



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

Notice of Decision

Decision Date: October 27, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000002623

[REDACTED]

Dear [REDACTED],

On October 7, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's April 17, 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 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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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 June 1, 2015 is the effective date of your Medicaid Managed Care coverage through Fidelis Care?

Procedural History

On April 9, 2015, the Marketplace issued a notice of eligibility determination stating that you are eligible for Medicaid, effective April 1, 2015.

On April 9, 2015, the Marketplace also issued a notice to confirm that you were enrolled in Healthfirst on April 8, 2015 and coverage would be effective May 1, 2015.

On April 17, 2015, the Marketplace issued a cancellation notice stating that you requested to cancel your insurance coverage with Healthfirst on April 16, 2015.

On April 17, 2015, the Marketplace also issued a notice confirming that you were enrolled in Fidelis Care on April 16, 2015 and coverage would be effective June 1, 2015.

On April 27, 2015, you spoke to the Marketplace's Account Review Unit and requested an appeal insofar as your Medicaid Managed Care enrollment would not take effect until June 1, 2015.

On October 7, 2015 you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. Testimony was taken during the hearing. The record is now complete and closed.

Findings of Fact

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

- 1) Your Medicaid Fee-For-Service coverage was effective April 1, 2015.
- 2) On April 7, 2015, you selected Healthfirst as your Medicaid Managed Care plan and coverage was effective May 1, 2015.
- 3) On April 16, 2015, you requested to cancel your insurance coverage with Healthfirst.
- 4) On April 16, 2015, you enrolled in Fidelis Care as your Medicaid Managed Care plan and coverage was effective June 1, 2015.
- 5) You testified that you have outstanding medical bills from April and May 2015.
- 6) You testified you want your Medicaid Managed Care plan to take effect on April 1, 2015.

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

Applicable Law and Regulations

An individual is eligible for fee-for-service Medicaid effective on the first day of the month if an individual was eligible any time during that month (42 CFR 435.915(b)).

Medicaid Managed Care (MMC) plan enrollments received on or before the fifteenth day of the month are effective the first day of the following month. Enrollments received after the fifteenth day of the month are effective the first day of the second following month (Medicaid Managed Care Model Contract (Appendix H-6(b)(ii) & (iii), effective 3/1/2014 – 2/28/2019; see, §1115 Soc. Sec. Act; N.Y. Soc. Serv. Law §364-j(1)(c); 18 NYCRR 360-10.3(h)).

Legal Analysis

The date on which a Medicaid Managed Care plan can take effect depends on the day a person selects the plan for enrollment.

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A plan that is selected between the first day and fifteenth day of a month goes into effect on the first day of the following month.

A plan that is selected between the sixteenth day of the month and the end of the month goes into effect on the first day of the second following month.

You selected your Fidelis Care Medicaid Managed Care plan on April 16, 2015, so it must take effect on the first day of the second month after April; that is, on June 1, 2015.

Therefore the April 17, 2015 notice stating that your Fidelis Care Medicaid Managed Care coverage would take effect on June 1, 2015 is correct and must be **AFFIRMED**.

Decision

The April 17, 2015 notice is **AFFIRMED**.

Effective Date of this Decision: October 27, 2015

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your Fidelis Care Medicaid Managed Care plan is 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))

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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:

- By calling the Customer Service Center at 1-855-355-5777
- By mail at:
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- By fax: 1-855-900-5557

Summary

The April 17, 2015 notice is AFFIRMED.

This decision does not change your eligibility.

The effective date of your Fidelis Care Medicaid Managed Care plan is 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:

