



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

Notice of Decision

Notice Date: February 2, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004566

[REDACTED]

Dear [REDACTED],

On January 13, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's July 1, 2015 enrollment notice.

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 and the NY State of Health 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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DEPARTMENT OF HEALTH
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Decision

Notice Date: February 2, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004566

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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 coverage start date of your spouse's UnitedHealthcare silver-level plan was July 1, 2015?

Procedural History

The Marketplace received your initial application for health insurance on June 30, 2015.

On July 1, 2015, the Marketplace issued an eligibility determination notice stating that your spouse were eligible to enroll in a qualified health plan (QHP) at full cost, effective August 1, 2015.

Also on July 1, 2015, the Marketplace issued a notice confirming your spouse's enrollment in the UnitedHealthcare silver-level plan as of June 30, 2015, with a premium responsibility of \$544.76. The notice stated that if you paid your first month's premium, your insurance could begin as early as July 1, 2015.

On September 1, 2015, you spoke with the Marketplace's Account Review Unit and appealed the July 1, 2015 enrollment notice insofar as you were seeking a coverage start date for your spouse of August 1, 2015, rather than July 1, 2015.

On January 13, 2016, you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. The record was developed during the hearing and remained open for the sole purpose of providing you an opportunity to

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submit as additional evidence: documentation from either the Marketplace or UnitedHealthcare reflecting that the start date of your spouse's coverage was to be August 1, 2015. The record was to be closed 15 days after the hearing date, or upon the receipt of the above referenced documents, whichever occurred earlier.

However, the Hearing Officer determined that all documentation necessary to render a Decision was already present in the record as of January 13, 2015.

Accordingly, the record was closed on January 13, 2015.

Findings of Fact

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

- 1) You testified that you first called the Marketplace on June 30, 2015 to enroll your spouse in a health plan.
- 2) On June 30, 2015, the Marketplace issued an eligibility determination notice stating that your spouse was found eligible to enroll in a qualified health plan (QHP), effective August 1, 2015.
- 3) Also on June 30, 2015, you selected a UnitedHealthcare silver-level plan for your spouse's coverage.
- 4) You testified that a Marketplace representative stated that your spouse's coverage would begin no earlier than August 1, 2015.
- 5) You testified that you timely paid your premium amounts, but began to realize something was wrong when your payments were being applied for coverage for the prior month. You further testified that you called both the Marketplace and UnitedHealthcare, where you confirmed that you had been billed for your spouse's coverage during July 2015.
- 6) You testified that you never requested that UnitedHealthcare begin your spouse's coverage prior to August 1, 2015.
- 7) You testified that you were seeking a coverage start date for your spouse of August 1, 2015, and a reimbursement of your premium amount.

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

Applicable Law and Regulations

Special Enrollment Effective Dates

The effective date of a qualified health plan (QHP) selection received by the Marketplace from a qualified individual will be (1) the first day of the following month if a plan selection is received between the first and the fifteenth day of any month, and (2) the first day of the second following month of a plan selection is received between the sixteenth and the last day of any month (45 CFR § 155.420(b)(1)).

Legal Analysis

The only matter under review is when your spouse's coverage under the UnitedHealthcare silver-level plan should have taken effect.

In order to have had your spouse's coverage under the UnitedHealthcare silver-level plan begin August 1, 2015, you would have had to select this plan for enrollment by between June 16, 2015 and June 30, 2015.

You testified, and the record reflects, that your spouse enrolled in the UnitedHealthcare silver-level plan on June 30, 2015 when you submitted your initial application. You also credibly testified that a Marketplace representative instructed you that the earlier your spouse's plan could begin was August 1, 2015, which is entirely consistent with the information contained in the eligibility determination notice issued to you on July 1, 2015.

Accordingly, we find there is enough evidence that the July 1, 2015 enrollment notice should be MODIFIED to state that your spouse's coverage start date with the UnitedHealthcare silver-level plan was August 1, 2015.

The Marketplace is further directed to facilitate the reimbursement of any premium payments applied to the coverage of the Appellant's spouse during July 1, 2015, if applicable.

Decision

The July 1, 2015 enrollment notice is MODIFIED to state that your spouse's coverage start date with the UnitedHealthcare silver-level plan was August 1, 2015.

The Marketplace is further directed to facilitate the reimbursement of any premium payments applied to the coverage of the Appellant's spouse during July 1, 2015, if applicable.

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Effective Date of this Decision: February 2, 2016

How this Decision Affects Your Eligibility

Your spouse's coverage with the UnitedHealthcare silver-level plan was effective August 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 July 1, 2015 enrollment notice is MODIFIED to state that your spouse's coverage start date with the UnitedHealthcare silver-level plan was August 1, 2015.

The Marketplace is further directed to facilitate the reimbursement of any premium payments applied to the coverage of the Appellant's spouse during July 1, 2015, if applicable.

Your spouse's coverage with the UnitedHealthcare silver-level plan was effective August 1, 2015.

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:

