



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: AP000000003305

[REDACTED]

Dear [REDACTED]

On August 28, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's May 28, 2015 enrollment confirmation 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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Decision Date: October 27, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000003305

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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 children's enrollment in their Medicaid Managed Care plan should be effective July 1, 2015?

Procedural History

On May 27, 2015, the Marketplace received your household's initial application for health insurance. On May 28, 2015, an eligibility determination notice was issued based on that application stating that your children were eligible for Medicaid. This eligibility was effective May 1, 2015.

Also on May 28, 2015, the Marketplace issued an enrollment confirmation notice stating that your children's enrollment in their Medicaid Managed Care plan would begin July 1, 2015.

On June 4, 2015, you spoke to the Marketplace's Account Review Unit and appealed the enrollment confirmation notice insofar as your children's coverage under their Medicaid Managed Care plan began on July 1, 2015 and not on June 1, 2015.

On August 19, 2015 you were scheduled for a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. You requested that day that the hearing be adjourned to a later date.

On August 28, 2015, you had an adjourned telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. Under oath, you waived your right to

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formal notice of the hearing. 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 May 28, 2015, your children were found eligible for Medicaid based on the information contained in your May 27, 2015 Marketplace application.
- 2) You selected a Medicaid Managed Care plan for your children on May 27, 2015.
- 3) On May 28, 2015, the Marketplace issued a notice that your children's Medicaid Managed Care plan would take effect on July 1, 2015.
- 4) You testified that your children previously had Medicaid coverage through HRA but that their coverage was terminated.
- 5) You testified that your child had a surgery scheduled in June 2015, however because his Medicaid Managed Care plan was not in effect you had to postpone the surgery.
- 6) You testified that your children did not incur any medical bills during the month of June 2015.

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

Applicable Law and Regulations

Medicaid

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)).

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Legal Analysis

The issue is whether the Marketplace properly determined that your children's enrollment in their Medicaid Managed Care plan was effective July 1, 2015.

Your children were found eligible for Medicaid based on the information contained in your Marketplace application and you selected a Medicaid Managed Care plan for your children on May 27, 2015. On May 28, 2015, the Marketplace issued a notice stating that your children's Medicaid Managed Care plan would take effect on July 1, 2015.

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

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.

Since you selected your children's Medicaid Managed Care plan on May 27, 2015, it properly became effective on the first day of the second following month after May; that is, on July 1, 2015.

Therefore, the May 28, 2015 enrollment confirmation notice stating that your children's Medicaid Managed Care coverage would take effect on July 1, 2015 is correct and must be AFFIRMED.

Decision

The May 28, 2015 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: October 27, 2015

How this Decision Affects Your Eligibility

This decision does not change your children's eligibility.

The effective date of your children's Medicaid Managed Care plan is July 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):

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 May 28, 2015 enrollment confirmation notice is AFFIRMED.

This decision does not change your children's eligibility.

The effective date of your children's Medicaid Managed Care plan is July 1, 2015.

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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:

