



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: AP000000005007

[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 disenrollment 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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Decision

Decision Date: February 24, 2016

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000005007

[REDACTED]

Issue

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

Did the Marketplace properly terminate your qualified health plan coverage through NY State of Health effective November 30, 2015?

Procedural History

On November 7, 2014, the Marketplace issued a notice that stating that it was time to renew your coverage through NY State of Health. This notice confirmed that you had been reenrolled in your Health Republic silver-level plan with a coverage start date of January 1, 2015.

On December 11, 2014, the Marketplace issued an enrollment notice confirming your selection of PrimarySelect PCMH Silver NS INN Dep25 Acupuncture with a premium responsibility of \$128.47 per month. The notice further stated that your insurance would begin as soon as you have paid your first month's premium. Finally, the notice stated that your coverage could begin as early as January 1, 2015.

On October 21, 2015, the Marketplace received a revised application in which you attested that your residence address had changed from "[REDACTED]"

On October 22, 2015, the Marketplace issued a disenrollment notice confirming that your coverage with PrimarySelect PCMH Silver NS INN Dep25 Acupuncture would terminate effective November 30, 2015. This notice was issued because

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you were found no longer eligible to enroll in health insurance through NY State of Health.

On October 23, 2015, you spoke with the Marketplace's Account Review Unit and appealed the disenrollment notice insofar as you were seeking a termination of at least October 31, 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 for the sole purpose of providing you an opportunity to submit as additional evidence: redacted records of phone calls made to the Marketplace and/or Health Republic. 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 supports the following findings of fact:

- 1) You were enrolled in Health Republic's PrimarySelect PCMH Silver NS INN Dep25 Acupuncture plan beginning January 1, 2015.
- 2) You testified that you moved from [REDACTED] on or about October 1, 2015.
- 3) You testified that you made several attempts to contact either the Marketplace or Health Republic to terminate your coverage during late September 2015. You further testified that your attempts to terminate your coverage via phone were frustrated when you were either unable to connect or you were transferred to another department and placed on hold indefinitely.
- 4) You testified that you were told by a Marketplace representative that there was no record of you having called the Marketplace since you might have called Health Republic and then were transferred over to the Marketplace, rather than having made a direct call to the Marketplace.
- 5) You testified that after a period of activity after your move to [REDACTED] Mississippi, you were finally able to complete your call to the Marketplace on October 22, 2015, when you requested to cancel your coverage since you were no longer in New York State.

- 6) You testified that you paid your \$128.47 per month to Health Republic, and believed that you were paid up through November 30, 2015.
- 7) You testified that you were seeking a termination date of your coverage through Health Republic of at least October 31, 2015, and reimbursement of premium amounts, if applicable.

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

Applicable Law and Regulations

Termination of Coverage

The Marketplace must permit an enrollee to terminate his or her coverage with a qualified health plan, including when an enrollee obtains minimum essential coverage, with appropriate notice to the Marketplace or qualified health plan (45 CFR § 155.430(b)(1)(i)).

For enrollee-initiated terminations, the last day of coverage is either:

- The termination date specified by the enrollee, if they provide notice at least 14 days before the requested termination becomes effective;
- Fourteen days after the enrollee requests the termination, if they do not provide 14 days' notice; or
- On a date on or after the date the enrollee requests the termination, subject to the determination of the enrollee's qualified health plan issuer, if the enrollee's qualified health plan issuer agrees to effectuate termination in fewer than 14 days, and the enrollee requests and earlier termination effective date

(45 CFR § 155.430(d)(2)(i)-(iii)).

Legal Analysis

The issue under review is whether your coverage with Health Republic's PrimarySelect PCMH Silver NS INN Dep25 Acupuncture was properly terminated effective November 30, 2015.

The record reflects that you were reenrolled in PrimarySelect PCMH Silver NS INN Dep25 Acupuncture effective January 1, 2015. You testified that you paid all required premium amounts for coverage beginning January 1, 2015.

You testified that you contacted the Marketplace and Health Republic multiple times between during late September 2015 to inform them that you wished to cancel you coverage since you were moving out of state, but you kept getting bounced back and forth. You further testified that after these attempts, you did not go back to contacting the Marketplace until October 22, 2015 to cancel your coverage because you had moved to Mississippi.

The Hearing Officer requested that you provide telephone records reflecting that you made several call attempts to the Marketplace and/or Health Republic during late September 2015 to corroborate your testimony that you sought, unsuccessfully, to cancel your coverage at that time. Since you did not provide these records as requested by the Hearing Officer, we are unable to make an inference in your favor that you attempted to cancel your coverage at that time, but were unable to do so because of technical difficulties.

The Marketplace must permit an enrollee to terminate his or her coverage with a qualified health plan with appropriate notice to the Marketplace. The enrollee must provide notice of his or her request to terminate their qualified health plan at least 14 days before it becomes effective, unless the qualified health plan issuer agrees to effectuate termination in fewer than 14 days.

Since the credible evidence of record reflects that you first contacted the Marketplace and/or Health Republic to cancel your coverage on October 22, 2015, the Marketplace properly terminated your coverage effective November 30, 2015. Accordingly, the October 23, 2015 disenrollment notice is correct and is AFFIRMED.

Decision

The October 23, 2015 disenrollment notice is AFFIRMED.

Effective Date of this Decision: February 24, 2016

How this Decision Affects Your Eligibility

Your eligibility for coverage through the Marketplace is unchanged.

Your coverage with Health Republic's PrimarySelect PCMH Silver NS INN Dep25 Acupuncture was properly terminated effective November 30, 2015.

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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:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The October 23, 2015 disenrollment notice is **AFFIRMED**.

Your eligibility for coverage through the Marketplace is unchanged.

Your coverage with Health Republic's PrimarySelect PCMH Silver NS INN Dep25 Acupuncture was properly terminated effective November 30, 2015.

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A Copy of this Decision Has Been Provided To:

