STATE OF RHODE ISLAND

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

ADMINISTRATIVE HEARING DECISION

[redacted] Docket: 26-1950

V.

HealthSource RI

I. INTRODUCTION

The Appellant, [redacted], filed an ELECTRONIC HEARING REQUEST on March 12, 2026, to appeal health coverage decisions made by HealthSource RI ("HSRI"), in appeal [redacted] account [redacted] An administrative hearing was conducted on June 30, 2026, in accordance with the Administrative Procedures Act R.I. Gen. Laws §42-35.1 and the Rhode Island Code of Regulations ("RICR") 210-RICR-10-05-2. The hearing was held, telephonically, as the Appellant did not select the option of a video hearing. For the reasons detailed below, the appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services ("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. (220-RICR-90-00-1).

III. ISSUES

The issues before this Appeals Officer are whether 1) the appeal was filed timely in order to rule on the merits, and if timely, 2) were the actions taken by HSRI 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. (Id.). 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

HSRI was represented by Appeals Specialist Mary Laurila, the Appellant appeared and testified on his own behalf. The following evidence was submitted into the administrative record: exhibit 1 HSRI Benefits Decision Notice ("BDN") issued on November 4, 2025, exhibit 2 HSRI Disenrollment Notice issued on December 31, 2025, and exhibit 3 HSRI call log.

VI. RELEVANT LAW/REGULATIONS

HSRI appeals must be filed within 30 days of the contested agency action. An additional five days are given when the notice is being mailed to account for the mailing time. (210-RICR-10-05-2.2.1(A)(9)).

VII. MOTION

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

VIII. FINDINGS OF FACTS

1. The BDN issued November 4, 2025, informed the Appellant that because it was not during the open enrollment period for 2025, they were unable to determine eligibility for this period, he was informed to contact HSRI with any questions.

2. The Disenrollment Notice issued December 31, 2025, informed that the notice was sent as a "formality" as each year HSRI is required to send a "December 31st termination notice to all customers" it informed to contact HSRI with any questions regarding enrollment.

3. Both notices were sent to the Appellant's confirmed address [redacted], [redacted] and included applicable appeal rights and timelines.

4. Per HSRI the Appellant did have contact with them several times in November of 2025 and on February 17, 2026, but they determined he has not demonstrated a life event that qualifies his household for a special enrollment period.

5. The Appellant disputes HSRI's decision and believes that his "exceptional circumstances" of managing a large family should qualify him for special enrollment.

XI. DISCUSSION

Regulations are clear, an action must be contested within 35 days of the notice. The first notice was sent on November 4, 2025, the second on December 31, 2025, therefore an appeal request would have had to be received no later than February 4, 2026, to meet timeliness requirements. The Appellant did not request an appeal until March 12, 2026, some 37 days after the deadline.

For this tribunal to decide a matter, an appeal request must be filed in a timely manner. If an appeal is filed untimely, it may still be decided on the merits. If the Appellant can show sufficient evidence that they were not noticed of actions taken by the Agency or if the notice was improperly served and constitutes a violation of due process rights, the matter may still go forward.

The Appellant testified he was not informed of HSRI's actions until he spoke to a representative on February 17, 2026. The evidence shows HSRI did issue two notices, as it is the responsibility of the Appellant to read his mail, had he done so he would have been informed of the appeal timelines, as they were included in both notices. The Appellant admitted he does not always read the mail due to his busy family life and requested to be exempted from the timeliness guidelines for this reason. The administrative record is void of any evidence that supports that HSRI did not notice the Appellant or that the notices were improperly served. Therefore, because the Appellant filed his appeal late and there are no circumstances present that violate due process rights, this tribunal does not have jurisdiction to grant the Appellant request for an exemption, as it is not supported by policy or regulation.

X. CONCLUSION OF LAW

After review of the administrative record, I conclude this appeal was not filed according to the timelines guidelines as set forth in 210-RICR-10-05-2.2.1(A)(9)).

XI. DECISION

Based on the foregoing finding of facts, 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.

HSRI's motion is granted and the matter is dismissed.

APPEAL DENIED

/s/Holly Young | Appeals Officer | Executive Hearing Office

NOTICE OF APPELLATE RIGHTS

This decision is a final order under R.I.G.L. § 42-35-12. Under R.I.G.L. § 42-35-15, this Order may be appealed to court within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a complaint in 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.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of eighteen (18) and/or appeals of a DCYF action may need to be filed in Providence Family Court. If you have any questions about which court a complaint for appeal should be made, you should seek the advice of an attorney, Rhode Island Legal Services, and/or the clerk of the court where you wish to file your appeal. The courts' contact information can be found on the judiciary's website (https://www.courts.ri.gov). Copies of the appeal must be served upon all parties in your case within ten (10) days of the filing of your appeal.

If you exercise any of these appellate rights, please inform the EOHHS appeals office of this so we can prepare a copy of the record for the court. You can contact the Appeals Office at OHHS.AppealsOffice@ohhs.ri.gov, 401.462.2132 (Phone), 401.462.0458 (Fax), or at 3 West Road, Virks Building, Cranston, RI 02908.

HEALTHSOURCE RI – FEDERAL REVIEW AVAILABLE

In addition to the Appellate Rights above, Healthsource RI matters can be appealed to the U.S. Department of Health and Human Services within thirty (30) days of the mailing of this decision by visiting https://www.healthcare.gov/downloads/marketplace-appeal-request-form-a.pdf or calling 1-800-318-2596. See 45 C.F.R. § 155.520.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [redacted] and via email to [redacted]; [redacted] and via email to [redacted]; copies were sent electronically to Agency representatives Mary Laurila, Gabriel Germain, Ben Gagliardi, Esq. and Lindsay Lang, on this 13th day of July, 2026.

Danae McKendall