



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: AP000000003518

[REDACTED]

Dear [REDACTED],

On September 4, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's June 16, 2015 eligibility and enrollment notices.

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

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NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000003518



## Issues

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

Did the Marketplace properly determine on June 16, 2015 that you were eligible to receive an advance premium tax credit of up to \$187.00 per month and cost sharing reductions, effective July 1, 2015?

Did the Marketplace properly determine that your United Healthcare Bronze health plan could start as early as July 1, 2015?

## Procedural History

On December 21, 2013, the Marketplace issued you a notice that “you have chosen to receive all information from New York State of Health electronically. This means that all important notifications will be sent to your Marketplace account.”

On November 5, 2014, the Marketplace issued a notice stating that it was time to renew your health insurance for 2015. That notice stated that you now qualify for a tax credit up to \$205.19 per month and to receive reductions in out-of-pocket costs, if you enroll in a silver level plan. The notice also stated that you cannot enroll in your current health plan and need to select a different health plan if you want coverage in 2015. In order for your health plan to be effective January 1, 2015, you were directed to select a new health between November 16, 2014 and December 15, 2014.

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On June 16, 2015, the Marketplace issued a notice of eligibility redetermination stating that you were newly eligible to receive up to \$187.00 monthly in advance premium tax credits and cost-sharing reductions, if you enroll in a silver-level health plan, effective July 1, 2015.

On June 16, 2015, the Marketplace issued a letter confirming your enrollment in the UnitedHealthcare Bronze health plan. The letter also informed you that your coverage could start as early as July 1, 2015, provided you paid your first month's premium on time.

On June 17, 2015, you spoke to the Marketplace's Account Review Unit and appealed the eligibility determination insofar as your health plan start of July 1, 2015.

On September 4, 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**

- 1) You testified that you did not receive any notices from the Marketplace, either by email or US mail, telling you that you needed to update the information in your Marketplace to ensure that your coverage would not be interrupted.
- 2) Your Marketplace account indicates that you elected to receive notifications via electronic mail.
- 3) You testified that you did know you needed to renew your application and enroll in a new health plan until after a doctor's appointment in June 2015 when you were notified that your health insurance was no longer active.
- 4) You testified to having the same email address that is currently listed in your Marketplace account.
- 5) You testified that you have an outstanding medical bill in the amount of \$235.00 for medical services received on June 24, 2015.

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

## **Applicable Law and Regulations**

### Annual Eligibility Redetermination

Generally, the Marketplace must conduct annual eligibility redeterminations for qualified individuals who are seeking financial assistance through insurance affordability programs for the upcoming year, such as tax credits and cost-sharing reductions, Medicaid, or Child Health Plus. In such cases, the Marketplace is required to request that the qualified individual provide updated income and family size information for use in an eligibility redetermination for the upcoming year (see 45 CFR § 155.335(a) and (b)).

The Marketplace must send an annual renewal notice that contains the projected eligibility determination for the following year (45 CFR § 155.335(c)(3)). If a qualified individual does not respond to the notice after a 30-day period, the Marketplace must redetermine that individual's eligibility using the information provided in the annual renewal notice (45 CFR § 155.335(g), (h)).

### Notice of Annual Open Enrollment Period

Starting in 2014, the Marketplace must provide a written annual open enrollment notification to each enrollee no earlier than the first day of the month before the open enrollment period begins and no later than the first day of the open enrollment period (45 CFR § 155.410(d)).

### Open Enrollment Period

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)).

### Electronic Notices

Applicants may choose to receive notices and information from the Marketplace by either electronic or regular mail. If the applicant elects to receive electronic notices, the Marketplace must send an email or other electronic communication alerting the individual that a notice has been posted to the applicant's account (45 CFR §155.230(d); 42 CFR §435.918(b)(4)).

## Legal Analysis

The issues under review are whether the Marketplace properly determined that you were eligible to receive up to \$187.00 of advance premium tax credits and cost-sharing reductions effective July 1, 2015, and whether your enrollment in UnitedHealthcare Bronze health plan could start as early as July 1, 2015.

The Marketplace must redetermine a qualified individual's eligibility for health insurance and financial assistance to help pay for that health insurance annually. The Marketplace must issue a renewal notice that contains the projected eligibility determination for the following year. If an individual does not respond to this notice, the Marketplace must issue an eligibility determination for the upcoming coverage year based on the information contained in the renewal notice.

The Marketplace must also provide a written annual open enrollment notification to each enrollee no earlier than the first day of the month before the open enrollment period begins and no later than the first day of the open enrollment period. During this enrollment period, qualified individual may enroll in a health plan and enrollees may change health plans through the Marketplace.

On November 5, 2014, the Marketplace issued an annual renewal notice in your case. That notice stated that you now qualify for a tax credit up to \$205.19 per month and receive reduction in out-of-pocket costs, if you enroll in a silver level plan. The notice also stated that you cannot enroll in your current health plan and need to select a different health plan if you want coverage in 2015. In order for your health plan to be effective January 1, 2015, you were directed to select a new health between November 16, 2014 and December 15, 2014.

However, the record reflects, that you elected to receive your notices from the Marketplace via electronic mail. You credibly testified that you did not receive the renewal notices and had not received any notices asking you to update your account and enroll in a new health plan through the Marketplace.

Therefore, it is concluded that the Marketplace did not give you the proper notice that you needed to enroll in a new health plan through the Marketplace.

You updated your account and enrolled in a health plan through the Marketplace for 2015 on June 15, 2015, and therefore we must assume that this is the information that would have been used had you been properly notified that you needed to update your account and enroll in a new health plan through the Marketplace, as stated in the renewal notice.

Therefore, the June 16, 2015, notice of eligibility is MODIFIED to state that you are eligible to receive up to \$187.00 of advance premium tax credit and cost-

sharing reductions, if you enroll in a silver-level health plan, effective June 1, 2015.

The June 16, 2015, enrollment notice is also MODIFIED to state that your UnitedHealthcare Bronze health plan could start as early as June 1, 2015, if you pay your first month's premium.

## **Decision**

The June 16, 2015, notice of eligibility is MODIFIED to state that you are eligible to receive up to \$187.00 of advance premium tax credit and cost-sharing reductions, if you enroll in a silver-level health plan, effective June 1, 2015.

The June 16, 2015, enrollment notice is also MODIFIED to state that your UnitedHealthcare Bronze health plan could start as early as June 1, 2015, if you pay your first month's premium.

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

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

You are eligible for coverage in the UnitedHealthcare Bronze from June 1, 2015 to June 30, 2015, provided that you pay the insurance premium for the month of June 2015.

You are eligible for up to \$187.00 of advance premium tax credit and for cost-sharing reductions, if you enroll in a silver-level health plan, effective 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 60 days of the date of the decision. 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).

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 June 16, 2015, notice of eligibility is MODIFIED to state that you are eligible to receive up to \$187.00 of advance premium tax credit and cost-sharing reductions, if you enroll in a silver-level health plan, effective June 1, 2015.

The June 16, 2015, enrollment notice is also MODIFIED to state that your UnitedHealthcare Bronze health plan could start as early as June 1, 2015, if you pay your first month's premium.

You are eligible for coverage in the UnitedHealthcare Bronze from June 1, 2015 to June 30, 2015, provided that you pay the insurance premium for the month of June 2015.

You are eligible for up to \$187.00 of advance premium tax credit and for cost-sharing reductions, if you enroll in a silver-level health plan, effective June 1, 2015.



## **Legal Authority**

We are sending you this notice in accordance with federal regulation 45 CFR § 155.545(a).

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**A Copy of this Decision Has Been Provided To:**

