



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

## Notice of Decision

Decision Date: November 09, 2015

NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000002614

[REDACTED]

Dear Mr. [REDACTED]

On June 8, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's April 24, 2015 enrollment 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 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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NY State of Health Number: [REDACTED]  
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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 enrollment in your Health Republic silver-level plan was effective June 1, 2015?

## Procedural History

The Marketplace received your initial application for health insurance on April 13, 2015.

On April 14, 2015, the Marketplace issued an eligibility determination notice stating that you were eligible to enroll in a qualified health plan (QHP); eligible to receive an advance premium tax credit (APTC) of up to \$164.00 per month; and, if you selected a silver-level plan, eligible for cost-sharing reductions (CSR), effective May 1, 2015.

On April 22, 2015, the Marketplace received a revised application.

On April 23, 2015, the Marketplace issued an eligibility redetermination notice stating that you were eligible to enroll in a QHP; eligible to receive an APTC of up to \$235.00 per month; and, if you selected a silver-level plan, eligible for CSR, effective June 1, 2015.

On April 24, 2015, the Marketplace issued an enrollment notice confirming, as of April 22, 2015, your enrollment in a Health Republic silver-level plan with a

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premium responsibility of \$70.04. The notice stated that if you paid your first month's premium, your insurance could begin as early as June 1, 2015.

On April 27, 2015, you spoke with the Marketplace's Account Review Unit and appealed the April 24, 2015 enrollment notification insofar as you were seeking to backdate your coverage to May 1, 2015.

On June 8, 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 testified that your Medicaid coverage through your Local Department of Social Services was terminated as of April 1, 2015.
- 2) You testified that a representative at your Local Department of Social Services instructed you to seek health insurance through the Marketplace.
- 3) You submitted your initial application on April 13, 2015, but did not select a health plan at that time.
- 4) You testified that you spoke with a Fidelis Care representative who stated that you would not be able to select a plan until the next open enrollment period.
- 5) You testified that you informed a representative from your Local Department of Social Services of what the Fidelis Care representative told you, you were instructed to go back to the Marketplace and fill out a new application and select a plan.
- 6) You submitted a revised you application on April 22, 2015.
- 7) You selected a Health Republic silver-level plan on April 22, 2015 and were provided a coverage start date of June 1, 2015, provided you paid you first month's premium.
- 8) You testified that you were seeking a coverage start date of May 1, 2015.

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

## **Applicable Law and Regulations**

### Redetermination During a Benefit Year

When a redetermination is issued as a result of a change in an applicant's information, the Marketplace must generally make that redetermination effective on the first day of the month following the date the Marketplace is notified of the change (45 CFR § 155.330 (f)(1)(ii)). However, the Marketplace may determine that its policy will be that any change made after the 15<sup>th</sup> of any month will not be effective until the first of the next following month (45 CFR § 155.330 (f)(2)), and it has elected to do so (13 OHIP/ADM-03).

## **Legal Analysis**

The only matter under review is when your coverage under the Health Republic silver-level plan should have taken effect.

In order to have had your coverage under the Health Republic silver-level plan begin May 1, 2015, you would have had to select this plan for enrollment by April 15, 2015.

You testified that you first attempted to enroll in a plan on April 13, 2015 when you submitted your initial application, but were instructed by a Fidelis Care representative that you would not be able to enroll in a plan until the next open enrollment. The record reflects that you took no further steps to attempt to enroll in a health plan through the Marketplace. While you contend that you did not select a plan until April 22, 2015 based solely on the instructions of the Fidelis Care representative, the record does not indicate you were ever prevented from doing so; therefore, we find such reliance was unreasonable.

The credible evidence of record reflects that you did not enroll in the Health Republic silver-level plan until April 22, 2015, despite being eligible to do so when you first applied on April 13, 2015.

Accordingly, we find there is enough evidence that the April 24, 2015 enrollment notice confirm that you could begin your coverage no earlier than June 1, 2015 was correct and is AFFIRMED.

## **Decision**

The April 24, 2015 enrollment notice is AFFIRMED.

**Effective Date of this Decision:** November 09, 2015

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## **How this Decision Affects Your Eligibility**

You are eligible for coverage under the Health Republic silver-level plan beginning June 1, 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)).

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):**

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## **Summary**

The April 24, 2015 enrollment notice is AFFIRMED.

You are eligible for coverage under the Health Republic silver-level plan beginning June 1, 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:**

