



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

Notice of Decision

Decision Date: February 16, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004869

[REDACTED]

Dear [REDACTED],

On December 29, 2015 you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's October 6, 2015 enrollment confirmation 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 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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Issues

The issues presented for review by the Appeals Unit of NY State of Health are:

Did the Marketplace properly determine that your children were enrolled in Third Party Health Insurance?

Did the Marketplace properly determine that your children's enrollment in a Medicaid Managed Care plan was effective October 1, 2015?

Procedural History

On September 16, 2015 the Marketplace issued an eligibility determination notice stating that you, your spouse, and your two children were eligible for Medicaid, effective September 1, 2015. The notice further stated that your two children would receive benefits through "Fee-For-Service Medicaid."

On September 16, 2015, September 17, 2015, and September 19, 2015, the Marketplace issued enrollment confirmation notices stating that you and your spouse were enrolled in a Medicaid Managed Care plan effective October 1, 2015. The notice stated that your two children did not need to pick a health plan.

On September 22, 2015 and September 25, 2015 the Marketplace issued enrollment confirmation notices stating that the type of Medicaid coverage your two children are eligible for did not require them to enroll in a health plan.

On October 5, 2015 you enrolled your children into a Medicaid Managed Care plan.

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Also on October 5, 2015 you spoke to the Marketplace's Account Review Unit and appealed the fact that your children's coverage under their Medicaid Managed Care plan would not be effective until November 1, 2015.

On October 6, 2015 the Marketplace issued an enrollment confirmation notice stating that your children's enrollment in their Medicaid Managed Care plan would start November 1, 2015.

On December 29, 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 supports the following findings of fact:

- 1) You testified that prior to enrolling for health insurance through the Marketplace you, your spouse, and your children had insurance through your employer.
- 2) You testified that your family's enrollment in your prior health insurance plan ended on July 31, 2015.
- 3) The record reflects that you and your spouse were able to select and enroll in a Medicaid Managed Care plan on September 15, 2015 without any issues.
- 4) You testified that you called the Marketplace when you were unable to enroll your children into a Medicaid Managed Care plan and you were told that the system was showing that your children were currently enrolled in another insurance plan.
- 5) The record reflects that your children were not given the option to enroll in a Medicaid Managed Care plan until October 5, 2015.
- 6) The record does not contain any information from the Marketplace regarding where they obtained the information that your children were enrolled in Third Party Health Insurance.
- 7) The record does not contain any notices that state the reason why your children could not select a Medicaid Managed Care plan was because they were enrolled in Third Party Health Insurance.

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

Applicable Law and Regulations

Medicaid

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)).

A Medicaid recipient who has primary medical or health care coverage available from a Third-Party payor may be required to enroll with a managed care program when the payment of the premium or cost sharing amounts would be cost-effective, as determined by the local social services district (NY Soc. Serv. Law § 364-j(3)(e)(xx)).

Legal Analysis

The first issue under review is whether the Marketplace properly determined that your children were enrolled in Third Party Health Insurance.

Generally, when an individual is eligible for Medicaid through the Marketplace, they are required to enroll in a Medicaid Managed Care plan. However, when a person has active coverage in a health insurance plan outside of the Marketplace, they are not eligible to enroll in a Medicaid Managed Care plan.

You testified that prior to enrolling for health insurance through the Marketplace you, your spouse, and your children had insurance through your employer but that insurance ended on July 31, 2015.

On September 16, 2015, September 17, 2015, and September 19, 2015, the Marketplace issued enrollment confirmation notices stating that your two children did not need to pick a health plan. On September 22, 2015 and September 25, 2015 the Marketplace issued enrollment confirmation notices stating that the type of Medicaid coverage your two children are eligible for did not require them to enroll in a health plan.

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You testified that you called the Marketplace when you were unable to enroll your children into a Medicaid Managed Care plan and you were told that the system was showing that your children were currently enrolled in another insurance plan.

The record does not contain any notices that state the reason why your children could not select a Medicaid Managed Care plan was because they were enrolled in Third Party Health Insurance. Furthermore, the record does not contain any information from the Marketplace regarding where they obtained the information that your children were enrolled in Third Party Health Insurance.

Since the Marketplace did not provide documentation or evidence that would support a finding that your children were enrolled in Third Party Health Insurance at the time of your family's initial application on September 15, 2015, the enrollment confirmation's issued on September 16, 2015, September 17, 2015, September 19, 2015, September 22, 2015 and September 25, 2015 are RESCINDED.

The final issue raised on appeal is whether or not the Marketplace properly determined that your children's enrollment in their Medicaid Managed Care plan was effective November 1, 2015.

Generally, 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.

The record reflects that you and your spouse were able to select and enroll in a Medicaid Managed Care plan on September 15, 2015 without any issues and that plan was effective October 1, 2015. Your children's Medicaid Managed Care plan was not selected until October 5, 2015. However, as noted above they were unable to select a Medicaid Managed Care plan at the same time as you and your spouse because the system incorrectly detected that they were enrolled in Third Party Health Insurance.

Therefore the October 6, 2015 enrollment confirmation notice is MODIFIED to state that your children's enrollment in their Medicaid Managed Care plan is effective October 1, 2015.

Decision

The October 6, 2015 enrollment confirmation notice is MODIFIED to state that your children's enrollment in their Medicaid Managed Care plan is effective October 1, 2015.

Your case is RETURNED to the Marketplace to effect this change to your Marketplace account.

Effective Date of this Decision: February 16, 2016

How this Decision Affects Your Eligibility

Your children are enrolled in their Medicaid Managed Care plan effective 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:

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Summary

The October 6, 2015 enrollment confirmation notice is MODIFIED to state that your children's enrollment in their Medicaid Managed Care plan is effective October 1, 2015.

Your case is RETURNED to the Marketplace to effect this change to your Marketplace account.

Your children are enrolled in their Medicaid Managed Care plan effective October 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:

