

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

[REDACTED] Docket #: 26-2643

V. Case #: [REDACTED]

HealthSource Rhode Island Appeal #: [REDACTED]

DECISION

INTRODUCTION

The Appellant, [REDACTED], initiated this matter to appeal that they were enrolled in the wrong dental plan by HealthSource RI (HSRI). A Microsoft Teams hearing in this matter occurred on July 1, 2026, at 9:00 AM. The Appellant did not elect the option of a video hearing. For the reasons discussed in more detail below, the Appellant's appeal is dismissed for being filed untimely.

JURISDICTION

The Executive Office of Health and Human Services (EOHHS) 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 and the Health Exchange. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (R.I.G.L. § 42-35-1 et. seq.).

ISSUE

The issues are whether the Appellant's appeal was filed timely and, if so, was the Appellant enrolled in a different dental plan than the one they selected.

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

In attendance at the hearing were:

- The Appellant
- HSRI Appeals Specialist Mary Laurila

HSRI attempted to move several documents and a phone recording into the record of hearing. The Appellant claimed they did not get copies of these documents and objected to them being entered. Attempts to provide the documents at hearing were made. In addition, the Appellant was offered to have the record held open to allow them to receive, review, and respond to the evidence. This tribunal also offered to reschedule the matter, including switching to an in-person hearing, to allow the Appellant to review the evidence prior to and during the hearing. These remedies were rejected by the Appellant. As such the Appellant’s rights to review and confront the evidence could not be guaranteed and all exhibits were stricken from the record. The Appellant was advised that this would result in the decision being based on testimony alone and the credibility determination of the Appeals Officer.

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. Under 210-RICR-10-05-2.2.1 (A)(5), the date for timely filing of an appeal through the Appellant's electronic account is the date when the appeal appears in the account.

220-RICR-90-00-1.5 (D) requires enrollment into a plan to occur either during the open enrollment period or while the enrollee is entitled to a special enrollment period. These are defined under 220-RICR-90-00-1.6.

OBJECTIONS AND MOTIONS

Several objections and motions were made in this matter. The significant ones not discussed elsewhere in this decision are below.

A previous hearing was scheduled with a different Appeals Officer. However, the wrong agency was invited to that hearing. As such the matter was rescheduled. The Appellant filed a grievance regarding this failed session. The Appellant brings up the grievance at this hearing. However, grievances are not handled by the EOHHS Appeals Office and are outside the scope of this tribunal. As such, the grievance is not addressed in this decision.

The Appellant moved that the appeal be found in their favor based on the failure of HSRI to attend the first session. This was the session in which HSRI was not invited to. Because this tribunal lacks jurisdiction on this matter due to it being untimely, the motion is moot.

FINDINGS OF FACT

In November of 2025, the Appellant enrolled in a health plan with a January 1, 2026, coverage start date. By default, this plan includes dental coverage for any pediatric (child) members. Since, there are no children in the Appellant's case, this benefit could not be used. On January 12, 2026, the Appellant

enrolls in a dental plan. The Appellant asserts that they selected BlueCross/BlueShield Dental Direct Plus but was enrolled by HSRI in the BlueCross/BlueShield Dental Direct Standard plan. On February 16, 2026, the Appellant called HSRI about the dental plan. Since this was outside the open enrollment period, HSRI initiated a research request to see if the Appellant would qualify for a special enrollment period. HSRI determined that the Appellant did not qualify for a special enrollment period. The Appellant electronically filed their appeal on March 20, 2026. This was 67 days after the Appellant enrolled in the BlueCross/BlueShield Dental Direct plan.

DISCUSSION

HSRI regulations require that an appeal be filed within 30 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). Testimony from HSRI clearly establishes that the Appellant added the dental plan in question on January 12, 2026. The Appellant claims that this was not the only time they called HSRI about the dental plan. However, they failed to supply evidence or even specifics as to the later date of when the agency's action occurred. Given the specific details including the date provided by HSRI and the lack of specific details provided by the Appellant, this tribunal finds HSRI's testimony more credible. As such the agency action occurred on January 12, 2026, and the March 20, 2026, appeal is late. This tribunal finds that the appeal is filed out of time and therefore this tribunal lacks jurisdiction to hear the matter further.

CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the administrative hearing, this tribunal concludes:

1. The Appellant's appeal filed on March 20, 2026, is 67 days after the action by HSRI on January 12, 2026. This is double the period allowed to file an appeal. As such the Appellant's appeal is untimely.

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 the motion to dismiss the appeal for being filed untimely.

APPEAL DISMISSED

/s/ Shawn J. Masse

Shawn J. Masse

Appeals Officer

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

██; copies were sent, via email, to ██████████

██, Ben Gagliardi, Esq., Mary Laurila, Gabriel German, and Lindsay Lang on

this 18th day of July, 2020.

Marilyn E. Joades