

**Assistor Recertification Webinar Series
The American Rescue Plan Act of 2021 (ARP) and
Changes to New York State's Essential Plan – April 28, 2021
FAQs**

Advance Premium Tax Credit (APTC)

- 1. Do the changes to Advanced Premium Tax Credits (APTC) under the ARP impact eligibility for other health insurance available on the NY State of Health?**

No, eligibility for Medicaid, Child Health Plus and the Essential Plan have not changed.

- 2. Under the ARP, how long is the enhanced APTC available?**

The enhanced APTC is available in 2021 and 2022.

- 3. What is the definition of affordable employer-sponsored coverage? Has this changed under the ARP?**

Employer-sponsored health insurance is considered affordable if the annual premium for employee-only coverage is no greater than 9.83% of the employee's annual household income and if it provides minimum value coverage (the health plan pays at least 60% of the total cost of medical services for a standard population).

The ARP did not change the definition of affordable employer-sponsored coverage. Consumers who have access to affordable employer-sponsored health insurance are not eligible for APTC.

- 4. Have Qualified Health Plan (QHP) deductibles been reduced across metal levels due to the ARP?**

No, health plan cost-sharing, including copayments, coinsurance and deductibles across all QHPs remain the same.

Under the ARP, consumers may have become eligible for more APTC. Due to this additional premium savings, a consumer could choose to move to a higher metal level which may have a lower or no deductible. If consumers stay within the same insurer, they can switch plans and the insurer will be required to allow the consumer to carryover any amount they already paid toward their deductible to their new plan.

- 5. Are consumers enrolled in Catastrophic Plans eligible for APTCs?**

No, these rules remain the same. If a consumer is eligible for APTC and chooses to enroll in a Catastrophic Plan, they cannot use it to reduce their monthly premium costs. APTC is only available for consumers who choose to enroll in "Metal Level" (Platinum, Gold, Silver, Bronze) QHPs.

6. Is a Life Status Change (LSC) needed to help a consumer change their APTC amount?

No, the amount of APTC applied can be changed in the consumer's account without performing a LSC. Click [here](#) to watch a video that explains how to change the amount of premium tax credit applied to your account each month.

7. How does the Assistor apply the additional APTC for a consumer?

Here are the steps on how an Assistor applies the additional APTC for a consumer:

- a. Select the "Plans" tab from the Account Dashboard.
- b. Click the "Change APTC Amount" button under "Submitted Enrollment."
- c. On the "Plan Selection Introduction page," click "Next."
- d. On the "Plan Selection Dashboard," click the "Review Plan Selections" button.
- e. Change the amount of APTC applied, check the box at the bottom of the page, and click the "Confirm Plan Selections" button.
- f. Receive confirmation of the change.

Watch a quick instructional video demonstrating this process here:

<https://info.nystateofhealth.ny.gov/arpavideo>

8. If a consumer changes the amount of APTC they are applying towards their premium, when will this change take effect?

Individuals may change their selected APTC amount at any time. For consumers who are already enrolled, their new APTC amount will start the first of the next month. For new consumers, the APTC will start with their coverage effective date following the 15th of the month rules.

9. If consumers change their APTC on the last day of the month and they have already paid the next month's premium, will they be reimbursed by the plan for their overpayment?

Typically, issuers will provide a credit towards future months premiums. Some Issuers may also provide alternative options for reimbursement. The consumer should contact their Issuer directly if they have questions about their monthly invoice/premiums paid.

10. If consumers originally chose a bronze plan due to cost, can those consumers now change their enrollment into a silver plan after getting the additional APTC?

Yes, since open enrollment is still available in NY State of Health, the consumer can decide to switch plans at any time. If a consumer switches from a Bronze plan to a Silver plan with the same carrier, they would not have to start over in terms of spending towards their deductible and out-of-pocket limit.

NY State of Health is requiring all health insurers to let consumers who change plans within the same insurer to carryover amounts they have spent towards the 2021 deductible and maximum out-of-pocket limit from their old health plan.

11. If a consumer has gotten more APTC due to the ARP but their income has gone up, should the Assistor help them update their application before applying the new tax credits?

Yes, the amount of APTC someone receives depends on their income. If their income increases, the amount of the APTC may be reduced. If their income decreases, they may qualify for more APTC to lower monthly premiums or be eligible for a different program.

Please remember to advise consumers to report any changes to their income or other factors that might impact coverage such as where they live, within 30 days of the change.

12. What is the process for consumers to opt out of having their additional APTC applied towards their premium?

NY State of Health adjusted enrollees' APTC to reflect the new, higher amounts in mid-May. Consumers can make changes to the amount of APTC applied to their premium at any time by contacting the NY State of Health Call Center or their Assistor.

13. If consumers opt out of applying the additional APTC towards their premium, will they be able to claim it as Premium Tax Credit when they file their taxes?

Yes, assuming a consumer remains PTC eligible based on their actual income, they can claim the PTC when they file their taxes. They may also choose to split their tax credits by receiving some each month and some at tax time.

14. How can consumers get retroactive APTC back to January 1st?

APTC eligible consumers may claim retroactive PTCs when they file their taxes for tax year 2021. Retroactive PTCs back to January will be available for months when the consumer was both eligible and enrolled in a metal level QHP through NY State of Health.

15. When will the cost estimator tool be updated to include subsidies for households above 400% FPL?

On the weekend of June 5th, the Anonymous Plan Search was updated to reflect APTC eligibility changes for the above 400% of FPL population, but it will not show changes for the UIB population.

16. How can Assistors find the second lowest cost silver plan (SLCSP) in each county?

Assistors can search plans by county, plan type and metal level by visiting:
<https://nystateofhealth.ny.gov/individual?lang=en#formInstantQuotes>

17. Will there be more guidance by county for upper income thresholds, specifically above 400% FPL? At what FPL will people generally no longer be eligible for APTC due to their income being so high that their premium contribution is the same as or higher than the SLCSP?

This varies by income, household size and county of residence; however, tax credits typically phase out at just above 500% of FPL in some counties and even above 900% of FPL in others. NY State of Health encourages all New Yorkers to apply to see what they may be eligible for.

18. If a consumer is enrolled in a full-pay QHP and they are marked as not seeking financial assistance, will NY State of Health re-run their eligibility automatically?

No, NYSOH cannot automatically re-run eligibility for these consumers. These individuals will need to provide additional information so NY State of Health can determine their eligibility for APTC. Within the application, when a consumer selects “No” to the question, “Do you want help paying for health coverage,” the household will only be eligible for a Full-Pay QHP and will not be evaluated for APTC or other subsidized coverage. This is because NY State of Health does not have any income information for that account to make a determination.

These consumers will receive direct emails letting them know that they should consider updating their application to see if they might become eligible for additional subsidies.

We are urging these consumers to update their applications and mark “Yes” to this question about help paying for health coverage, as appropriate, to see if the additional availability of financial assistance may entice them to enroll.

19. Should Assistors help consumers who previously purchased a plan directly from the insurer so those consumers can take advantage of the new APTCs?

Consumers who are enrolled in coverage outside of NY State of Health can work with assistors to move to coverage through NY State of Health to access federal tax credits. Tax credits are only available for the months a consumer is enrolled in coverage through NY State of Health. Assistors should explain this to the consumers they work with.

20. If consumers become eligible for COBRA, can they enroll in COBRA through September 30, 2021, to receive the federal subsidies and then move to QHP with tax credits in October 2021?

Yes, under the ARP, consumers who are eligible for COBRA can receive 100% federal subsidy of their COBRA coverage through September 30, 2021. Consumers will be permitted to enroll in QHP coverage starting in October 2021 when the COBRA subsidy ends.

Coverage for Unemployed New Yorkers

21. When consumers are earning different types of unemployment, should the Assistor add them all together and include it under the Benefits screen?

Only certain types of Unemployment are considered household income in NY State of Health. Please see the resource “2021 ARP – Counting MAGI Income in NY State of Health ” posted [here](#), to help you determine when unemployment assistance must be added as household income.

Certain individuals should add Pandemic Unemployment as income to their NY State of Health application. Click [here](#) for full instructions on who reports this as income, and this should be included separately from the regular UIB benefits. Pandemic Unemployment would be added as “Additional Income”. The consumer can then choose “Other” from the dropdown and enter the type of Pandemic UIB that the consumer is receiving.

22. What does nearly free mean?

Under the ARP, consumers who have collected unemployment insurance for at least one week in 2021 will be able to receive the maximum amount of PTC assistance to help lower their monthly premium costs. This means the benchmark silver plan will be “nearly free.” This plan is “nearly free” – generally less than \$5 per month – because certain benefits are not eligible for PTC. For example, if you received unemployment insurance January 1 through January 7, 2021, and you apply for health insurance April 1, 2021, you qualify for the enhanced subsidy amount because you received unemployment insurance for at least one week in 2021.

23. If one spouse has received unemployment but the other has not, will both be eligible for a nearly free health plan under this new rule?

If neither spouse is offered affordable coverage through their employer, then both spouses would be eligible for this benefit, assuming they otherwise meet the criteria for APTC.

24. For those consumers eligible for the maximum tax credit due to receiving Unemployment Insurance benefits (UIB), is the eligibility retroactive to January 2021?

Consumers who have been enrolled in a Metal Level QHP through NY State of Health in any month(s) in 2021 from January through present and become eligible for the maximum tax credits due to receiving UIB in 2021 will be able to claim PTCs under this benefit at the end of the year when they reconcile for tax year 2021 using IRS form 8962.

25. What happens to individuals that were offered a severance package? Are those considered involuntary terminations and eligible for American Rescue Plan?

Individuals who lose their job and receive a severance package may be eligible for enhanced APTC under the ARP. As a reminder, Open Enrollment on NY State of Health has been extended so individuals do not need a qualifying event to enroll in coverage. The same rules in place today regarding income would apply regarding eligibility for APTC.

Changes to New York State’s Essential Plan (EP)

26. Are these changes to EP (eliminating the premium and including vision and dental at no cost) temporary or permanent?

The removal of the EP premium and the addition of dental and vision services at no cost to consumers were enacted in NY State law effective June 1, 2021. These changes are not attributed to COVID-19 or the ARP and are permanent.

27. Have all EP 1 and EP 2 co-pays been eliminated?

No, only co-pays for vision and dental benefits were eliminated. There are no changes to the co-pays and co-insurances for medical services under EP 1 and 2.

Please see page 2 of the [At-a-Glance card](#) which references some of these co-pays for EP 1 and 2 enrollees.

28. Is NY State of Health now requiring that all EP 1 and 2 plans provide dental and vision benefits?

Yes, starting in June 2021, any EP plan issuer that did not previously offer dental and vision services will begin covering these additional services at no additional cost to consumers.

29. How do I proceed with an EP 1 eligible consumer who is not enrolled? Do I need to re-run the consumer's application to see the \$0 premium?

If a consumer is eligible but not enrolled, their application does not need to be re-run unless their information needs to be updated from the last time they applied. They will remain eligible and can enroll in a plan at any time. Navigate them directly to the plans tab to help them enroll if they are not currently enrolled. Remember, EP 1 and 2 enrollment start dates are based on the 15th of the month rule.

30. Will Assistors receive a report of the consumers who might be able to benefit from the changes to the Essential Plan? Will Assistors receive reports for consumers who are enrolled in EP with SADPs?

Navigator agencies received these reports on May 12, 2021. For health plans, the reports were posted to the Issuer Portal on May 19, 2021. Other Assistor agencies began receiving reports on May 20, 2021.

31. Where can Assistors and consumers see the benefit package for vision and dental, which is now included with their EP plan?

The EP model language, which details the benefits available at every EP metal level can be found on our website, at <https://info.nystateofhealth.ny.gov/2021invitation>.

At the top of the website listed above, users may download the 2021 Essential Plan Model Subscriber Contract (also [available here](#)).

Users will be able to access sections 15 and 16 (XV and XVI) for information specific to the dental and vision package.

32. Starting 6/1/2021, what will be the differences between EP 1 and 2?

There are still some low co-pays which are different under EP 1 and EP 2. See page 2 of the [At-a-Glance](#) card for a listing of some common co-payment amounts. The EP Benefits and Cost Sharing has been updated to reflect the changes effective June 1, 2021, and can be found here: <https://info.nystateofhealth.ny.gov/sites/default/files/Attachment%20H%20-%20EP%20Benefits%20and%20Cost-Sharing%20effective%206-1-21.pdf>

33. Is there a provider list for the dental benefits on the Essential Plan?

Yes, members can refer to the NYS Provider Lookup tool, (<https://pndslookup.health.ny.gov/>) and as always, they should check with their insurer about provider availability.

34. Will Essential Plan 1 consumers be reimbursed for paying their \$20 premiums from January through now?

No, this change is effective June 1, 2021.

35. Will the Essential Plan dental coverage include orthodontics?

If the consumer has questions regarding orthodontia coverage under EP, refer them to their health plan for further information.

36. What happens if an EP enrollee chooses to keep their Stand-Alone Dental Plan (SADP)?

These consumers will be advised that starting June 1, 2021, because Essential Plan enrollees will automatically get dental coverage from their Essential Plan health insurer at no cost and with no deductible, coinsurance or copayments, enrollees may not want to continue their SADP. They will also be advised that it is their choice to keep or cancel their SADP through the end of 2021. If they elect to keep their SADP, they will need to continue to pay the monthly premium and any applicable out-of-pocket costs for services under the SADP.

A sample of the email will be posted, along with this FAQ document, here:
<https://info.nystateofhealth.ny.gov/springtraining2021>.

General Reminder:

Information provided to NY State of Health is only used for application and eligibility purposes. We do not report consumer's information to federal agencies.