



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

Notice of Decision

Decision Date: April 15, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000005176

[REDACTED]

Dear [REDACTED],

On February 2, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's November 13, 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 Account ID 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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Issue

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

Did New York State of Health (NYSOH) properly determine that your enrollment in your Qualified Health Plan was effective as of October 1, 2015?

Procedural History

On October 2, 2015, NYSOH issued an eligibility determination notice stating that you were eligible to receive up to \$54.00 per month in advance payments of the premium tax credit (APTC). This eligibility was effective November 1, 2015. You were also found eligible to enroll in a plan outside the annual open enrollment period.

Also on October 2, 2015, NYSOH issued an enrollment confirmation notice stating that you were enrolled in a silver level Qualified Health Plan (QHP), with a plan enrollment start date of October 1, 2015.

On October 23, 2015, NYSOH issued a cancellation notice, notifying you that your coverage through your QHP was cancelled effective October 1, 2015 because a premium payment had not been received.

On November 12, 2015, you updated the information in your NYSOH account.

On November 13, 2015, NYSOH issued an eligibility determination notice stating you were eligible to receive up to \$54.00 per month in APTC, effective December

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1, 2015. You were again found eligible to enroll in a plan outside the annual open enrollment period.

That same day, NYSOH issued an enrollment confirmation notice confirming your enrollment in a silver level QHP, with a plan enrollment start date of October 1, 2015.

On November 13, 2015, you spoke to NYSOH's Account Review Unit and appealed the effective date of your enrollment in your QHP, and seeking to have the plan enrollment start date changed to November 1, 2015.

On February 2, 2016, you had a telephone hearing with a Hearing Officer from NYSOH'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 first applied for coverage through NYSOH on October 1, 2015.
- 2) The record reflects that you enrolled in a silver level QHP on the same day that you applied for coverage, October 1, 2015. NYSOH stated that your plan enrollment start date would be October 1, 2015.
- 3) You testified that you paid your premiums for October, November, and December of 2015.
- 4) You testified that you want your QHP to be effective November 1, 2015 because you were unable to use your coverage for October 2015.

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

Applicable Law and Regulations

Enrollment in a Qualified Health Plan

NYSOH must provide annual open enrollment periods during which time qualified individuals may enroll in a qualified health plan (QHP) and enrollees may change QHPs (45 CFR § 155.410(a)).

For the benefit year beginning on January 1, 2015, the annual open enrollment period began on November 15, 2014 and extended through February 15, 2015 (45 CFR § 155.410(e)); however, the open enrollment period was further extended to February 28, 2015 for individuals who took steps to apply for coverage on or before the February 15, 2015 deadline, but were unable to complete the enrollment process (Press Release: NY State of Health Implements 'Waiting in Line' Provision Ahead of February 15 Open Enrollment Deadline, <http://info.nystateofhealth.ny.gov/news/press-release-ny-state-health-implements-%E2%80%99waiting-line%E2%80%99-provision-ahead-february-15-open>).

After each open enrollment period ends, NYSOH provides special enrollment periods to qualified individuals. During a special enrollment period, a qualified individual may enroll in a QHP, and an enrollee may change their enrollment to another plan (45 CFR § 155.420(d)).

For individuals who are eligible for a special enrollment period, NYSOH must ensure coverage is effective the first day of the following month, for QHP selections received by NYSOH between the first and the fifteenth of any month (45 CFR § 155.420(b)(1)(i)). NYSOH must ensure coverage is effective the first day of the second following month, for QHP selections received by NYSOH between the sixteenth and the last day of any month (45 CFR § 155.420(b)(1)(ii)).

Legal Analysis

The issue under review is whether NYSOH properly determined that your enrollment in your QHP was effective October 1, 2015.

The record reflects that on October 1, 2015, you applied through NYSOH for financial assistance. You were found eligible to enroll outside the annual open enrollment period, and that same day, you enrolled in a silver level QHP.

The date on which a QHP can take effect depends on the day a person selects the plan for enrollment. A plan that is selected between the first and the fifteenth day of a month goes into effect on the first day of the following month.

Since you enrolled in a QHP on October 1, 2015, your enrollment in your plan should have been effective November 1, 2015.

Therefore, NYSOH's October 2, 2015 and November 13, 2015 enrollment confirmation notices are MODIFIED to reflect a QHP start date of November 1, 2015.

Your case is RETURNED to NYSOH to coordinate with your QHP to change your QHP plan enrollment start date to November 1, 2015.

Decision

The October 2, 2015 and November 13, 2015 enrollment confirmation notices are MODIFIED to reflect a plan enrollment start date of November 1, 2015.

Your case is RETURNED to NYSOH to coordinate with your QHP to change your QHP plan enrollment start date to November 1, 2015.

Effective Date of this Decision: April 15, 2016

How this Decision Affects Your Eligibility

Your enrollment in your qualified health plan should have been effective November 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 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 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.

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If You Have Questions about this Decision (Customer Service Resources):

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Albany, NY 12211
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Summary

The October 2, 2015 and November 13, 2015 enrollment confirmation notices are MODIFIED to reflect a plan enrollment start date of November 1, 2015.

Your case is RETURNED to NYSOH to coordinate with your QHP to change your QHP plan enrollment start date to November 1, 2015.

Your enrollment in your qualified health plan should have been effective November 1, 2015.

Legal Authority

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

A Copy of this Decision Has Been Provided To:

