



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

Notice of Decision

Decision Date: June 15, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000005451

[REDACTED]

Dear [REDACTED]

On February 17, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's December 9, 2015 eligibility determination 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 Account ID: [REDACTED]
Appeal Identification Number: AP000000005451



Issues

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

Did NY State of Health (NYSOH) properly determine that you were eligible to receive up to \$189.00 per month in advance premium tax credits, effective January 1, 2016?

Did NYSOH properly determine that you were eligible to receive cost sharing reductions, effective January 1, 2016?

Did NYSOH properly determine that you were not eligible for Medicaid?

Procedural History

On December 8, 2015, NYSOH received your completed application for health insurance. That day, a preliminary eligibility determination was prepared with regard to the last application, stating that you were eligible to receive advance premium tax credits and cost sharing reductions in the amount of \$189.00 per month effective January 1, 2016.

Also on December 8, 2015, you contacted NYSOH's Account Review Unit and requested an appeal of that preliminary eligibility determination as it related to the level of financial assistance you were deemed eligible to receive.

On December 9, 2015, NYSOH issued an eligibility determination notice finding you eligible to receive up to \$189.00 per month in advance premium tax credits and cost-sharing reductions, effective January 1, 2016. The notice further stated

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that you were not eligible for Medicaid because your household income was above the allowable income limit for that program.

On January 21, 2016, an eligibility determination notice was issued finding you eligible to enroll in the Essential Plan with a premium responsibility of \$20.00 per month effective March 1, 2016.

On January 25, 2016, an enrollment confirmation notice was issued confirming your enrollment in the Essential Plan 1 plus Vision and Dental with a premium responsibility of \$46.25 per month with a start date of March 1, 2016.

On February 17, 2016, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and kept open 15 days for you to provide four weeks paystubs for the month of December 2015. The Appeals Unit received this documentation on February 17, 2016 in the form of a five page document and uploaded to your account on February 29, 2016 (Appellant's Exhibit 1).

Findings of Fact

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

- 1) You testified that you expect to file your 2016 taxes with a tax filing status of single. You will claim one dependent on that tax return.
- 2) You are seeking insurance for yourself.
- 3) The application that was submitted on December 8, 2015, which requested financial assistance, listed annual household income of \$34,996.00, consisting of income you earn from your employment.
- 4) You testified, and provided documentation, that your monthly income for December 2015 was \$2,931.94.
- 5) You provided documentation of your income showing check dates of December 16, 2015 in the gross amount of \$708.63; December 23, 2015 for \$1,550.31; and December 30, 2015 for \$673.00. (Appellant's Exhibit 1).
- 6) You provided documentation showing a year to date gross income for 2015 was \$27,511.68 (Appellant's Exhibit 1 pg. 3).
- 7) Your application states that you will not be taking any deductions on your tax return.

8) Your application states that you live in Broome County.

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

Applicable Law and Regulations

Advance Payments of Premium Tax Credit

Advance payments of the premium tax credit (APTC) are generally available to a person who is eligible to enroll in a qualified health plan (QHP) and (1) expects to have a household income between 138% and 400% of the applicable federal poverty level (FPL), (2) expects to file a tax return and claim a personal exemption deduction for a person who meets the eligibility requirements to enroll in a QHP, and (3) is not otherwise eligible for minimum essential coverage except through the individual market (see 45 CFR § 155.305(f), 42 CFR § 435.119(b), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)).

The maximum amount of APTC that can be authorized equals:

- 1) the cost of the health insurance premium for the taxpayer's coverage family in the second lowest cost silver plan offered through NY State of Health in the county where the taxpayer resides

minus

- 2) the taxpayer's expected contribution amount

(see 26 USC § 36B, 26 CFR § 1.36B-3).

The taxpayer's expected contribution amount is the amount that the taxpayer is expected to spend on health insurance premiums. The expected contribution for 2016 is set by federal law at 2.03% to 9.66% of household income (26 USC § 36B(b)(3)(A), 26 CFR § 1.36B-3T(g)(1), IRS Rev. Proc. 2014-37, IRS Rev. Proc. 2014-62).

In an analysis of APTC eligibility, the determination is based on the FPL for the first day of the open enrollment period of the benefit year for which coverage is requested (45 CFR §§ 155.300(a), 155.305(f)(1)(i)). On the date of your application, that was the 2015 FPL, which is \$15,930.00 for a two-person household (80 Fed. Reg. 3236, 3237).

For annual household income in the range of at least 200% but less than 250% of the 2015 FPL, the expected contribution is between 6.41% and 8.18 % of the

household income (26 CFR § 1.36B-3T(g)(1), 45 CFR § 155.300(a), IRS Rev. Proc. 2014-37, IRS Rev. Proc. 2014-62).

People who use the APTC to help pay health insurance premiums must file a federal tax return and reconcile their expected income (stated on NYSOH application) with their actual income (stated on their federal income tax return). Those who take less tax credit in advance than they claim on the tax return may get the rest of it as an income tax refund or have their tax bill reduced. Those who take more tax credit in advance than they can claim on their tax return will owe the difference as additional income taxes (26 CFR § 1.36B-4).

Cost-Sharing Reductions

Cost-sharing reductions (CSR) are available to a person who (1) is eligible to enroll in a QHP through NYSOH, (2) meets the requirements to receive APTC, (3) is expected to have an annual household income that does not exceed 250% of the FPL for the first day of the open enrollment period of the benefit year for which coverage is requested, and (4) is enrolled in a silver-level QHP (45 CFR § 155.300(a), 45 CFR § 155.305(g)(1)).

Medicaid

Medicaid can be provided through NYSOH to adults who: (1) are age 19 or older and under age 65, (2) are not pregnant, (3) are not entitled to or enrolled for Medicare benefits under part A or B of title XVIII of the Act, (4) are not otherwise eligible for and enrolled for mandatory coverage under a State's Medicaid State plan in accordance with subpart B of this part, and (5) have a household modified adjusted gross income (MAGI) that is at or below 138% of the FPL for the applicable family size (42 CFR § 435.119(b), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)), N.Y. Soc. Serv. Law § 366(1)(b)).

In an analysis of Medicaid eligibility, the determination is based on the FPL “for the applicable budget period used to determine an individual's eligibility” (42 CFR § 435.4). On the date of your application, that was the 2015 FPL, which is \$15,930.00 for a two-person household (80 Fed. Reg. 3236, 3237).

Financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size (42 CFR § 435.603(h)(1); State Plan Amendment (SPA) 13-0055-MM3, as approved March 19, 2014).

Legal Analysis

The first issue is whether NYSOH properly determined that you were eligible for an advance premium tax credit (APTC) of up to \$189.00 per month.

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The application that was submitted on December 8, 2015 listed an annual household income of \$34,996.00 and the eligibility determination relied upon that information.

You are in a two-person household. You expect to file your 2016 income taxes as single and will claim one dependent on that tax return.

You reside in Broome County, where the second lowest cost silver plan available for an individual through NYSOH costs \$396.54 per month.

An annual income of \$34,996.00 is 219.69% of the 2015 FPL for a two-person household. At 219.69% of the FPL, the expected contribution to the cost of the health insurance premium is 7.10% of income, or \$207.06 per month.

The maximum amount of APTC that can be approved equals the cost of the second lowest cost silver plan available through NYSOH for an individual in your county (\$396.54 per month) minus your expected contribution (\$207.06 per month), which equals \$189.48 per month. Therefore, rounding to the nearest dollar, NYSOH correctly determined you to be eligible for up to \$189.00 per month in APTC.

The second issue is whether you were properly found eligible for cost-sharing reductions. Cost-sharing reductions are available to a person who has a household income no greater than 250% of the FPL. Since a household income of \$34,996.00 is 219.69% of the applicable FPL, NYSOH correctly found you to be eligible for cost sharing reductions.

The third issue is whether NYSOH properly determined that you were not eligible for Medicaid.

Medicaid can be provided through NYSOH to adults between the ages of 19 and 65 who meet the non-financial requirements and have a household modified adjusted gross income that is at or below 138% of the FPL for the applicable family size. On the date of your application, the relevant FPL was \$15,930.00 for a two-person household. Since \$34,996.00 is 219.69% of the 2015 FPL, NYSOH properly found you to be ineligible for Medicaid on an expected annual income basis, using the information provided in your application.

However, financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size.

Your uploaded documentation of your monthly income from December 2015 consisting of check dates of December 16, 2015 in the gross amount of \$708.63;

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December 23, 2015 for \$1,550.31; and December 30, 2015 for \$673.00.
(Appellant's Exhibit 1).

To be eligible for Medicaid, you would need to meet the non-financial criteria and have an income no greater than 138% of the FPL, which is \$1,832.00 per month. Since the documentation you provided shows that you earned \$2,931.94 in December 2015, you do not qualify for Medicaid on the basis of monthly income as of the date of your application.

Since the December 9, 2015 eligibility determination notice, properly stated that, based on the information you provided, you were eligible to receive up to \$189.00 per month in APTC, eligible for cost-sharing reductions, and ineligible for Medicaid it was correct and is AFFIRMED.

Please note this decision does not change any subsequent determinations made by NYSOH after December 9, 2015.

Decision

The December 9, 2016, eligibility determination notice is AFFIRMED.

Effective Date of this Decision: June 15, 2016

How this Decision Affects Your Eligibility

You were correctly determined eligible to receive up to \$189.00 per month in APTC, and cost-sharing reductions in the December 9, 2016 eligibility determination.

You are not eligible for Medicaid.

Please note this decision does not change any subsequent determinations made by NYSOH after December 9, 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

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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 December 9, 2016, eligibility determination notice is **AFFIRMED**.

You were correctly determined eligible to receive up to \$189.00 per month in APTC, and cost-sharing reductions in the December 9, 2016 eligibility determination.

You are not eligible for Medicaid.

Please note this decision does not change any subsequent determinations made by NYSOH after December 9, 2015.

Legal Authority

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A Copy of this Decision Has Been Provided To:

