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

[redacted] Docket #: 26-4875

V. Case #: [redacted]

HealthSource Rhode Island Appeal #: [redacted]

DECISION

INTRODUCTION

The Appellant, [redacted], initiated this matter to appeal HealthSource RI's (HSRI) auto enrollment and awarding of Advance Premium Tax Credits (APTC) for one of their household members. A Microsoft Teams hearing in this matter occurred on August 27, 2026, at 1:00 PM. The Appellant did not elect the option of a video hearing. For the reasons discussed in more details below, the Appellant's appeal is dismissed.

JURISDICTION

The Executive Office of Health and Human Services 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. 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 issue is whether the auto enrollment and use of APTCs by HSRI was done in compliance with federal and state regulations.

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 General Counsel Julia Harvey, Esq.

The following exhibits were presented as evidence:

- Benefits Decision Notice dated March 19, 2024
- HSRI Invoices dated March 21, 2024, April 3, 2024, May 3, 2024, June 5, 2024, July 5, 2024, August 5, 2024, September 5, 2024, October 3, 2024, and November 6, 2024
- Enrollment Notice dated April 29, 2024
- Late Payment Notice dated September 5, 2024
- Intent to Terminate Coverage for Non-Payment notices dated October 3, 2024, and November 6, 2024
- Disenrollment Notice dated November 5, 2024

- Chat history from May 22, 2025
- Case notes dated June 27, 2025, & July 1, 2025

RELEVANT LAW/REGULATIONS

Appeals for HSRI actions must be filed within 35 days of the contested action, i.e., the date of the notice. 220-RICR-90-00-1.14 (C) & 210-RICR-10-05-2.2.1 (A)(9).

The Rhode Island Supreme Court in *Johnston Ambulatory Surgical Assoc., LTD v. Nolan*, 755 A.2d 799 (R.I. 2000) establishes the concept of administrative finality. In short, a second application for relief may not be granted by an agency absent a showing of a change in material circumstances since the previous application. This is to preserve the resources of an administrative agency from repetitive duplicative applications, limits arbitrary and capricious decision making while preserving the agency's ability to revisit earlier decisions when circumstances have changed, and supports judicial review of these decisions.

OBJECTIONS AND MOTIONS

HSRI moved for the appeal to be dismissed on grounds the appeal was filed untimely. As this is decisive on the issue, the issue is discussed in the main body of this decision.

FINDINGS OF FACT

In late 2023, the Appellant moved. They attempted to change their address with the United States Postal Service online and later went into the local post office to get it changed. Their address was also updated with HSRI on November 9, 2023. In March of 2024, a Household Member was determined to be over income for Medicaid and transitioned to a health plan with HSRI. This change was effective May 1, 2024. The Household Member was automatically enrolled in a plan pursuant to Rhode Island General Laws and had their first two months of premium, after APTCs, paid by the state. No payments by the household were made for the health insurance, and the Household Member was disenrolled for non-payment.

Throughout all this, the Appellant was sent several notices and invoices regarding the Household Member's insurance. This includes notes dated March 19, April 29, September 5, October 3, November 5, and November 6, 2024. Monthly invoices were sent starting with March 2024 and continuing through November 2024. All notices and invoices were address to the Appellant at their new address. This is the same address that the Appellant used on the appeal and confirmed was correct and current at hearing.

In 2025, the Appellant filed an appeal regarding this issue. That appeal was dismissed for the Appellant not showing up to the hearing. In 2026, the Appellant filed a second appeal at hand here. The Appellant confirmed that the appeal on hand was for the same issue that was appealed in 2025.

DISCUSSION

Timeliness

HSRI moved to have the appeal dismissed as being filed untimely. This appeal was filed on July 13, 2026. To determine if an appeal is timely, one needs to look at when the action being appealed occurred and how much time has passed. In this case, the action originally was taken on March 19, 2024, when the Household Member was transitioned from Medicaid to a private health insurance plan with HSRI. In addition, notices and invoices were sent through November 6, 2024. Using the last notice that was sent by HSRI of November 6, 2024, the Appellant would still have to file their appeal by December 11, 2024, to be within the 35-day time limit to file an appeal. However, the Appellant did not remotely file the appeal by that deadline and as such the appeal is untimely.

The Appellant argues that they never got the notices regarding the health coverage and that they had issues changing their address with the United States Postal Service. However, this argument does not appear to be creditable. HSRI has the Appellant's address being updated to the new, and still current, address on November 9, 2023. This was before any of the notices in this case were sent out. In addition, the Appellant was sent notices and invoices between March 2024 and November 2024 regarding this coverage. Even if there was a temporary issue with the Appellant's mail, the monthly invoices, late

payment notices, and disenrollment notices should raise questions with the Appellant triggering them to address this matter in a timelier fashion.

Administrative Finality

The Rhode Island Supreme Court has established the doctrine of administrative finality. This prevents a second application for relief, substantially like the first, being granted by the administrative agency absent a change in material circumstances. *Johnston Ambulatory Surgical Assoc., LTD v. Nolan*, 755 A.2d 799, 808 (RI 2000). Here the Petitioner previously sought an appeal with EOHHS. That appeal was dismissed for failure to attend the hearing. Now the Petitioner seeks to appeal the same issue that was previously dismissed. Such an appeal, absent a change in material circumstances, is not permitted under the doctrine of administrative finality. However, the Petitioner is in the same boat as they were with the previous appeal. The issue at hand is the Household Member's enrollment in a private health plan with HSRI and application of APTC for 2024. These circumstances would have not changed between 2025 and 2026, especially considering the previous appeal was dismissed and therefore no changes would be ordered to be made to the Household Member's coverage for 2024.

CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing:

1. The appeal was filed untimely and therefore is dismissed.
2. Administrative finality bars a second appeal for the same action. This appeal, being a second appeal on this issue, is therefore dismissed.

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 dismissal of the appeal.

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 [redacted], Mary Laurila, Lindsay Lang, and Julia Harvey, Esq. on this 31ST day of AUGUST, 2026.