



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

Notice of Decision

Decision Date: October 28, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000002899

[REDACTED]

Dear [REDACTED],

On July 9, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's disenrollment of your daughter from her Child Health Plus plan.

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:

Was your daughter properly disenrolled from her Child Health Plus coverage as of August 30, 2014?

Procedural History

The Marketplace received your initial application for health insurance for your daughter, as well as two modifications, on May 13, 2014. In response to each, then Marketplace prepared a preliminary eligibility determination stating that your daughter was eligible to enroll in a health insurance plan through Child Health Plus, effective June 1, 2014. Each determination was prepared based on a Nassau County residence.

No written eligibility determination was ever issued with regard to your daughter, although one was issued with regard to yourself, your spouse, and your son.

According to your Marketplace account, however, your daughter was enrolled in a health plan with UnitedHealthcare Community Plan through Child Health Plus, with coverage to be effective June 1, 2014 to May 31, 2015.

No written confirmation was ever issued with regard to this enrollment.

On August 29, 2014, your account was updated, reflecting a change of mailing and residential address, and the Marketplace prepared a preliminary eligibility determination stating that your daughter was eligible to enroll through Child

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Health Plus with a \$30.00 monthly premium, effective October 1, 2014. This determination was prepared based on a Suffolk County residence.

On August 30, 2014, your daughter's Child Health Plus enrollment was deleted.

On May 12, 2015, you spoke with the Marketplace's Account Review Unit and appealed your daughter's disenrollment from her Child Health Plus plan as of August 30, 2014.

On July 9, 2015, you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. The record was developed during that hearing and left open for up to 15 days to provide you an opportunity to submit supporting evidence.

On July 9, 2015, the Marketplace's Appeals Unit received your supporting evidence, which included notes of the dates and Marketplace representatives you spoke with regarding the issue under appeal. This document was marked as Appellant's Exhibit 1 and incorporated into the record. The record was closed on July 9, 2015.

Findings of Fact

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

- 1) The Marketplace's system reflects that your daughter was enrolled in UnitedHealthcare Community Plan through Child Health Plus (CHP), effective June 1, 2014.
- 2) According to the May 13, 2014 application, your daughter's residential address was listed as:



You testified that this is your family's permanent residential address.

- 3) The record reflects that your account was adjusted on August 29, 2014 to reflect a change of address. You testified and provided evidence that you spoke to a Marketplace representative on that date to change your mailing address only, not your residential address (Appellant's Exhibit 1). The Marketplace's system reflects that the Marketplace representative (Identification Number [REDACTED]) also changed your daughter's residential address to:



- 4) The Marketplace's system reflects that your daughter's enrollment was deleted by the system on August 30, 2014, effective September 30, 2014.
- 5) You testified that you were not aware that your daughter's CHP coverage was terminated until approximately October 31, 2014, when your daughter scheduled a doctor appointment. You testified that you never received notices regarding your daughter's CHP disenrollment.
- 6) There is nothing in your account that shows you were given any notice, whether timely or otherwise, that your daughter's coverage would be or had been terminated.
- 7) You testified that your family has continuously resided Nassau County.
- 8) You testified you are seeking to have your daughter's CHP coverage with UnitedHealthcare Community Plan reinstated, effective October 1, 2014.

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

Applicable Law and Regulations

Child Health Plus

A child may be eligible for coverage through Child Health Plus (CHP) provided (1) he or she lives in a household having a household income at or below 400% of the federal poverty level (FPL) and (2) is not eligible for medical assistance (Medicaid), except that a child who becomes eligible for Medicaid after becoming eligible for CHP, may be eligible for a subsidy payment for a period of three months after becoming eligible for such medical assistance (NY Public Health Law § 2511(2)(b) and (3)).

The "period of eligibility" for CHP is "that period commencing on the first day of the month during which a child is an eligible child and enrolled or recertified for enrollment on an annual basis based on all required information and documentation and ending on the last day of the twelfth month following such date," unless the CHP premiums are not timely paid or child no longer resides in New York State, gains access to or obtains other health insurance coverage, or becomes eligible for Medicaid (NY Public Health Law [PHL] § 2510(6)).

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In New York State, Child Health Plus benefits are furnished “By the first day of the month after the application is received if prior to the 15th of the month or the first day after the subsequent month if after the 15th of the month” (Selection made on Form CS 18, Separate Child Health Insurance Program Non-Financial Eligibility – Citizenship. Sections: 2105(c)(9) and 2107(e)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)).

Legal Analysis

The only issue on appeal is whether your daughter’s Child Health Plus (CHP) coverage was properly terminated as of August 30, 2014.

You testified, and the record reflects that you and your family currently resides at:

[REDACTED]

According to the May 13, 2014 application, this address was used to determine your daughter’s CHP eligibility, and she was subsequently enrolled in UnitedHealthcare Community Plan, effective June 1, 2014.

The record further reflects that your account was modified on August 29, 2014, and your daughter’s residential address was changed by Marketplace representative Number [REDACTED], to reflect:

[REDACTED]

This change in address resulted in the Marketplace’s system deleting your daughter’s CHP enrollment on August 30, 2014.

You credibly testified that your family has continuously resided in Nassau County. You further credibly testified that you requested to change your mailing address only, not your residential address.

Since the credible evidence in the record supports a finding that your daughter’s residential address was changed in error, it is reasonable to infer that her subsequent CHP disenrollment apparently due to a residential county change was a result of that error.

Therefore, your case is RETURNED to the Marketplace to reinstate your daughter's CHP enrollment with UnitedHealthcare Community Plan, effective October 1, 2014, if the appropriate premiums are paid.

Decision

Your daughter's Child Health Plus enrollment with UnitedHealthcare Community Plan was deleted in error.

Your case is RETURNED to the Marketplace to reinstate your daughter's CHP enrollment with UnitedHealthcare Community Plan, effective October 1, 2014, if the appropriate premiums are paid.

Effective Date of this Decision: October 28, 2015

How this Decision Affects Your Eligibility

Your daughter's Child Health Plus enrollment with UnitedHealthcare Community Plan will be reinstated effective October 1, 2014.

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.

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

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Summary

Your daughter's Child Health Plus enrollment with UnitedHealthcare Community Plan was deleted in error.

Your case is RETURNED to the Marketplace to reinstate your daughter's CHP enrollment with UnitedHealthcare Community Plan, effective October 1, 2014, if the appropriate premiums are paid.

Your daughter's Child Health Plus enrollment with UnitedHealthcare Community Plan will be reinstated effective October 1, 2014, if the appropriate premiums are paid.

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:

