



STATE OF NEW YORK
DEPARTMENT OF HEALTH
P.O. Box 11729
Albany, NY 12211

Notice of Decision

Decision Date: August 12, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000001535

[REDACTED]

Dear [REDACTED],

On February 26, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's December 29, 2014 termination notice.

The enclosed Decision, rendered after that hearing, is issued by the Appeals Unit of NY State of Health.

If you have questions about your Decision, you can contact us by:

- Calling the Customer Service Center at 1-855-355-5777
- Sending Mail to:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- Sending a Fax to 1-855-900-5557

When contacting NY State of Health about your appeal and/or the Decision, please refer to the Appeal Identification Number at the top of this notice.

Legal Authority

We are sending you this notice in accordance with Federal regulation 45 CFR § 155.545(b).

If you need this information in a language other than English or you need assistance reading this notice, we can help you. Call 1-855-355-5777 (TTY - English: 1-800-662-1220) (TTY - Spanish: 1-877-662-4886).

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Issue

The issue presented for review by the Appeals Unit of NY State of Health is:

Did the Marketplace properly determine that your health insurance coverage through the Marketplace was properly terminated effective December 31, 2014?

Procedural History

On November 5, 2014, you reapplied for health insurance through the Marketplace. The Marketplace prepared a preliminary eligibility determination stating that you and your spouse are eligible to receive up to \$251.00 of advance premium tax credits, effective December 1, 2015.

On that same day, you enrolled in Health Republic Insurance of New York's EssentialCare Platinum Plan.

On December 1, 2014, the Marketplace issued an eligibility determination notice stating that you and your spouse are eligible to receive up to \$251.00 of advance premium tax credits and not eligible for cost-sharing reductions and Medicaid because your household income is over the allowable income limit, effective December 1, 2014. The notice also states that you and your spouse qualify for a special enrollment period until December 30, 2014.

On December 29, 2014, the Marketplace issued a notice stating that your insurance with New York State of Health will be terminated, effective December 31, 2014, and will be automatically renewed in the same plan for January 1, 2015.

If you need this information in a language other than English or you need assistance reading this notice, we can help you. Call 1-855-355-5777 (TTY - English: 1-800-662-1220) (TTY - Spanish: 1-877-662-4886).

On January 21, 2015, you spoke to the Marketplace's Account Review Unit and requested an appeal insofar as the effective date that your qualified health plan was terminated.

On February 26, 2015, you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. The record was developed during the hearing and closed at the end of the hearing.

Findings of Fact

A review of the record supports the following findings of fact:

- 1) You are applying for health insurance coverage through the Marketplace on for yourself and your spouse (Testimony; 11/5/2014 Marketplace Account).
- 2) You testified that you had health insurance outside of the Marketplace until October 31, 2014.
- 3) You testified that with the assistance of a broker you applied for health insurance through the Marketplace on November 5, 2014. On that same day you enrolled in Health Republic Insurance of New York's EssentialCare Platinum Plan.
- 4) You testified that on November 26, 2014, you contacted the Marketplace Customer Service Unit and requested them to terminate your health coverage with Health Republic Insurance of New York's EssentialCare Platinum.
- 5) You testified that you received a billing statement from Health Republic Insurance of New York on December 17, 2014. The statement was for the December 2014 health insurance premium.
- 6) You testified that you received no coverage and made no medical claims in December 2014.
- 7) You testified that you are currently enrolled in a Health Republic Insurance of New York health insurance plan and have paid your monthly premium for January 2015, February 2015, and March 2015.
- 8) You testified that you did not want health insurance coverage for December 2014 and do not want to pay the December 2014 monthly premium.

Conflicting evidence, if any, was considered and found to be less credible than the evidence noted above.

Applicable Law and Regulations

QHP Effective date:

The Marketplace provides special enrollment periods, during which time qualified individuals may enroll in a qualified health plan (QHP) and enrollees may change QHPs (45 CFR §155.420(a)(1)).

The coverage effective date for a QHP that is selected by a qualified individual between the first and fifteenth day of any month during a special enrollment period is the first day of the month following the selection (45 CFR §155.420(b)(1)(i)).

QHP Termination Effective date:

The Marketplace must permit an enrollee to terminate his or her coverage with a qualified health plan, including when an enrollee obtains minimum essential coverage, with appropriate notice to the Marketplace or qualified health plan with appropriate notice to the Marketplace or qualified health plan (45 CFR §155.430(b)(1)).

For enrollee-initiated terminations, the last day of coverage is either:

- The termination date specified by the enrollee, if they provide notice at least 14 days before the requested termination becomes effective;
- Fourteen days after the enrollee requests the termination, if they do not provide 14 days' notice; or
- On a date on or after the date the enrollee requests the termination, subject to the determination of the enrollee's qualified health plan issuer, if the enrollee's qualified health plan issuer agrees to effectuate termination in fewer than 14 days, and the enrollee requests an earlier termination effective date

(45 CFR § 155.430(d)(2)(i)-(iii)).

Legal Analysis

The issue under review is whether the Marketplace properly determined that the end date of your insurance coverage through your qualified health plan (QHP) was properly terminated on December 31, 2014. An enrollee must be allowed to terminate their coverage with a qualified health plan if they provide appropriate notice to the Marketplace or to their health plan.

You applied for health insurance coverage through the Marketplace on November 5, 2014 with the assistance of a broker. On that same day, you enrolled in Health Republic Insurance of New York's EssentialCare Platinum Plan. You testified that you did not want health insurance coverage for December 2014 and do not want to pay the December 2014 monthly premium.

Since the date you enrolled in the qualified health plan falls between the first and fifteenth of the month, the Marketplace determined that the effective date of coverage is December 1, 2014.

You credibly testified that you contacted the Marketplace on November 26, 2014, and requested that your health coverage with Health Republic Insurance of New York be terminated.

The Marketplace must permit an enrollee to terminate their coverage with a QHP with appropriate notice to the Marketplace or QHP. However, the enrollee must provide reasonable notice before their enrollment in a QHP may be terminated. Reasonable notice is at least fourteen days before the requested effective date of termination.

On November 26, 2014, you requested that your QHP coverage be terminated December 1, 2014. The termination date must be at least fourteen days from when it was requested. Since you did not provide reasonable notice to the Marketplace or QHP, your coverage cannot be terminated on December 1, 2014. Health Republic Insurance of New York would have to agree to effectuate termination of your coverage if you wanted your coverage terminated earlier than 14 days.

Therefore, the Marketplace's December 29, 2014 termination notice is **AFFIRMED** to state that your insurance coverage with Essential Care Platinum Plan will terminate effective the last day of the month following your request which is December 31, 2014.

You may contact Health Republic Insurance of New York to see if they will agree to effectuate your disenrollment with an earlier date than you provided notice for.

Decision

The Marketplace's December 29, 2014 disenrollment notice is AFFIRMED.

Effective Date of this Decision: August 12, 2015

How this Decision Affects Your Eligibility

Your coverage with Health Republic Insurance of New York Essential Care Platinum Plan ended effective December 31, 2014. You may contact Health Republic Insurance of New York to see if they will agree to effectuate your disenrollment with an earlier date than you provided notice for.

If You Disagree with this Decision (Appeal Rights)

This Decision is final unless you submit an appeal request to U.S. Department of Health and Human Services or bring a lawsuit under New York Civil Practice Law and Rules, Article 78.

You may bring a lawsuit on any Appeals Unit decision in New York State court in accordance with Article 78 of the New York Civil Practice Law and Rules. This must be done within four months after the date of the Decision Date, which appears on the first page of this Decision.

Additionally, Appeals Unit decisions on issues involving eligibility for qualified health plans, advance premium tax credits, and cost-sharing reductions may be appealed to the U.S. Department of Health and Human Services. This must be done within 30 days of the date of the Decision Date, which appears on the first page of this Decision (45 CFR § 155.520(c))

If you wish to be represented by an attorney in bringing an outside appeal and do not know how to go about getting one, you may contact legal resources available to you. You may, for example, contact the local County Bar Association, Legal Aid, or Legal Services.

If You Have Questions about this Decision (Customer Service Resources):

You can contact us in any of the following ways:

- By calling the Customer Service Center at 1-855-355-5777
- By mail at:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The Marketplace's December 29, 2014 disenrollment notice is **AFFIRMED**.

Your coverage with Health Republic Insurance of New York Essential Care Platinum Plan ended effective December 31, 2014. You may contact Health Republic Insurance of New York to see if they will agree to effectuate your disenrollment with an earlier date than you provided notice for.

Legal Authority

We are sending you this notice in accordance with Federal regulation 45 CFR § 155.545(a).

A Copy of this Decision Has Been Provided To:

