review of the Administrative record, the reason for this decision is that this office does not have jurisdiction in this matter as EOHHS does not administer the Medicare program, nor collect any Medicare fees.

**X. DECISION**

It has been determined that your appeal request has not been submitted in accordance with the applicable procedures and filing requirements or applicable federal and state laws, regulations and/or rules. (210-RICR-10-05-2.2.1(A)(7)).

It is ordered that this appeal is denied, as such there will not be a hearing to address the merits of the appeal.

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

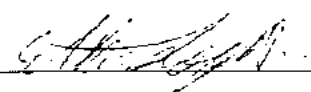
### **NOTICE OF APPELLATE RIGHTS**

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]

[REDACTED] and via email to [REDACTED]: copies were sent electronically to representatives of the DHS Policy Unit, the DHS Appeals Unit, Kirsten Cornford, and Jesus Martinez, on this 9<sup>TH</sup> day of JULY, 2025.

  
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