

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

[REDACTED]

V.

DOCKET No.

25-2954

HealthSource Rhode Island

DECISION

INTRODUCTION

The Appellant, [REDACTED], initiated this matter to appeal being auto enrolled in a health plan with Advance Premium Tax Credits by HealthSource RI (HSRI). A Microsoft Teams hearing in this matter occurred on September 15, 2025, at 11:00 AM. The Appellant did not elect the option of a video 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 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. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (RIGL § 42-35-1 et. seq.).

ISSUES

The issue is whether the motion made by HSRI to dismiss the matter for being filed untimely should be granted and if the motion is denied was HSRI's auto enrollment with Advance Premium Tax Credits of the Appellant 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

The Appellant and HSRI General Counsel Ben Gagliardi, esq. attended the hearing. The following exhibits were presented as evidence:

- Benefits Decision Notice dated March 1, 2024.
- Enrollment Notice dated March 4, 2024.
- Appellant's call history with HSRI.
- HSRI Invoices dated March 6, 2024, April 3, 2024, June 5, 2024, July 5, 2024, and August 5, 2024.
- Disenrollment Notice dated September 24, 2024.

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.

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. As part of the unwinding of the public health emergency, the Appellant was no longer eligible for Medicaid. They were auto enrolled in a health plan with Advance Premium Tax Credits.
3. A Benefits Decision Notice and an Enrollment Notice were issued advising the Appellant of the auto enrollment. These were sent to the Appellant's address of record. This is the same address the Appellant used for the appeal.
4. The Appellant received at least six bills related to the enrollment and payment of premiums.
5. In September 2024, the Appellant contacted HSRI and voluntarily disenrolled from the plan.
6. The Appellant was covered through an employer sponsored plan for all of 2024.
7. The Appellant filed an appeal on June 30, 2025.

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 March 1, 2024, and March 4, 2024. This would put the last day to appeal on April 8, 2024. The appeal was clearly filed late with it being received by EOHHS on June 30, 2025. This results in the appeal being filed fourteen months after the deadline has passed to appeal the determination.

Furthermore, the Appellant was sent at least six Invoices and a Disenrollment Notice. Even assuming that these notices could be appealed to retro disenroll from the plan, the last notice was sent out on September 24, 2024. This would make the last day to appeal October 29, 2024. The appeal, being received on June 30, 2025, was still untimely by at least eight months.

The Appellant testified that they did not receive most of the notices from HSRI. However, they did not present any evidence to support that the notices were not sent to their address of record. Furthermore, the address used by HSRI in sending the notices is still the Appellant's current address and the one used for the appeal correspondences. As such, there is insufficient evidence to support a claim of HSRI failing 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 appeal.

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 HSRI's motion to dismiss. As such, the 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

_____; copies were sent, via email, to _____

_____, Ben Gagliardi, Esq., Mary Laurila, Vianchell Tiburcio, and Lindsay

Lang on this 17TH day of SEPTEMBER, 2025.


