



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

Notice of Decision

Decision Date: January 15, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004405

[REDACTED]

Dear [REDACTED],

On December 29, 2015, your daughter, [REDACTED], acting on your behalf as your authorized representative, appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's denial of your backdate request regarding the 2014 qualified health plan start date for your spouse and 21-year-old child.

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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Issue

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

Did the Marketplace properly determine that the start date for coverage for your spouse and 21-year-old daughter in their qualified health plan was August 1, 2014, and not July 1, 2014?

Procedural History

On May 28, 2014, the Marketplace received your updated application for health insurance for your spouse and 21-year-old daughter, [REDACTED] (daughter).

That same day, the Marketplace prepared a preliminary eligibility determination that your spouse and daughter were eligible for advance premium tax credits and cost-sharing reductions, effective July 1, 2014 through December 31, 2014.

On May 29, 2014, the Marketplace issued a notice of eligibility redetermination that was consistent with the May 28, 2014 preliminary determination. The notice also stated that your spouse and daughter qualified to select a health plan outside of the open enrollment period and had to confirm their plan selection by June 29, 2014.

On December 27, 2014, the Marketplace issued a disenrollment notice that stated your spouse and daughter's coverage under their silver-level qualified health plan in which they were enrolled would end effective December 31, 2014.

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On August 18, 2015, the Marketplace issued an enrollment notice confirming your spouse's enrollment in a Fidelis Care Silver plan, effective January 1, 2015, and your daughter's enrollment with New York State Catholic Health Plan, Inc., effective October 1, 2015.

On August 20, 2015, you spoke with the Marketplace's Account Review Unit and appealed the Marketplace's denial of your request to backdate your spouse and daughter's enrollment start date in 2014 from August 1, 2014 to July 1, 2014.

On December 29, 2015, your authorized representative, acting on your behalf, 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 supports the following findings of fact:

- 1) You are appealing the start date of your spouse and daughter's health insurance coverage in 2014.
- 2) According to your Marketplace account, your application for health insurance for your spouse and daughter was received on April 1, 2014 and updated with the assistance of a certified application counselor (CAC) on May 28, 2014.
- 3) According to your authorized representative's testimony, on May 28, 2014, your spouse and daughter selected a qualified health plan (QHP) with the assistance of the CAC.
- 4) Your authorized representative testified that on May 28, 2014, she, too, had selected a health plan using her own Marketplace account with the assistance of the same CAC, and her plan selection was processed for a July 1, 2014 enrollment start date.
- 5) According to the May 29, 2014 notice of eligibility redetermination, your spouse and daughter were eligible to receive advance premium tax credits and cost-sharing reductions, and qualified to select a health plan outside the open enrollment period for 2014. That notice indicated that they had up to June 29, 2014 to select a QHP.
- 6) Your authorized representative testified that she contacted both Fidelis Care and the Marketplace in June 2014 because neither your spouse nor daughter had received insurance identification cards or a premium billing statement for the QHP they had selected.

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- 7) Your authorized representative testified that she was informed by the Marketplace that your spouse and daughter's QHP selection had not been processed because the enrollment box on your Marketplace account had not been checked.
- 8) Your authorized representative asserted that the Marketplace assisted her and processed the enrollment of your spouse and daughter in a QHP with an effective start date of August 1, 2014.
- 9) Your authorized representative testified that you appealed the August 1, 2014 start date and requested that your spouse and daughter's coverage be backdated to July 1, 2014.
- 10) Your authorized representative testified that your spouse was hospitalized on July 29, 2014, and that you have incurred medical expenses of approximately \$4,000.00.
- 11) According to your Marketplace account, your spouse and daughter's QHP selection for a parent and child with Fidelis Care Silver was added to your Marketplace account on June 24, 2014 by the CAC, with an effective start date of August 1, 2014. Their August 1, 2014 enrollment date is confirmed in the Enrollment Details tab within your Marketplace account.
- 12) Your authorized representative testified that the delay in your spouse and daughter's QHP selection was caused by the CAC's error in not checking the enrollment box on your Marketplace account on May 28, 2014 and, therefore, you want their health coverage to be backdated to July 1, 2014 to cover the medical expenses you incurred for your spouse in July 2014.
- 13) Your authorized representative testified that you renewed your request to backdate your spouse and daughter's start date of health insurance coverage to July 1, 2014, in August 2015 because you had not received notice of the outcome of your initial request by then.
- 14) According to your Marketplace account, the appeal was filed on August 20, 2015.

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

Applicable Law and Regulations

QHP Effective Coverage Date

If the individual enrolls in a plan between the first and fifteenth day of any subsequent month during the initial open enrollment period, the Exchange must ensure a coverage effective date of the first day of the following month (45 CFR § 155.410(c)(1)(ii)).

If an individual enrolls between the sixteenth and last day of the month for any month between December 2013 and March 31, 2014, the Exchange must ensure a coverage effective date of the first day of the second following month (45 CFR § 155.410(c)(1)(iii)).

Legal Analysis

An individual must enroll in a QHP between the first and fifteenth day of a month during a special enrollment period in order to have a coverage effective date of the first day of the next month. If an individual enrolls between the sixteenth and the last day of the month, coverage is effective the first day of the second following month.

Here, the credible evidence shows that your spouse and daughter chose a QHP on the 24th of June 2014 with the assistance of a CAC. As of that date, the selection of a QHP completed your application and the Marketplace properly enrolled your spouse and daughter in a QHP the second following month; that is, on August 1, 2014.

The authorized representative's testimony to the contrary, that is, that the delay was caused by the CAC's error in not checking the enrollment box, is not supported by the record.

Therefore, the May 29, 2014 notice of eligibility determination is AFFIRMED and the August 1, 2014 effective date of coverage in a QHP for your spouse and daughter remains in effect.

Decision

The May 29, 2014 notice of eligibility determination is AFFIRMED and the August 1, 2014 effective date of coverage in a QHP for your spouse and daughter that year remains in effect.

Effective Date of this Decision: January 15, 2016

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How this Decision Affects Your Eligibility

This decision does not change your spouse and daughter's eligibility for financial assistance in 2014 nor their enrollment start date of August 1, 2014 in the QHP they selected.

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:
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Summary

The May 29, 2014 notice of eligibility determination is AFFIRMED and the August 1, 2014 effective date of coverage in a QHP for your spouse and daughter that year remains in effect.

This decision does not change your spouse and daughter's eligibility for financial assistance in 2014 nor their enrollment start date of August 1, 2014 in the QHP they selected.

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:

[REDACTED]

[REDACTED]