

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

Docket No. 25-4096

v.

Department of Human Services

**DECISION**

**I. INTRODUCTION**

The Appellant, [REDACTED] initiated this matter to the Executive Office of Health and Human Services ("EOHHS") to dispute a Medicaid decision made by the Department of Human Services ("DHS"). A pre-hearing conference was conducted on October 27, 2025, via Microsoft Teams, the Appellant declined the video option. For reasons discussed in this decision, the Appellant's appeal is untimely and therefore the 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 services including applying and interpreting the law, hearings and appeals, administrative adjudication duties and related functions of the state departments of children, youth and families, the department of health, the department of human services, and the department of behavioral healthcare, developmental disabilities and hospitals.

Administrative hearing procedures are conducted in accordance with the Administrative Procedures Act (R.I. Gen. Laws § 42-35.1.).

**III. ISSUES**

The issue to be decided is whether or not the appeal was filed according to applicable timelines to request a Medicaid appeal and should a hearing be allowed to proceed on the merits of the appeal.



#### **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**

DHS was represented by Supervisor LaurieAnne Oneil. The Appellant and the Appellant’s spouse [REDACTED] appeared; [REDACTED] spoke on the Appellant’s behalf. The administrative record contained the hearing request received by the Appellant, the June 8, 2025, benefits decision notice (“BDN”) and correspondence between the Executive Hearing Office (“EHO”) and the Appellant.

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

EOHHS has entered into a cooperative agreement that authorizes DHS to conduct certain eligibility functions. In accordance with the Code of Federal Regulations (“C.F.R.”) 42 C.F.R. §431.10(e)(3), DHS has agreed to carry out these functions in accordance with the Medicaid State Plan, the State’s Section 1115 demonstration waiver, and the rules promulgated by EOHHS. (210-RICR-10-00-1.4((B)).

DHS is responsible for notifying a Medicaid applicant, in writing, of an eligibility determination. If eligibility has been denied, the notice sets forth the reasons for the denial along with the applicable legal citations and the right to appeal and request a fair hearing. The Appeals Process and Procedures for EOHHS Agencies and Programs regulations describe in greater detail the appeal and hearing process. (210-RICR-10-00-1.4((C)).

The EHO reviews appeals received to ensure it has been submitted in accordance with the applicable timelines, procedures and filing requirements, laws, regulations. (210-RICR-10-05-2.2.1(A)(7)). Medicaid appeals must be filed within 30 days of the contested agency action. The 30 days begins five days after the mailing date of the notice of an intended agency action. (210-RICR-10-05-2.2.1(A)(9)).

## **VII. FINDINGS OF FACTS**

1. DHS sent notices to the Appellant on June 3, 2025, and June 18, 2025, that informed impending Medicaid termination.
2. The notices were mailed to [REDACTED].
3. On both notices the Appellant was informed that an appeal must be filed within 35 days and that if the deadline was missed the right to appeal may be lost.
4. The Appellant submitted an appeal request on September 5, 2025.
5. The EHO sent the Appellant a dismissal letter due to the filing of an untimely appeal on September 12, 2025. The letter informed that if they disagreed with the dismissal to respond within 15 days, by September 27, 2025.
6. The Appellant responded on September 29, 2025, and represented in their untimely appeal request that they never received any notification of these agency actions; therefore, the matter was rescheduled for the Appellant to present their timeliness argument.

7. At the pre-hearing conference [REDACTED] confirmed the address of [REDACTED]

### **VIII. DISCUSSION**

DHS stated the notices were sent to the Appellant at the address on file and the Appellant was informed in both notices of the right to appeal. DHS has reviewed the Medicaid decision in response to the appeal request and maintain the actions taken to Medicaid were made in accordance with regulations and the information available at the time the decision was made.

For EOHHS to have jurisdiction to conduct a hearing on a matter, an appeal request must be submitted according to timeliness guidelines. When an appeal is filed untimely, there may still be a hearing if there is sufficient evidence that the Appellant was not noticed of actions taken by the Agency or if the notice was improperly served and constitutes a violation of due process rights. In accordance with regulations the EHO reviewed the initial appeal request, determined it was submitted late and sent the Appellant an initial dismissal letter. The Appellant responded to the dismissal letter and claimed that they “never received notification”, therefore the matter was re-scheduled for the Appellant to present their timeliness argument.

At the pre-hearing conference [REDACTED] stated they receive several pieces of mail and do not open mail that does not appear important, so if the DHS notices looked like junk mail, they would not have opened them. The Appellant did not raise any ongoing issue with receiving mail, nor any other argument that would suggest they did not receive notice; other than their own choice not to open and respond to all their mail.

It was clear that DHS mailed notices to the Appellant, the notices were sent to the confirmed address, they informed of the agency actions and appeal rights were included. There is no dispute that the appeal was filed untimely, DHS sent the first notice on June 3, 2025, and

the second on June 18, 2025, therefore an appeal request would have had to be received no later than July 23, 2025, for it to be timely according to regulations. Looking to the 35-day due date itself, July 23, 2025, was a Wednesday, it was not a holiday and the EHO was open normal business hours, internal records reflect by close of business that day nothing had been received by the Appellant. The appeal request was received on September 5, 2025, 44 days past the deadline. As the Appellant failed to respond within the allotted timeframe and there are no circumstances present which show that notice was improperly served or a violation of due process rights, this appeal will not be allowed to proceed.

#### **IX. CONCLUSION OF LAW**

After review of the administrative record, I conclude:

In accordance with 210-RICR-10-00-1.4(C) DHS sent two regulatory notices to the Appellant, that informed of the Medicaid eligibility determination and appeal rights, including the timeline to file an appeal.

In accordance with 210-RICR-10-05.2.2.1(A)(9), the Appellant's appeal request was not submitted within the 35-day applicable timeline to request a Medicaid appeal.

#### **X. DECISION**

This appeal is untimely and is denied; as such, there will not be a hearing to address the merits of the appeal.

This order is final. If you are aggrieved by this order, please see the time sensitive attached notice of appellate rights.

*/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 by email to [REDACTED]; [REDACTED] and by email to [REDACTED]: copies were sent electronically to DHS representatives of the DHS Policy Office, the DHS Appeals Unit, Kirsten Comford and LaurieAnne Oneil.

On this 30<sup>th</sup> day of October, 2025.  
Rebecca A. [Signature]