



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

## Notice of Decision

Decision Date: February 12, 2016

NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000004666

[REDACTED]

Dear [REDACTED],

On December 14, 2015 you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's September 12, 2015 enrollment determination.

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 Code of 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: February 12, 2016

NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000004666

[REDACTED]

## Issue

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

Did the Marketplace properly determine that your children's enrollment in their Medicaid Managed Care plan, HealthPlus, should be effective October 1, 2015?

## Procedural History

On July 22, 2015 the Marketplace issued an eligibility determination notice stating that your two children remain eligible for Medicaid, effective September 1, 2015.

Also on July 22, 2015 the Marketplace issued a disenrollment notice stating that your children will no longer have coverage through HealthPlus, a Medicaid Managed Care plan, effective August 31, 2015.

Finally on July 22, 2015, the Marketplace issued an enrollment confirmation notice stating that your children's enrollment in Fidelis Care, a Medicaid Managed Care plan, would begin September 1, 2015.

On September 10, 2015 you updated your children's enrollment in a Medicaid Managed Care plan to HealthPlus.

On September 12, 2015 the Marketplace issued a disenrollment notice stating that you requested to end your children's coverage through Fidelis on September 10, 2015 and they will no longer have coverage with that plan as of September 30, 2015.

Also on September 12, 2015 the Marketplace issued an enrollment confirmation notice stating that as of September 10, 2015 your children were enrolled in HealthPlus effective October 1, 2015.

On December 14, 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) You testified that you went to a certified application counselor to assist you with renewing your household's health insurance.
- 2) The record reflects that your certified application counselor worked for Fidelis Care NY.
- 3) The record reflects that on July 21, 2015 your children were enrolled into a Fidelis Care Medicaid Managed Care plan by your certified application counselor.
- 4) You testified that you did not want your children enrolled into a Fidelis Care plan, but that you wanted them to be enrolled in HealthPlus as their Medicaid Managed Care plan.
- 5) The record reflects that you enrolled your children into HealthPlus on September 10, 2015.
- 6) You testified that you want your children's HealthPlus plan backdated to September 1, 2015 because they have unpaid medical bills from the month of September that Fidelis Care will not cover because their doctor does not take Fidelis.

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

## **Applicable Law and Regulations**

### Medicaid

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An individual is eligible for fee-for-service Medicaid effective on the first day of the month if an individual was eligible any time during that month (42 CFR § 435.915(b)).

Medicaid Managed Care (MMC) plan enrollments received on or before the fifteenth day of the month are effective the first day of the following month. Enrollments received after the fifteenth day of the month are effective the first day of the second following month (Medicaid Managed Care Model Contract (Appendix H-6(b)(ii) & (iii), effective 3/1/2014 – 2/28/2019; see, §1115 Soc. Sec. Act; N.Y. Soc. Serv. Law § 364-j(1)(c); 18 NYCRR § 360-10.3(h)).

## **Legal Analysis**

The issue is whether the Marketplace properly determined that your children's enrollment in HealthPlus, a Medicaid Managed Care plan, was effective October 1, 2015.

You testified that you went to a certified application counselor to assist you with renewing your household's health insurance and the record reflects that your certified application counselor worked for Fidelis Care NY.

The record reflects that on July 21, 2015 your children were enrolled into a Fidelis Care Medicaid Managed Care plan by your certified application counselor. You testified that you did not want your children enrolled into a Fidelis Care plan, but that you wanted them to be enrolled in HealthPlus.

The record reflects that you enrolled your children into HealthPlus as their Medicaid Managed Care plan on September 10, 2015.

The date on which a Medicaid Managed Care plan can take effect depends on the day a person selects the plan for enrollment.

A plan that is selected between the first day and fifteenth day of a month goes into effect on the first day of the following month. 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.

On September 10, 2015, you selected HealthPlus as your children's Medicaid Managed Care plan, so it must take effect on the first day of the next following month after September; that is, on October 1, 2015.

Therefore, the September 12, 2015 enrollment confirmation notice stating that your children's Medicaid Managed Care coverage with HealthPlus would take effect on October 1, 2015 is correct and must be **AFFIRMED**.

## **Decision**

The September 12, 2015 enrollment confirmation notice is AFFIRMED.

**Effective Date of this Decision:** February 12, 2016

## **How this Decision Affects Your Eligibility**

This decision does not change your children's eligibility.

The effective date of your children's Medicaid Managed Care plan is October 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):**

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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- By fax: 1-855-900-5557

## **Summary**

The September 12, 2015 enrollment confirmation notice is AFFIRMED.

This decision does not change your children's eligibility.

The effective date of your children's Medicaid Managed Care plan is October 1, 2015.

## **Legal Authority**

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

**A Copy of this Decision Has Been Provided To:**

