STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES (EOHHS)

[redacted] Docket: 26-4113

v.

Department of Human Services

DECISION

I. INTRODUCTION

On January 9, 2026, the Department of Human Services ("DHS") issued [redacted] ("Appellant") a BENEFITS DECISION NOTICE ("BDN") that informed their Long-Term Services and Supports ("LTSS") application in RI Bridges case [redacted] was denied. In response, the Appellant submitted APPEAL REQUEST [redacted] to the Executive Hearing Office ("EHO") on April 8, 2026, to dispute DHS's decision.

A pre-hearing telephone conference was held on August 21, 2026, via Microsoft Teams, the Appellant declined the video option. For reasons discussed in this decision, the Appellant's appeal is denied because it is untimely.

II. JURISDICTION

EOHHS serves as the principal agency for managing the departments of children, youth and families; health; human services; behavioral healthcare; developmental disabilities and hospitals. EOHHS is responsible for legal services including applying and interpreting the law, hearings and appeals, administrative adjudication duties and related functions of said state agencies. (R.I. Gen. Laws §42-7.2).

III. ISSUES

The preliminary issue to be decided is whether the appeal was filed timely to allow this hearing to go forward and rule on the merits. If found timely, was the actions taken by DHS in compliance with applicable 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. 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 Eligibility Technician III Jennifer Ramos.

The Appellant, who did not appear, was represented by [redacted].

The administrative record contained the BDN, the Appellant's appeal request and correspondence between the EHO and the Appellant.

VI. RELEVANT LAW/REGULATIONS

Per the Rhode Island Code of Regulations ("RICR") it is the responsibility of the EHO to review appeal requests it receives; to determine that the request has been submitted in

accordance with applicable procedures, filing requirements and regulations. For appeal requests that are incomplete, the EHO is to notify the affected party. The notification includes why the request has not been accepted, the reason for determining the request is incomplete and if there is any cure for the defects, and if so the timeline in which the appellant may submit an amended request. (210-RICR-10-05.2.2.1(A)(8)).

As LTSS is a pathway to Medicaid, appeals must be filed within 30 days of the contested agency action. The 30 days begin 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. The BDN issued on January 9, 2026, informed the Appellant of intended adverse actions, appeals rights and the timeline to file an appeal.

2. It was issued to the Appellant's confirmed address of [redacted].

3. The Appellant requested an appeal on April 8, 2026.

4. [redacted] said the reason the appeal was filed late was because the Appellant was in a nursing home and was not receiving her mail.

VIII. DISCUSSION

The EHO is responsible for reviewing the appeals received to ensure they are submitted according to rules and regulations. If 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.

The Appellant was notified of actions taken by the Agency in the BDN. It was issued to the Appellant at the nursing home; there was no reason presented why she would not have access to her mail or that she was unable to file an appeal. The notice was proper and there was no violation of due process rights. There was no information presented that warrants the circumstances to allow for this untimely appeal to go forward to hearing.

Regulations are clear, in that an action must be contested within 35 days of the notice. The notice was sent on January 9, 2026; therefore, an appeal request would have had to be received by the EHO on or before February 13, 2026. The Appellant did not submit this request until April 1, 2026, 47 days after the deadline, making this appeal request untimely.

This decision serves as written notification that this appeal is incomplete and fails to meet timeliness requirements. As such, the appeal request cannot be accepted. After discussion with the parties, it has been determined there is no cure for the defects in the appeal request, nor can there be an extension in which the Appellant may submit an amended appeal. (210-RICR-10-05.2.2.1(A)(8)).

IX. CONCLUSION OF LAW

After reviewing the appeal request and the information presented at the pre-hearing conference, this decision is made because the appeal was filed outside of the 35-day timeframe allowed to file a Medicaid appeal as set forth in 210-RICR-10-05.2.2.1(A)(9).

X. DECISION

Based on the Administrative record, and the untimely appeal request, this appeal is denied, there will not be a hearing to address the merits of the appeal.

/s/Holly Young | Appeals Officer | Executive Office of Health and Human Services

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, 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.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [redacted] and via email at [redacted] and via email at [redacted]m; Copies were sent electronically to DHS representatives of the DHS Policy Office, Kirsten Cornford, Rebecca Cahoon, Rose Leandre, Jacqueline Neirinckx, Kimberly Martinous, Denise Hines, Michael Pangman, and Jennifer Ramos, on this 25th day of August, 2026.

Marilyn E. Jacobs