



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

Notice of Decision

Decision Date: February 24, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000004999

[REDACTED]

Dear [REDACTED],

On January 19, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's October 22, 2015 eligibility determination and October 22, 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 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.

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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NY State of Health Number: [REDACTED]
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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 your newborn daughter was eligible for coverage with Healthfirst PHSP, Inc., through Child Health Plus, effective no earlier than December 1, 2015?

Procedural History

On October 21, 2015, the Marketplace received an application for health insurance in which you attested to a household income of \$55,000.00.

On October 22, 2015, the Marketplace issued an eligibility determination notice stating, in relevant part, that your newborn daughter was conditionally eligible for coverage through Child Health Plus (CHP) at a reduced premium rate of \$15.00 per month, effective December 1, 2015. The notice directed you to provide documentation to confirm your newborn daughter's citizenship status and Social Security number before January 19, 2016, or she might lose her eligibility for coverage or for financial assistance.

The enrollment details listed in your on-line Marketplace account indicated that your newborn daughter's coverage under this plan was to begin December 1, 2015; your son's coverage was to begin on October 1, 2015.

However, also on October 22, 2015, the Marketplace issued an enrollment notice confirming your son and newborn daughter's enrollment in a CHP plan at a total reduced premium rate of \$30.00 per month. This notice also confirmed that CHP

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coverage for your son and newborn daughter had a plan enrollment start date of October 1, 2015. The notice also stated that you needed to pay the monthly premium to start and keep this coverage.

On October 23, 2015, you called the Marketplace's Account Review Unit and appealed the October 22, 2015 enrollment notice insofar as you were seeking a CHP coverage start date of November 1, 2015, rather than December 1, 2015.

Also on October 23, 2015, the Marketplace received hospital documents issued for your newborn daughter, which included discharge instructions and a Request for Birth Certificate Information completed by you.

On November 12, 2015, the Marketplace issued an eligibility redetermination notice stating, in relevant part, that your newborn daughter was eligible, with conditions removed, to enroll in CHP at a reduced premium rate of \$15.00 per month, effective December 1, 2015.

On January 19, 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 as the Hearing Officer directed you to provide as additional evidence to corroborate your testimony: e-mail correspondence between [REDACTED] of Healthfirst and a Marketplace representative confirming the start date of your newborn daughter's coverage was dependent solely upon the date of her birth. The record was to be closed 15 days after the hearing date, or upon the receipt of the above referenced documents, whichever occurred earlier. No additional documents were received from you by February 3, 2016.

The record was closed on February 3, 2016.

Findings of Fact

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

- 1) Your newborn daughter was born on [REDACTED].
- 2) On October 21, 2015 your household's application for health insurance was updated.
- 3) You selected a Child Health Plus (CHP) plan for your youngest child on October 21, 2015 and that plan was effective December 1, 2015.
- 4) You testified that you are seeking your newborn daughter's enrollment in her CHP plan to be backdated to November 1, 2015. You further testified that you were instructed by your [REDACTED] of Healthfirst, the insurance carrier providing your daughter's CHP coverage,

that a Marketplace representative confirmed to him via e-mail that, because your daughter was born on October 15, 2015, she was assured of having a CHP coverage start date of November 1, 2015. However, you did not provide the e-mail documentation reflecting this exchange to the Appeals Unit by February 3, 2016, as directed by the Hearing Officer.

- 5) You testified that you have incurred out-of-pocket medical expenses because your newborn daughter did not have coverage through her CHP plan during November 2015.
- 6) You testified that if you had known that October 15, 2015 was the cutoff date for CHP coverage to begin November 1, 2015, you would have made arrangements to update your account at that time.
- 7) The Marketplace issued an enrollment confirmation notice stating that your daughter's plan enrollment started on October 1, 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 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)).

The State of New York has provided that a child's period of eligibility for Child Health Plus begins on the first day of the month during which a child is eligible. A child will become eligible on the first day of the next month of the application is received by the 15th of the month; applications received after the 15th day of the month will be processed for the first day of the second subsequent month (see e.g. State Plan Amendment (SPA) NY-14-0005, approved February 3, 2015 and effective January 1, 2014).

Some Child Health Plus insurance providers voluntarily agree to begin coverage for newborns back to the date of their birth.

Legal Analysis

The issue under review is whether the Marketplace properly determined that your newborn daughter's enrollment in her Child Health Plus (CHP) plan was effective December 1, 2015, rather than November 1, 2015.

The record reflects that on October 21, 2015 your household's application for health insurance was updated and on October 22, 2015 the Marketplace issued an eligibility determination notice stating that your youngest child was eligible to enroll in CHP with a \$15.00 per month premium effective December 1, 2015.

You testified that you were seeking your newborn daughter's enrollment in her CHP plan to be backdated to November 1, 2015 because you have unpaid medical bills for newborn daughter during the month of November 2015.

You further testified that you relied upon e-mail correspondence issued to your health insurance broker, [REDACTED] of Healthfirst, which stating that since your daughter was born on [REDACTED], her CHP coverage would start on November 1, 2015. The Hearing Officer directed you to produce copies of the e-mail correspondence in order to support your testimony. Since you did not provide copies of the e-mail correspondence in question, we are unable to draw an inference in your favor based on that e-mail.

The record reflects that a CHP plan was selected for your newborn daughter on October 21, 2015 and that plan was effective December 1, 2015.

In New York State if an application for insurance coverage is received through the Marketplace after the 15th of the month, health plan benefits are provided on the first day of the second following month. If an application is received before the 15th of the month, benefits are provided on the first day of the next month.

Since your newborn daughter was not enrolled into a CHP plan until October 21, 2015, it would have been proper for her CHP plan to have taken effect on December 1, 2015.

However, some CHP providers voluntarily agree to providing coverage to newborns back to their date of birth. Although the eligibility determination stated that your daughter's eligibility began on December 1, 2015, the letter confirming your daughter's enrollment clearly stated that it began on October 1, 2015. Additionally, a broker for your daughter's CHP insurance carrier also confirmed that her coverage could began as of her date of birth.

Therefore, the October 22, 2015 eligibility determination is AFFIRMED.

The October 22, 2015 notice of enrollment confirmation stating that your daughter's enrollment started October 1, 2015 is also AFFIRMED.

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Decision

The October 22, 2015 eligibility determination and the October 22, 2015 notice of enrollment confirmation are AFFIRMED.

Your case is returned to the Marketplace to facilitate any necessary correction to your account, to reflect that your daughter's enrollment began on October 1, 2015.

Effective Date of this Decision: February 24, 2016

How this Decision Affects Your Eligibility

Your newborn daughter's enrollment in her Child Health Plus plan was 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:

- By calling the Customer Service Center at 1-855-355-5777
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Summary

The October 22, 2015 eligibility determination and the October 22, 2015 notice of enrollment confirmation are AFFIRMED.

Your case is returned to the Marketplace to facilitate any necessary correction to your account, to reflect that your daughter's enrollment began on October 1, 2015.

Your newborn daughter's enrollment in her Child Health Plus plan was effective October 1, 2015.

Legal Authority

We are sending you this notice in accordance with 45 CFR § 155.545.

A Copy of this Decision Has Been Provided To:

