



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

Notice of Decision

Decision Date: August 14, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000001692

[REDACTED]

Dear [REDACTED],

On March 5, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's backdating of your plan coverage to January 1, 2015.

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 Code of Federal Regulation (CFR) 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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Decision

Decision Date: August 14, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000001692

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Issue

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

Did the Marketplace properly grant your request to backdate your coverage, so that it became effective January 1, 2015?

Procedural History

The Marketplace received your application for health insurance on December 24, 2014.

On December 25, 2014, the Marketplace issued a notice of eligibility determination based on your December 24, 2014 application. It stated that you were eligible to enroll in a qualified health plan (QHP); eligible to receive and advance premium tax credit (APTC) of up to \$287.00 per month; and, if you selected a silver-level plan, eligible for cost-sharing reductions (CSR), effective February 1, 2015. This determination was based, in part, on an annual household income of \$22,880.00.

That same day, the Marketplace issued a notice of enrollment confirming your selection of your MVP plan at a premium rate of \$159.30. The notice also stated that if you paid your first month's premium, your coverage could begin as early as February 1, 2015.

On or about January 9, 2015, you contacted the Marketplace to request a plan start date of January 1, 2015.

On or about February 3, 2015, you were contacted by a Marketplace representative and told that your request for a January 1, 2015 start date had

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been approved. An updated notice of enrollment had been issued by the Marketplace on March 27, 2015 reflecting this change of plan start date to January 1, 2015.

On February 4, 2015, you spoke with the Marketplace's Account Review Unit to appeal the January 1, 2015 plan start date insofar as you were not informed of its approval until the month of January had passed.

On March 5, 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) On December 25, 2014, the Marketplace issued a notice of determination finding you eligible to enroll in a qualified health plan effective February 1, 2015
- 2) You testified that as a result of miscommunication during the sign-up process, you were determined eligible to sign-up for a plan no earlier than February 1, 2015.
- 3) You enrolled in an MVP health plan on December 24, 2014 for coverage beginning February 1, 2015.
- 4) You testified that you contacted the Marketplace on or about January 9, 2015 to request to backdate your plan coverage to January 1, 2015.
- 5) You testified that it wasn't until about February 3, 2015 that you were informed that your request to backdate your plan coverage to January 1, 2015 had been approved. You further testified that by the time you were informed that your request was approved, January had passed and the reason for requesting a plan start date of January 1, 2015 was no longer present or necessary.

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

Applicable Law and Regulations

Enrollment Periods

The Marketplace must provide an initial open enrollment period and annual open enrollment periods during which qualified individuals may enroll in a Qualified Health Plan (QHP) and enrollees may change QHPs (45 CFR § 155.410(a)).

The 2015 annual open enrollment period began November 15, 2014 and extended through February 15, 2015 (45 CFR § 155.410(e)).

For the benefit year beginning on January 1, 2015, the Marketplace must ensure coverage is effective on January 1, 2015 for QHP selections made on or before December 15, 2014 (45 CFR § 155.410(f)(1)). The New York State of Health extended the December 15, 2014 deadline to December 20, 2014, for coverage beginning January 1, 2015 (NY State Department of Health Press Release, December 12, 2014).

The Marketplace must ensure coverage is effective on February 1, 2015, for QHP selections received by the Marketplace from December 21, 2014 through January 15, 2015. (45 CFR §155.410(f)(1)(ii)).

Legal Analysis

The issue under review is whether the Marketplace properly granted your request to backdate your coverage, so that it became effective January 1, 2015.

You testified that you called the Marketplace around December 24, 2014 to enroll in health insurance for 2015. You further testified that there was a miscommunication with the Marketplace during your sign-up process and the February 1, 2015 effective date you were awarded caused a one-month gap in coverage.

For the 2015 plan year, an enrollee in a qualified health plan (QHP) in the Marketplace between the beginning of open enrollment and December 20, 2014 is guaranteed a coverage effective date of January 1, 2015. An enrollee who selected a plan between December 21, 2014 and January 15, 2015, is guaranteed a coverage effective date of February 1, 2015.

Since you enrolled in a qualified health plan on December 24, 2014, the Marketplace properly determined that the effective date for your 2015 coverage was February 1, 2015.

However, you testified that on or about January 9, 2015, you called the Marketplace to request a coverage start date of January 1, 2015. At your

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request, the Marketplace awarded a coverage start date of January 1, 2015. The record reflects that on or about February 3, 2015, you were contacted by a Marketplace representative and were told that your request for a January 1, 2015 coverage start date had been approved.

You testified that since you were not informed of this approval until after January 2015 had elapsed, and you had not incurred any medical expenses during the month of January 2015, you wanted to reverse the backdating of your plan coverage to have it begin on February 1, 2015.

While the record reflects that you were not informed of your backdate request until February 3, 2015, the Marketplace could not know nor predict whether you would have incurred any medical expenses during the month of January 2015 in making its decision to backdate you plan coverage to January 1, 2015.

Since the Marketplace's backdating of your plan coverage start date to January 1, 2015 was made in good faith, and the subject matter is not an appealable issue, it is AFFIRMED.

Decision

The Marketplace's backdating of your MVP plan coverage start date to January 1, 2015, as reflected in the March 27, 2015 notice of enrollment, is AFFIRMED.

Effective Date of this Decision: August 14, 2015

How this Decision Affects Your Eligibility

Coverage under your 2015 qualified health plan began on January 1, 2015.

You continue to be responsible for any premium amounts due in connection with your coverage during the month of January 2015.

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

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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 backdating of your MVP plan coverage start date to January 1, 2015, as reflected in the March 27, 2015 notice of enrollment, is **AFFIRMED**.

Coverage under your 2015 qualified health plan began on January 1, 2015.

You continue to be responsible for any premium amounts due in connection with your coverage during the month of January 2015.

Legal Authority

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

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A Copy of this Decision Has Been Provided To:

