

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

[REDACTED]

DOCKET No. 25-4181

v.

HEALTHSOURCE RHODE ISLAND

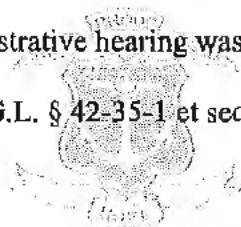
DECISION

I. INTRODUCTION

A hearing was held via Microsoft Teams on the above-entitled matter on October 14, 2025. The Appellant, [REDACTED], declined the option of a video hearing. The Appellant initiated this matter by filing an appeal on August 13, 2025, disputing a Qualified Health Plan (QHP) enrollment for January and February 2025. The Appellant states he requested enrollment in medical coverage for those months but was not enrolled by HealthSource Rhode Island (HSRI). He claims that, despite informing HSRI of his intention to enroll in a QHP for January and February 2025, HSRI only enrolled him in a dental plan. Testimony was heard regarding the timeliness of the appeal and the substantive matter under appeal. For the reasons discussed in more detail below, the Appellant's appeal is denied due to timeliness.

II. JURISDICTION

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



10-05-2.

III. ISSUE

The issue is whether the Appellant filed a timely appeal based on State and Federal regulations.

IV. STANDARD OF PROOF

It is well established that in both formal and informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of proof rest with the moving party, as outlined in Vol. 2, Kristin E. Hickman and Richard J. Pierce, Administrative Law Treatise §10.7(2002). Unless otherwise specified, a preponderance of the evidence is generally required to prevail, as seen in Lyons v. Rhode Island Pub. Employees Council 94, 559 A.2d 130, 134 (R.I. 1989). A preponderance standard is the “normal” standard in civil cases. 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

Appeals Specialist Mary Laurila attended the hearing on behalf of HSRI. Ms. Laurila testified regarding the Appellant's QHP eligibility and contacts between HSRI representatives and the Appellant. The record of hearing was held open until October 31, 2025, for HSRI to submit additional evidence and for the Appellant to respond to this additional evidence. HSRI presented the following exhibits as evidence at hearing.

- HSRI Exhibit #1 – a copy of the Benefit Decision Notice issued on January 18, 2025, for case number [REDACTED]
- HSRI Exhibit #2 – a copy of the Enrollment Notice for Delta Dental Value Plus Plan coverage for the Appellant issued on March 25, 2025, for case number [REDACTED]
- HSRI Exhibit #3 – a copy of the Enrollment Update Notice for Delta Dental Value Plus Plan issued on March 25, 2025, for case number [REDACTED]
- HSRI Exhibit #4 – a copy of the Enrollment Update Notice for Delta Dental Value Plus Plan issued on March 27, 2025, for case number [REDACTED]
- HSRI Exhibit #5 – a copy of the Disenrollment Notice issued on March 27, 2025, for case number [REDACTED]
- HSRI Exhibit #6 – a copy of the Disenrollment Notice issued on May 7, 2025, for case number [REDACTED]
- HSRI Exhibit #7 – 22 recorder phone calls between the Appellant and HSRI, with calls as follows.
 - One call on December 11, 2024.
 - Two calls on January 13, 2025, and one call each on January 18 and 24, 2025.
 - One call on February 13, 2025.
 - One call each on March 3, 4, 7, and 14, 2025.
 - Four calls on March 18, 2025. One call was a duplicate.
 - One call each on March 20 and 25, 2025.
 - One call each on April 4, 11, and 18, 2025.

- One call each on May 2, 9, and 19, 2025.

The Appellant attended the hearing but did not testify. The Appellant's authorized representative, [REDACTED], attended the hearing and testified on behalf of the Appellant. The Appellant submitted a timely response to the recorded HSRI phone calls received by October 29, 2025. The Appellant presented the following exhibit as evidence at hearing.

- The Appellant's response to the HSRI recorded phone calls.

VI. RELEVANT LAW/REGULATIONS

State regulation 220-RICR-90-00-1.14(C) states that HSRI appeals must be filed within 30 days of the contested agency action. The 30-day period begins five days after the mailing date of the notice of an agency action. Federal regulation, 45 C.F.R. § 155.520 (b)(2), states that the timeframe to file an appeal is no less than 30 days, measured from the date of the notice of eligibility determination.

VII. FINDINGS OF FACT

1. The Appellant filed an appeal on August 13, 2025.
2. Six notices were issued to the Appellant by HSRI. The first notice was issued on January 18, 2025. Two notices were issued on March 25, 2025, and two additional notices on March 27, 2025. The final notice was issued on May 7, 2025. These notices showed the following.
 - a. For 2024, both Delta Dental Value Plus and Neighborhood Health Plan of Rhode Island medical coverage ended on December 31, 2024.
 - b. The Delta Dental Value Plus plan was effective January 1, 2025, to December 31, 2025.

3. None of the notices issued to the Appellant showed enrollment for medical coverage for 2025.
4. All six of these notices were issued more than 35 days before the appeal was received on August 13, 2025.

VIII. DISCUSSION

The notice issued on May 7, 2025, stated that the Appellant's 2024 medical and dental coverage ended effective December 31, 2024. Thirty-five days after May 7, 2025, would be June 11, 2025. This means that an appeal should have been filed on or before June 11, 2025, to be considered timely. State regulation, 220-RICR-90-00-1.14(C), states that HSRI appeals must be filed within 30 days of the contested agency action. The 30-day period begins five days after the mailing date of the notice of agency action. The appeal was clearly not filed within the 35 days specified in the state regulations. Accordingly, this appeal was not timely filed and is dismissed.

IX. CONCLUSION OF LAW

After a careful review of the evidence and testimony at the administrative hearing, HSRI has presented sufficient evidence that:

1. According to 220-RICR-90-00-1.14(C) and 45 C.F.R. § 155.520 (b)(2), the Appellant clearly filed an appeal more than 35 days after the May 7, 2025, notice.
2. The appeal filed on August 13, 2025, is therefore untimely and dismissed.

X. DECISION

Based on the foregoing findings of fact, conclusion of law, evidence, and testimony, it is found that a final order is hereby entered that there is sufficient evidence to support that the appeal is untimely because the appeal filed by the Appellant was received more than 35 days after the final notice issued to the Appellant.

APPEAL DENIED

/s/ Robert Pelosi

EOHHS Appeals Officer

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order of the Executive Office of Health and Human Services pursuant to RI General Laws §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.

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 CFR 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.

CERTIFICATION

I hereby certify that I mailed a true copy of the foregoing to [REDACTED]
[REDACTED], and [REDACTED].
Copies were sent, via email, to [REDACTED] and to HSRI
Representatives Ben Gagliardi, Esq, Mary Laurila, and Vianchell Tiburcio on this 8th
day of November, 2025.

Jefie Luna