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

[redacted]

v.

DOCKET No. 26-4881
CASE No. [redacted]

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A hearing was held on the above matter on September 9, 2026. The Appellant, [redacted] chose the option of a video hearing. The Appellant filed an appeal on July 18, 2026, to dispute her inability to remain enrolled in, or re-enroll in, a Medicaid-Medicare Plan (MMP) because of her Medicaid category. The Appellant asks the Hearing Officer to determine whether any alternative Medicaid eligibility pathways exist under which she may be eligible, so she can enroll in an MMP while remaining eligible for Medicaid. For the reasons discussed in more detail below, the Appellant's appeal is denied because there was no appealable Agency action and notice to appeal.

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 and 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to the Department of Human Services (DHS). The administrative hearing was held in accordance with the Administrative Procedures Act (R.I.G.L. § 42-35-1 et. seq.) and 210-RICR-10-05-2.

III. ISSUE

The Appellant failed to state an issue that can be decided by an administrative hearing, as no adverse Agency action is being appealed.

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) & *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

Eligibility Technician III Jesus Martinez represented DHS. DHS offered the following documents that were accepted and marked as evidence at hearing.

1. DHS Exhibit Evidence Packet – a 19-page document containing 7 exhibits.
    a) DHS Exhibit #1 – Electronic appeal dated July 18, 2026.
    b) DHS Exhibit #2 – Appeal Request Received notice dated June 22, 2026.
    c) DHS Exhibit #3 – Portions of 210-RICR-40-05-2.2 and a copy of the Appellant's Social Security award letter submitted along with her appeal.
    d) DHS Exhibit #4 – Appellant's income panel for Medicaid eligibility.

e) DHS Exhibit #5 – Rhode Island Medicaid Provider Portal – Medicaid eligibility verification screen for the Appellant.

f) DHS Exhibit #6 – 2026 Medicaid Federal Poverty Limits.

g) DHS Exhibit #7 – Excerpts from 210-RICR-40-05-1.

The Appellant attended the hearing and testified. The Appellant offered a 5-page document entitled "Appellant's Executive Summary and Evidentiary Statement" into evidence at hearing.

VI. RELEVANT LAW/REGULATIONS

According to 210-RICR-10-05-2.2.1 (A)(1), the Agency must issue a notice with a statement of the applicant's right to appeal and how to request a hearing related to any agency action related to eligibility; the process for determining eligibility; or a change in the scope, amount, or duration of assistance. Such notices must also state the nature of the agency's action, the legal basis for the action, and the date the action takes effect. Filing an appeal initiates the hearing process.

Under 210-RICR-40-05-1.6.3 (A), entitled "Eligibility for Elders and Adults with Disabilities (EAD)," the Medically Needy (MN) eligibility pathway is available for individuals who do not need Long Term Services and Supports (LTSS), such as the elderly and adults with disabilities. Under 210-RICR-40-05-2.1 (A)(1), EAD-eligible individuals with income above 100% of the Federal Poverty Limit (FPL) can use the MN spenddown as a cost-sharing approach that provides a Medicaid eligibility pathway for certain people with income above the limit if they have qualifying high health expenses. Applicants who do not meet the income limits for other Medicaid pathways are automatically evaluated for MN Medicaid coverage. 210-RICR-40-

05-2.2 (A)(1). MN eligibility is the last option for obtaining Medicaid eligibility. 210-RICR-40-00-2.8.2 (A)(1)(g).

There are several reasons why an individual may be disenrolled from MMPs under 210-RICR-40-10-1.7.6 (A).

VII. FINDINGS OF FACT

1. The Appellant previously filed a Medicaid appeal with EOHHS on June 22, 2026. The EOHHS Appeals Office already decided the matter on July 17, 2026, Docket #26-4018, and determined that (1) the Appellant and her 29-year-old dependent adult child are treated as separate households for Medicaid eligibility, and (2) if a person is considered eligible for a MN eligibility pathway due to income and meets the spend-down amount, their eligibility pathway would not change from MN to Categorically Needy (CN) at that point; it would remain MN.
2. On July 18, 2026, the Appellant filed another appeal requesting a category of Medicaid eligibility that would allow her to re-enroll in an MMP.
3. In the appeal filed on July 18, 2026, the Appellant stated and testified at hearing that she agrees with the EOHHS Appeals Office's decision dated July 17, 2026, which determined that she qualifies for MN Medicaid. She testified that she has not and will not appeal that decision.
4. The Appellant also testified that she keeps enrolling in an MCO's MMP and then gets disenrolled shortly after. However, the Appellant did not submit any disenrollment notice, denial notice, BDN, or state an agency decision that qualifies as an appealable agency action.

5. If the Appellant wishes to continue Medicaid health coverage, she must reapply for Medicaid every 6 months.
6. DHS took no new action on the Appellant's Medicaid, and a new BDN was not issued to the Appellant for Medicaid between the issuance of the EOHHS Decision on July 17, 2026, and the filing of this appeal on July 18, 2026.

VIII. DISCUSSION

The Appellant argues that after obtaining Medicaid coverage, she tries enrolling in an MMP but keeps getting disenrolled shortly after. The Appellant claims this keeps happening because of her Medicaid category. The Appellant did not provide any disenrollment notices or disenrollment dates she was appealing, so the exact reason for disenrollment is unclear. The record contains no evidence that the Appellant's Medicaid was terminated or denied after the issuance of the July 17, 2026, EOHHS decision. As stated in the July 17, 2026, decision, the Appellant remains eligible only for EAD MN Medicaid despite completing the spenddown.

The record contains no evidence that, since becoming eligible for EAD MN Medicaid, the Appellant was denied or disenrolled from an MMP due to the Appellant's Medicaid category or for any other reason. In the absence of an appealable Agency notice or an appealable Agency action about a specific denial or disenrollment from an MMP, an accurate hearing decision cannot be rendered on this Appeal.

IX. CONCLUSION OF LAW

After a careful review of the evidence and testimony at the administrative hearing, it is clear that:

1. As stated in the July 17, 2026, EOHHS Administrative Hearing Decision, DHS correctly determined the Appellant to be Medicaid eligible through the MN pathway.

2. According to 210-RICR-10-05-2.2.1 (A), the Agency must issue a notice upon which there needs to be an appealable agency action to file an appeal.
3. In the absence of a notice denying or disenrolling the Appellant from an MMP, there is no Agency Action and notice pertaining to this issue to appeal.

X. DECISION

Based on the foregoing findings of fact, conclusion of law, evidence, and testimony, it is found that a final order is entered that there is sufficient evidence to establish that an Administrative Hearing Decision has already been issued supporting DHS's decision that the Appellant is eligible for EAD Medicaid, through the MN pathway. Also, there is no notice or appealable Agency action pertaining to MMP eligibility or disenrollment for the Hearing Officer to render a decision on.

APPEAL DENIED - NO APPEALABLE AGENCY ACTION

XI. AGENCY ACTION

NO AGENCY ACTION REQUIRED

/s/ Robert Pelosi
EOHHS Appeals Officer

NOTICE OF DHS 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 the court within 30 days of the mailing of this decision. If you take this route, you must complete the appeal by filing a complaint in court. Filing the complaint does not

itself stay enforcement of this order. The agency may grant a stay, or the reviewing court may order one, upon the appropriate terms.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of 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, yon shonld seek the advice of an attorney, Rhode Island Legal Services, or the clerk of the court where you wish to file your appeal. You can find the courts' contact information on the judiciary's website (https://www.courts.ri.gov). Copies of the appeal must be served upon all parties in your case within 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 a true copy of the foregoing to [redacted], via regular mail, postage prepaid. Copies were sent via email to [redacted], to DHS Representatives Jesus Martinez, Laura Larrivee, Kirsten Cornford, the DHS Appeals Unit, and the DHS Policy Office on this 23RD day of OCTOBER, 2026.