



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: AP000000003704

[REDACTED]

Dear [REDACTED],

On September 25, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's determination to start your health plan on June 1, 2015, not July 1, 2015.

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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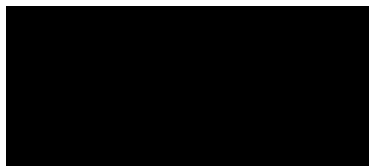


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DEPARTMENT OF HEALTH
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Decision Date: November 09, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000003704



Issue

The issue presented for review by the Appeals Unit of NY State of Health is:

Did the Marketplace properly find that your Affinity Health Plan should start on June 1, 2015, not July 1, 2015?

Procedural History

On June 9, 2015, the Marketplace issued an eligibility determination notice that you are eligible to receive \$0.00 in advance premium tax credits effective as of July 1, 2015.

On June 9, 2015, the Marketplace issued an enrollment notice confirming that you were enrolled in Affinity Health Plan. The notice stated that if you pay your first month's premium, your coverage could start as early as July 1, 2015.

On June 10, 2015 the Marketplace issued another enrollment notice confirming you were enrolled in Affinity Health Plan. The notice stated that if you pay your first month's premium, your coverage could start as early as July 1, 2015.

On June 29, 2015 you spoke with the Marketplace's Account Review Unit and appealed the start date of your Affinity Health Plan.

On September 25, 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.

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Findings of Fact

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

1. You testified that you were applying through the Marketplace because your Medicaid coverage was ending on April 30, 2015.
2. On June 8, 2015, you enrolled in the Affinity Health Plan through the Marketplace.
3. On June 9, 2015, the Marketplace issued an enrollment notice confirming that “[y]our enrollment with Affinity Access Platinum ST INN Dep25 is effective July 1, 2015.”
4. You testified that, when you enrolled in a health plan through the Marketplace, a representative put in a request to backdate your coverage to June 1, 2015.
5. You testified that you never received any notification that your coverage would begin on June 1, 2015.
6. You testified that you contacted Affinity Health Plan at the end of June 2015 and were informed that you would need to pay the premiums for June and July 2015 for your health plan to start.
7. You testified that you paid the health insurance premiums for the months of June and July 2015.
8. According to your Marketplace Account, your Affinity Health Plan start date is June 1, 2015.
9. You testified that you did not use Affinity Health Plan in June 2015 because you were not informed that the start date was June 1, 2015.
10. You testified that you are seeking a start date of July 1, 2015.

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

Applicable Law and Regulations

Special Enrollment Period

The Marketplace must provide an initial open enrollment period and annual open enrollment periods during which time qualified individuals may enroll in a qualified health plan (QHP) and enrollees may change QHPs (45 CFR §

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155.410(a)). The open enrollment period for the 2015 calendar year began November 15, 2014 and ended on February 15, 2015 (45 CFR § 155.410(e)(1)).

After each open enrollment period ends, the Marketplace provides special enrollment periods to qualified individuals or their dependents. During a special enrollment period, a qualified individual may enroll in a QHP and an enrollee may change to another QHP. The Marketplace must allow a qualified individual or his or her dependent to enroll in a QHP if the qualified individual or their dependent loses minimum essential coverage (45 CFR § 155.420(a)(1); 45 CFR § 155.420(d)(1)(i)).

Special Enrollment Period Effective Date:

Generally, the effective date for a QHP is the first day of the following month if the enrollment is received by the Marketplace on or before the fifteenth day of the month, and enrollments received after the fifteenth day of the month are effective the first day of the second following month (45 CFR § 155.420(b)(1)).

When an individual loses minimum essential coverage, if the plan selection is made on or before the day of the triggering event, the Marketplace must ensure that the coverage effective date is on the first day of the month following the loss of coverage. If the plan selection is made after the day of the triggering event, the Marketplace must ensure that coverage is effective with the regular effective dates (45 CFR § 155.420(b)(iv)).

Legal Analysis

The issue under appeal is whether or not the Marketplace correctly determined that your qualified health plan start date is June 1, 2015, not July 1, 2015.

You credibly testified that you applied for coverage through the Marketplace because your Medicaid coverage was ending on April 30, 2015. On June 8, 2015 you enrolled in the Affinity Health Plan through the Marketplace. On the following day the Marketplace issued an enrollment notice stating that your enrollment with the Affinity Health Plan would be effective July 1, 2015.

When a qualified individual or their dependent enrolls in a qualified health plan through the Marketplace after their minimum essential coverage has ended, the date in which the plan can take effect depends on the day a person selects the plan for enrollment.

When a plan is selected between the first day and fifteenth day of a month, the plan's effective date is on the first day of the following month. However, 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.

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You selected the Affinity Health Plan on June 8, 2015, so it must take effect on the first day of the following month after June 2015, which is July 1, 2015.

Therefore the June 9, 2015 notice stating that your Affinity Health Plan would take effect on July 1, 2015 is REINSTATED.

Decision

The June 9, 2015 enrollment notice is REINSTATED.

Effective Date of this Decision: November 09, 2015

How this Decision Affects Your Eligibility

Your enrollment start date is modified from June 1, 2015 to July 1, 2015.

You did not have any health insurance coverage through Affinity Health in June 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.

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

You can contact us in any of the following ways:

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NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The June 9, 2015 enrollment notice is REINSTATED.

Your enrollment start date is modified from June 1, 2015 to July 1, 2015.

You did not have any health insurance coverage through Affinity Health in June 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:

