



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: AP000000005147

[REDACTED]

Dear [REDACTED],

On February 1, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's 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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Issues

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

Did the Marketplace properly determine that you were eligible for enrollment in your Medicaid Managed Care plan through HealthPlus no earlier than December 1, 2015?

Procedural History

On March 9, 2015, the Marketplace issued a notice stating that it was time to renew your health coverage. The notice found that, based on information about you from state and federal data sources obtained as of March 3, 2015, you were eligible for Medicaid coverage effective May 1, 2015.

On August 5, 2015, the Marketplace issued an enrollment confirmation notice stating that your enrollment as of August 4, 2015 in HealthPlus Medicaid Managed Care (MMC) plan been processed. The notice also stated that your coverage with HealthPlus would begin effective September 1, 2015.

On October 15, 2015, the Marketplace issued a disenrollment notice stating that your October 14, 2015 request to end your coverage with HealthPlus had been processed. The notice further stated that your coverage with HealthPlus would end effective October 31, 2015.

Also on October 15, 2015, the Marketplace issued an enrollment confirmation notice stating that your enrollment as of October 14, 2015 in UnitedHealthcare as

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your MMC plan been processed. The notice further stated that your coverage with UnitedHealthcare would begin effective November 1, 2015.

On October 22, 2015, the Marketplace issued a notice which was titled "Cancellation Notice," but contained no substantive information. Your Marketplace enrollment details reflect that on October 22, 2015, your coverage through UnitedHealthcare was cancelled, which effectively terminated your coverage through UnitedHealthcare as of November 1, 2015.

Also on October 22, 2015, the Marketplace issued an enrollment confirmation notice stating that your enrollment as of October 21, 2015 in HealthPlus as your MMC plan been processed. The notice further stated that your coverage with HealthPlus would begin effective December 1, 2015.

On November 11, 2015, you spoke to the Marketplace's Account Review Unit and appealed the October 22, 2015 enrollment confirmation notice as you were seeking to backdate your coverage start date under HealthPlus to November 1, 2015.

On February 1, 2016, 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) On March 9, 2015, you were found eligible for Medicaid based on the information contained in your Marketplace application. Your eligibility for Medicaid began on May 1, 2015.
- 2) You selected to enroll in HealthPlus Medicaid Managed Care (MMC) plan, with coverage beginning September 1, 2015.
- 3) On October 14, 2015, you contacted the Marketplace to end your coverage with HealthPlus. Your coverage through HealthPlus ended effective October 31, 2015.
- 4) Also on October 14, 2015, you enrolled in UnitedHealthcare as your MMC plan. Your coverage with UnitedHealthcare was to begin November 1, 2015.
- 5) Prior to your coverage beginning with UnitedHealthcare, on October 21, 2015, you switched your coverage back to HealthPlus. Your coverage through HealthPlus started December 1, 2015.

- 6) Your coverage with UnitedHealthcare was cancelled, effective November 1, 2015.
- 7) You testified that when you called to change your MMC plan a representative did not instruct you that you would no longer be enrolled with HealthPlus for the month of November 2015.
- 8) You testified that you had switched plans because you were having great difficulty finding an allergist in your area who accepted your MMC plan.
- 9) You testified that as a result of the Marketplace representative failure to instruct you that changing plans would cause you to have a one month gap in coverage, you were seeking to backdate your coverage start date with HealthPlus to from December 1, 2015 to November 1, 2015.

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 42 USC § 1315; N.Y. Soc. Serv. Law § 364-j(1)(c); 18 NYCRR § 360-10.3(h)).

Legal Analysis

The issue under review is whether the Marketplace properly determined that you were not enrolled in HealthPlus as your Medicaid Managed Care (MMC) plan for the month of November 2015.

The record reflects that on March 9, 2015, the Marketplace issued an eligibility determination notice finding you eligible for Medicaid, effective May 1, 2015. On August 5, 2015, you enrolled in HealthPlus for your MMC coverage beginning September 1, 2015.

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On October 14, 2015, the record reflects that you switched your MMC coverage from HealthPlus to UnitedHealthcare. Accordingly, the Marketplace terminated your HealthPlus coverage as of October 31, 2015, and initiated your MMC coverage with UnitedHealthcare, effective November 1, 2015. However, the record reflects that before the UnitedHealthcare plan went into effect, on October 21, 2015, you requested that your enrollment in UnitedHealthcare be terminated and that you be re-enrolled with HealthPlus as your MMC plan instead.

You testified that when you called to change your MMC plan, the representative did not tell you that your HealthPlus plan would begin December 1, 2015, and would no longer be enrolled in UnitedHealthcare for the month of November 2015. The record does not reflect that you ever received an insurance card from UnitedHealthcare for coverage beginning the month of November 2015, or a HealthPlus plan card for coverage beginning earlier than December 1, 2015; you testified that you had switched plans because you were having difficulty selecting an allergist who accepted your MMC plan in your area.

Because you requested that your enrollment in UnitedHealthcare plan be terminated before it ever went into effect, you were not enrolled in that plan.

Because you selected HealthPlus as your MMC plan on October 21, 2015, the Marketplace properly found that your enrollment with HealthPlus would begin on December 1, 2015.

Therefore, the Marketplace properly determined that you did not have coverage with any MMC plan for the month of November 2015. Accordingly, the October 22, 2015 enrollment confirmation notice is AFFIRMED. You remained covered by Medicaid fee-for-service for all periods in question.

Decision

The October 22, 2015 enrollment confirmation notice is AFFIRMED.

The Marketplace properly determined that you did not have coverage with any MMC plan for the month of November 2015. You did have coverage through Medicaid Fee-for-service.

Effective Date of this Decision: February 24, 2016

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

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You are not eligible for coverage with a Medicaid Managed Care plan through either UnitedHealthcare or HealthPlus for the month of November 2015; you were covered by Medicaid fee-for-service.

Your enrollment in HealthPlus as your MMC plan was effective as of December 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 enrollment confirmation notice is AFFIRMED.

The Marketplace properly determined that you did not have coverage with any MMC plan for the month of November 2015.

This decision does not change your eligibility.

You are not eligible for coverage through either UnitedHealthcare or HealthPlus for the month of November 2015.

Your enrollment in HealthPlus as your MMC plan was effective as of December 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:

