



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

Notice of Decision

Decision Date: December 16, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004072

[REDACTED]

Dear [REDACTED]

On November 13, 2015 you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's July 19, 2015 eligibility determination notice regarding your spouse.

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 45 Code of Federal Regulations (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]
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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 spouse was no longer eligible to enroll in a qualified health plan, effective July 31, 2015?

Procedural History

On November 27, 2014 the Marketplace issued a notice of eligibility determination stating that your spouse was conditionally eligible to receive up to \$456.00 per month in advance premium tax credits and cost-sharing reductions, effective January 1, 2015. The notice directed that he provide documentation confirming his citizenship status before February 17, 2015, or he might lose his eligibility to enroll or his eligibility for financial assistance.

On December 9, 2014 the Marketplace issued an enrollment confirmation notice stating that your spouse was enrolled in a qualified health plan and that plan could start as early as January 1, 2015 if you paid the first month's premium.

On March 7, 2015 the Marketplace issued a notice of eligibility redetermination stating that your spouse was conditionally eligible to receive up to \$456.00 per month in advance premium tax credits and cost-sharing reductions, effective April 1, 2015. That notice directed that he provide documentation confirming his citizenship status before June 4, 2015, or he might lose his eligibility to enroll or his eligibility for financial assistance.

On July 19, 2015, the Marketplace issued a notice of eligibility redetermination stating that your spouse was no longer eligible for Medicaid, Child Health Plus or

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to receive tax credits or cost sharing reductions. Your spouse also could not enroll in a qualified health plan at full cost through the Marketplace. This was because your spouse had not provided documentation of his citizenship status. Your spouse's eligibility for coverage ended effective July 31, 2015.

Also on July 19, 2015 the Marketplace issued a disenrollment notice stating that your spouse's insurance is terminated and he will no longer have health insurance coverage effective July 31, 2015.

On July 27, 2015, you spoke with the Marketplace's Account Review Unit and appealed the July 19, 2015 determination insofar as your spouse was not eligible to enroll in a qualified health plan during the month of August 2015.

On July 28, 2015 the Marketplace issued a notice of eligibility redetermination stating that your spouse was conditionally eligible to receive up to \$456.00 per month in advance premium tax credits and cost-sharing reductions effective September 1, 2015. The notice requested that he provide documentation, confirming his citizenship status before October 25, 2015.

Also on July 28, 2015 the Marketplace issued an enrollment confirmation notice confirming your spouse's enrollment in a qualified health plan effective September 1, 2015.

On November 13, 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

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

- 1) The Marketplace sent you a notice on March 7, 2015 stating that your spouse's eligibility was only conditional and that he needed to submit documentation confirming his citizenship status before June 4, 2015.
- 2) You testified that you did not receive a notice asking your spouse to submit citizenship documentation.
- 3) Your Marketplace account states that you receive all of your notices through regular mail.
- 4) You testified that prior to your spouse's disenrollment your Marketplace account may have been set up for you to receive all of your notices electronically; however you were not entirely sure.

- 5) There is no evidence in the record that any of the notices that were sent to your mailing address were returned as undeliverable.

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

Applicable Law and Regulations

Citizenship and Immigration Status

To enroll in a qualified health plan through the Marketplace, an applicant must be a citizen or national of the United States, or a non-citizen lawfully present in the United States and reasonably expects to become a citizen or remain a lawfully present noncitizen for the entire period for which enrollment is being sought (45 CFR § 155.305(a)(1)).

The Marketplace must verify or obtain information in order to determine that an applicant is eligible for enrollment in a qualified health plan, including the certification of citizenship, status as a national, or lawful presence (45 CFR § 155.315(a), (c)).

If an applicant attests to citizenship, status as a national, or lawful presence, and the Marketplace is unable to verify such attestation, the Marketplace must provide the applicant 90 days to provide satisfactory documentary evidence, from the date the notice of inconsistency is received by the applicant. Notice is considered received 5 days after the date on the notice, unless the applicant demonstrates that he or she did not receive the notice within the 5 day period. (45 CFR § 155.315(c)(3)).

Legal Analysis

The issue under review is whether the Marketplace properly determined that your spouse was no longer eligible to enroll in a qualified health plan through the Marketplace, effective July 31, 2015.

The Marketplace is required to determine whether individuals are eligible to enroll in coverage through the Marketplace, and must confirm, among other things, that their citizenship status is satisfactory.

If the Marketplace cannot verify an individual's citizenship status, it must provide the individual a period of 90 days from the date notice is received to resolve the inconsistency. For purposes of verifying citizenship, notice is considered received five days after the date on the notice.

The Marketplace sent you a notice on March 7, 2015 stating that your spouse's eligibility was only conditional and that he needed to submit documentation confirming his citizenship status before June 4, 2015.

You testified that you did not receive a notice asking your spouse to submit citizenship documentation. Your Marketplace account currently states that you receive all of your notices through regular mail. You testified that prior to your spouse's disenrollment your Marketplace account may have been set up for you to receive all of your notices electronically, however you were not entirely sure.

Since you are unsure as to how you received notice prior to your spouse's disenrollment, we must assume that you received them via regular mail and there is no evidence in the record that any of the notices that were sent to your mailing address were returned as undeliverable.

Therefore, the record reflects that the Marketplace properly notified you of an inconsistency in your account and that your spouse did not submit the requested citizenship documentation before the deadline.

If the Marketplace remains unable to verify the inconsistency after the 90 day period ends, then it must determine the applicant's eligibility based on the information available in the data sources.

Since the requested citizenship documentation was not received within the 90 day period, the Marketplace was required to redetermine your spouse's eligibility without verification of his citizenship status. As a result, the Marketplace properly determined that your spouse could not enroll in a qualified health plan through NY State of Health effective July 31, 2015 because he did not provide the information requested by the Marketplace.

Therefore, the Marketplace's July 19, 2015 eligibility determination is correct and is AFFIRMED.

Decision

The July 19, 2015 eligibility determination notice is AFFIRMED.

Effective Date of this Decision: December 16, 2015

How this Decision Affects Your Eligibility

The Marketplace properly found your spouse not eligible to enroll in a qualified health plan because he did not submit proof of his citizenship status.

This decision has no effect on his reenrollment into his qualified health plan effective September 1, 2015.

Please note that this decision only applies to your spouse's eligibility for the year 2015. For insurance coverage starting January 1, 2016, you will need to reapply with the Marketplace during the Open Enrollment Period. The Open Enrollment Period for 2016 health coverage is November 1, 2015 to January 31, 2016. For more information on Open Enrollment please go to <https://nystateofhealth.ny.gov/> or contact the Marketplace at the contact information listed in this decision.

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

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- By mail at:
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P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The July 19, 2015 eligibility determination notice is AFFIRMED.

The Marketplace properly found your spouse not eligible to enroll in a qualified health plan because he did not submit proof of his citizenship status.

This decision has no effect on his reenrollment into his qualified health plan effective September 1, 2015.

Please note that this decision only applies to your spouse's eligibility for the year 2015. For insurance coverage starting January 1, 2016, you will need to reapply with the Marketplace during the Open Enrollment Period. The Open Enrollment Period for 2016 health coverage is November 1, 2015 to January 31, 2016. For more information on Open Enrollment please go to <https://nystateofhealth.ny.gov/> or contact the Marketplace at the contact information listed in this decision.

Legal Authority

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

A Copy of this Decision Has Been Provided To:

