



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

Notice of Decision

Decision Date: July 28, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000002194

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED],

On May 5, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's December 30, 2014 eligibility determination and January 21, 2015 override of your coverage start date.

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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Issues

The issues presented for review by the Appeals Unit of NY State of Health are:

Did the Marketplace properly determine that the effective date for your 2015 enrollment in a qualified health plan was February 1, 2015?

Did the Marketplace properly change the effective date for your 2015 enrollment in a qualified health plan to January 1, 2015?

Procedural History

On November 7, 2014, the Marketplace issued a renewal notice that said you needed to update your information on your Marketplace account by December 15, 2014 because, based on the information from federal and state sources, it could not make a decision about whether or not you qualify for financial help paying for your health coverage.

On December 22, 2014, the Marketplace issued a notice of eligibility redetermination that you were eligible to purchase a qualified health plan at full cost through NY State of Health effective January 1, 2015.

On December 29, 2014, you updated your Marketplace application and submitted proof of income.

On December 30, 2014, the Marketplace issued a notice of eligibility redetermination that you were eligible to receive up to \$195.00 per month of advance premium tax

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credits (APTC) and, if you select a silver-level qualified health plan (QHP), for cost-sharing reductions effective February 1, 2015.

That same day, the Marketplace issued a letter confirming that you had selected Healthfirst Silver Leaf Premier NS INN Family Dental Dep25 Family Vision (Healthfirst Silver plan) with a premium responsibility of \$205.37 per month after your APTC of \$195.00 per month was applied. That letter also stated that health insurance coverage will begin after you have paid your first month's premium and could start as early as February 1, 2015.

On January 21, 2015, the Marketplace changed your effective date of coverage to January 1, 2015.

On March 25, 2015, you spoke with a representative from the Marketplace's Account Review Unit and appealed the start date of January 1, 2015 insofar as you understood your coverage would begin on February 1, 2015.

On May 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 held open for up to fifteen days for you to submit a copy of the January 2015 premium statement you received from your Healthfirst Silver plan.

On May 12, 2015, the Marketplace's Appeals Unit received a two page fax from you. It consisted of (1) A copy of the March 31, 2015 invoice from Healthfirst showing a past due balance of \$410.74; and (2) A second page with a distorted emblem on it. This two page fax was made part of the record as "Appellant's Exhibit B."

This being the only document you directed to provide, the record was closed that same day.

Findings of Fact

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

- 1) You testified that you are the only person in your household who had applied for health insurance through the Marketplace.
- 2) You testified that when you were determined eligible as of February 1, 2015, you contacted your Healthfirst Silver plan and the Marketplace on several occasions to see if coverage could be made effective January 1, 2015 because you had surgery in December 2014 and required rehabilitation therapy.
- 3) You further testified that, on every occasion you spoke with representatives from Healthfirst and the Marketplace, you were told there was "no way" your coverage

start date could be backdated to January 1, 2015 and “no change” would be made.

- 4) You testified that you accepted that you would not have health insurance coverage for January 2015 and did not go to rehabilitation therapy during January 2015.
- 5) You testified that you received a January 2015 premium statement from your Healthfirst Silver plan, which was the first you heard of being covered for that month.
- 6) You testified that when you inquired about being billed for January 2015, you were told that you had to file an appeal because only the Marketplace could fix your start date on its computer system.
- 7) According to your Marketplace account, no notice was issued to indicate your coverage had been backdated to January 1, 2015.
- 8) You testified that you paid your premium responsibility for the months of February, March, and April 2015, and about two weeks before the hearing you received insurance identification cards from Healthfirst.
- 9) You testified that you were seen by your doctor in January 2015 and paid for that visit.

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

Applicable Law and Regulations

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 January 1, 2015, QHP coverage takes effect on January 1, 2015 for plans selected in the Marketplace on or before December 20, 2014 (45 CFR §155.410(f)(1); NY State of Health Extends December 15 Enrollment Deadline, <http://info.nystateofhealth.ny.gov/news/press-release-nystate-health-extends-december-15-enrollment-deadline> [last updated December 12, 2014]).

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The Marketplace must ensure coverage is effective on February 1, 2015, for QHP selections received by the Marketplace by January 15, 2015 (45 CFR §155.410(f)(2)).

“Upon making an eligibility determination, the Exchange must implement the eligibility determination under this section for enrollment in a QHP through the [Marketplace], advance payments of the premium tax credit, and cost-sharing reductions as follows— (1) For an initial eligibility determination, in accordance with the dates specified in § 155.410(c) and (f) and § 155.420(b), as applicable, (2) For a redetermination, in accordance with the dates specified in § 155.330(f) and § 155.335(i), as applicable” (45 CFR § 155.310(f)).

Legal Analysis

The issue under review is whether the Marketplace properly determined that the effective date for your enrollment in a qualified health plan was February 1, 2015.

On December 29, 2015, you updated the income information in your Marketplace account and you were found eligible for an advance premium tax credit (APTC) with an eligibility effective date of February 1, 2015. The December 30, 2014 notice of eligibility redetermination confirmed your eligibility and its effective date.

You testified that you spoke with representatives at both Healthfirst and the Marketplace and were told that there was no way to change your effective start date to January 1, 2015, which you further testified you accepted could not be done. As a result of not believing you could get health insurance coverage in January 2015, you did not seek needed therapy that month.

However, on January 21, 2015, the Marketplace conducted a start date override and changed your coverage start date with Healthfirst Silver to January 1, 2015. You testified that you were not notified of this change by the Marketplace or your health plan and only learned of it when you received an invoice for January 2015 premium from Healthfirst. You further testified that you had not received health insurance cards until late April 2015 and were not certain when your coverage had truly started, but you paid the premiums for the months of February, March, and April 2015 on time.

Qualified health plan (QHP) coverage takes effect January 1, 2015 for plans selected in the Marketplace, during the open enrollment period, by December 20, 2014. You credibly testified that you entered your Marketplace account on December 29, 2014 and selected your silver QHP and dental plans for 2015. Your testimony is supported by information preserved in your Marketplace account.

Although the Marketplace conducted an override on January 21, 2015, there is no record that you were notified this occurred.

Since the credible evidence of record shows that you updated your account and selected your QHP plan on December 29, 2014, your QHP, APTC, and cost-sharing reductions should have taken effect on February 1, 2015, as indicated in the December 30, 2014 notice of eligibility redetermination and enrollment letter.

Accordingly, the December 30, 2014 eligibility determination is AFFIRMED and your coverage with Healthfirst Silver became effective February 1, 2015. As such, you are not responsible for the invoice for premiums for January 2015.

Decision

The December 30, 2014 eligibility determination is AFFIRMED.

Effective Date of this Decision: July 28, 2015

How this Decision Affects Your Eligibility

The effective date of your 2015 qualified health plan, as well as for your advance premium tax credit and cost-sharing reductions, remains February 1, 2015.

You do not have health coverage for the month of January 2015.

You are not responsible for the premium payment for 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 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))

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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:

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- By fax: 1-855-900-5557

Summary

The December 30, 2014 eligibility determination is AFFIRMED.

The effective date of your 2015 qualified health plan, as well as for your advance premium tax credit and cost-sharing reductions, remains February 1, 2015.

You do not have health coverage for the month of January 2015.

You are not responsible for the premium payment for January 2015.

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:

[REDACTED]
[REDACTED]
[REDACTED]