



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

Notice of Decision

Decision Date: December 10, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004396

[REDACTED]

Dear [REDACTED]

On November 17, 2015 you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's August 16, 2015 enrollment confirmation notice.

The enclosed Decision, rendered after that hearing, is issued by the Appeals Unit of the 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 the NY State of Health about your appeal and/or the Decision, please refer to the Appeal Identification Number at the top of this letter.

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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Decision

Decision Date: December 10, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004396



Issue

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

Did the Marketplace properly determine that your children's Excellus BCBS Child Health Plus plan is effective September 1, 2015?

Procedural History

On January 21, 2015 the Marketplace issued an enrollment notice confirming that your children's Child Health Plus health plan (Excellus) could start as early as March 1, 2015.

On June 4, 2015 the Marketplace issued you a disenrollment notice that your children's Excellus health plan was terminated effective May 31, 2015 because premium payments had not been received.

On August 16, 2015 the Marketplace issued an eligibility determination notice that your children were eligible to enroll in Child Health Plus at no cost effective September 1, 2015.

On August 16, 2015 the Marketplace issued an enrollment notice confirming that on August 15, 2015 you enrolled your children in an Excellus BCBS health plan and the enrollment is effective September 1, 2015.

On August 19, 2015 you spoke to the Marketplace Account Review Unit and requested an appeal insofar as the start date of your children's Child Health Plus plan.

On November 17, 2015 you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. Testimony was taken during the hearing. The record is now complete and closed.

Findings of Fact

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

1. You are only appealing your children's determination that their Child Health Plus coverage is effective September 1, 2015.
2. Your children, ages 4 and 6, were enrolled in Child Health Plus with an effective date of March 1, 2015.
3. On June 4, 2015 the Marketplace issued you a disenrollment notice that your children's Excellus health plan was terminated effective May 31, 2015 because premium payments had not been received.
4. You testified that the premium payment for May 2015 was sent late to Excellus.
5. You testified that you became aware that your children's coverage was discontinued when you received medical bills for June 2015 medical appointments.
6. On August 16, 2015 the Marketplace issued an enrollment notice confirming that on August 15, 2015 you enrolled your children in an Excellus BCBS health plan and the enrollment is effective September 1, 2015.
7. You testified that you want your children's Child Health Plus coverage to have an effective date of August 1, 2015.
8. You testified that you have \$600.00 in outstanding medical bills from bringing your 4-year-old daughter to urgent care facility in August 2015.

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 State must specify a method for determining the effective date of eligibility for [Child Health Plus], which can be determined based on the date of application or through any other reasonable method that ensures coordinated transition of

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children between [Child Health Plus] and other insurance affordability programs as family circumstances change and avoids gaps or overlaps in coverage” (42 CFR § 457.340(f)).

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 issue under review is whether the Marketplace properly determined that your children’s effective date of coverage through Child Health Plus was September 1, 2015.

The record indicates that you reapplied your children in health insurance on August 15, 2015 and that you re-enrolled them in a Child Health Plus plan that same day.

In New York State, consistent with federal regulation, if an application for Child Health Plus insurance coverage is received before the 15th of the month, benefits are provided on the first day of the next month.

On August 16, 2015, the Marketplace issued an eligibility determination notice stating that your children were eligible to enroll in Child Health Plus with a \$0.00 monthly premium, effective September 1, 2015.

On August 16, 2015 the Marketplace issued a notice confirming your children’s Child Health Plus plan selection. The notice confirmed that the total monthly premium was \$0.00 and their coverage was effective September 1, 2015.

Since your children were enrolled in a Child Health Plan on August 15, 2015, their Child Health Plus plan properly took effect on September 1, 2015.

Decision

The August 16, 2015 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: December 10, 2015

How this Decision Affects Eligibility

Your children's enrollment is not affected by this decision.

Your children remain eligible for Child Health Plus with a \$0.00 monthly premium.

Your children remain enrolled in Excellus BCBS with a start date of September 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):

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Summary

The August 16, 2015 enrollment confirmation notice is AFFIRMED.

Your children's enrollment is not affected by this decision.

Your children remain eligible for Child Health Plus with a \$0.00 monthly premium.

Your children remain enrolled in Excellus BCBS with a start date of September 1, 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:



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