



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

Notice of Decision

Decision Date: June 1, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000005648

[REDACTED]

Dear [REDACTED],

On March 23, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's December 18, 2015 eligibility determination and enrollment confirmation notices.

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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Decision

Decision Date: June 1, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000005648

[REDACTED]

Issue

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

Did NY State of Health (NYSOH) properly determine that enrollment for your son in UnitedHealthcare of New York, Inc. as his Medicaid Managed Care plan should be effective December 1, 2015?

Procedural History

You added your newborn son to your NYSOH account on December 3, 2015. Prior to that time, you were already enrolled in UnitedHealthcare of New York, Inc. as your Medicaid Managed Care plan.

On December 18, 2015, NYSOH issued an eligibility determination notice based on the information contained in your last application submitted on December 17, 2015. It stated, in relevant part, that your newborn son remained eligible for Medicaid, effective December 1, 2015.

Also on December 18, 2015, NYSOH issued an enrollment confirmation notice, stating that your son's enrollment in UnitedHealthcare of New York, Inc. (UnitedHealthcare) as his Medicaid Managed Care (MMC) plan would be effective December 1, 2015.

On December 21, 2015, you spoke to NYSOH's Account Review Unit and appealed the enrollment confirmation notice insofar as it began your son's MMC

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plan coverage under UnitedHealthcare on December 1, 2015, rather than November 1, 2015.

On February 25, 2016, NYSOH issued a new enrollment confirmation notice, stating that your son's enrollment in UnitedHealthcare as his MMC plan would be effective November 1, 2015.

On March 23, 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

- 1) Your son was born on [REDACTED].
- 2) On December 17, 2015, NYSOH received three applications for health insurance.
- 3) On December 18, 2015, your son was found that he remained eligible for Medicaid based on the information contained in your last December 17, 2015 NYSOH application.
- 4) On December 18, 2015, NYSOH issued an enrollment notice confirming that you had selected UnitedHealthcare as your son's MMC plan coverage on December 17, 2015. The notice confirmed that your son's coverage with UnitedHealthcare would begin December 1, 2015.
- 5) On February 24, 2016, NYSOH issued a new enrollment notice confirming that your son's coverage with UnitedHealthcare would begin November 1, 2015.
- 6) You testified that since your son's MMC coverage through UnitedHealthcare had been backdated to November 1, 2015, you no longer wanted to pursue your appeal.
- 7) You testified that there was a least one bill that you incurred as part of your son's post-natal treatment on [REDACTED] that UnitedHealthcare has refused to cover even though your son's coverage had been backdated to November 1, 2015. Your doctor informed you that this was because the claim had been submitted to UnitedHealthcare more than three months after the services were rendered, on or about February 29, 2016.
- 8) You testified that you weren't called by NYSOH to inform you that your son's coverage had been backdated until February 29, 2016 which, due to

UnitedHealthcare's three month claim submission policy, rendered you incapable of having the bill from [REDACTED] covered since you were already outside of the three month window.

9) You testified that the outstanding bill amount is approximately \$100.00.

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, §1115 Soc. Sec. Act; N.Y. Soc. Serv. Law §364-j(1)(c); 18 NYCRR 360-10.3(h)).

Newborn Child – Effective Date of Coverage for Medicaid

Medicaid coverage must be provided to a child born to a woman who has been determined eligible and is receiving Medicaid on the date of the child's birth (42 CFR § 435.117(a), NY Social Services Law § 366-g(3)). Additionally, Medicaid MMCs are contractually obligated to provide coverage to eligible newborns; provided, however, that the mother herself must have been enrolled in an MMC at the time of birth (Medicaid Managed Care Model Contract (Appendix H-3, effective 3/1/2014 – 2/28/2019)).

Legal Analysis

The issue under review is whether NYSOH properly determined that your newborn son's enrollment in UnitedHealthcare of New York, Inc. (UnitedHealthcare) as his Medicaid Managed Care (MMC) plan should be effective December 1, 2015.

During the hearing you provided sworn testimony that you no longer wanted to proceed with the appeal since your son's MMC plan coverage with UnitedHealthcare had subsequently been backdated to November 1, 2015.

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You therefore withdrew your appeal on the record. Accordingly, we are dismissing your appeal, pursuant to 45 CFR § 155.530(a)(1).

However, it is noted that you were entitled to have your son covered under the plan in which you were enrolled at the time of his birth, as of the date of his birth. Therefore, the backdating of your son's coverage to November 1, 2015 was appropriate.

You further testified, however, that you that there was a least one bill that you incurred as part of your son's post-natal hospital treatment on [REDACTED] that UnitedHealthcare has refused to cover even though your son's coverage had been backdated to November 1, 2015. Your understanding is that this was because the claim had been submitted to UnitedHealthcare more than three months after the services were rendered, on or about February 29, 2016.

You also credibly testified that you were not contacted by NYSOH to inform you that your son's coverage had been backdated until February 29, 2016 which, due to UnitedHealthcare's three month claim submission policy, rendered you incapable of having the bill from [REDACTED] covered since you were already outside of the three month window.

Therefore, your case is RETURNED to NYSOH to facilitate with UnitedHealthcare in reviewing whether any bills incurred on [REDACTED] should have been covered by UnitedHealthcare since your son's coverage had been backdated to November 1, 2015.

Decision

The Appeals Unit of NY State of Health will not be reviewing this matter at this time.

Your case is RETURNED to NYSOH to facilitate with UnitedHealthcare in reviewing whether any bills incurred on [REDACTED] should have been covered by UnitedHealthcare since your son's coverage had been backdated to November 1, 2015.

Effective Date of this Decision: June 1, 2016

How this Decision Affects Your Eligibility

The effective date of your son's Medicaid Managed Care plan is November 1, 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 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.

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:
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P.O. Box 11729
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Summary

The Appeals Unit of NY State of Health will not be reviewing this matter at this time.

Your case is RETURNED to NYSOH to facilitate with UnitedHealthcare in reviewing whether any bills incurred on [REDACTED] should have been

covered by UnitedHealthcare since your son's coverage had been backdated to November 1, 2015.

The effective date of your son's Medicaid Managed Care plan is November 1, 2015.

Legal Authority

We are sending you this notice in accordance with Code of Federal Regulation 45 CFR § 155.545.

A Copy of this Decision Has Been Provided To:

