



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

Notice of Decision

Decision Date: March 23, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000005684



Dear [REDACTED],

On March 4, 2016, your spouse appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's December 22, 2015 enrollment notice.

The enclosed Decision, rendered after that hearing, is issued by the Appeals Unit of the 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 the NY State of Health about your appeal and/or the Decision, please refer to the Appeal Identification Number at the top of this letter.

Legal Authority

We are sending you this notice in accordance with Federal regulation 45 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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Issues

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

Did the New York State of Health properly determine that your spouse's Medicaid Managed Care coverage should be effective February 1, 2016?

Procedural History

On November 3, 2015, the Marketplace issued an eligibility determination notice that your spouse was eligible for Medicaid effective as of November 1, 2015.

On the same day the Marketplace issued an enrollment notice confirming that your spouse was eligible for Medicaid, but "[t]he type of Medicaid coverage you are eligible for does not require you to enroll in a health plan."

On November 19, 2015, information regarding your spouse's Third Party Health Insurance (TPHI) was uploaded to your Marketplace account.

On December 16, 2015, your Marketplace account was updated.

On December 17, 2015, the Marketplace issued an eligibility determination notice that your spouse was no longer eligible for Medicaid. However, the Medicaid coverage would continue until October 31, 2016.

On the same day the Marketplace issued an enrollment notice confirming that your spouse was eligible for Medicaid, but "[t]he type of Medicaid coverage you are eligible for does not require you to enroll in a health plan."

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On December 22, 2015, the Marketplace issued an enrollment notice confirming that as of December 21, 2015, your spouse was enrolled in Fidelis Care (Medicaid) with a plan enrollment start date of February 1, 2016.

On the same day you spoke to the Marketplace Account Review Unit and requested an appeal insofar as your spouse's Medicaid Managed Care plan enrollment start date.

On March 4, 2016 you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. The record was developed during that hearing and closed at the end of the hearing. The hearing is now complete and closed.

Findings of Fact

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

1. Your spouse was determined to be eligible for Medicaid effective November 1, 2015.
2. On November 3, 2015, the Marketplace issued an enrollment notice confirming that your spouse was eligible for Medicaid, but "[t]he type of Medicaid coverage you are eligible for does not require you to enroll in a health plan."
3. Your spouse testified that they were enrolled in Health Republic Insurance of New York outside of the Marketplace.
4. On November 19, 2015, an email from Member Services Health Republic Insurance of New York was uploaded to your Marketplace account (██████████). The email states that your spouse's health insurance policy through Heath Republic Insurance of New York will end November 30, 2015.
5. On December 21, 2015, your spouse enrolled in the Medicaid Managed Care plan, Fidelis Care.
6. On December 22, 2015, the Marketplace issued an enrollment notice confirming that your spouse's Medicaid Managed Care plan will have a plan enrollment start date of February 1, 2016.
7. Your spouse testified that you have outstanding medical bills for the months of December 2015 and January 2016.

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

Applicable Law and Regulations

Medicaid coverage for adults:

Medicaid can be provided through the Marketplace 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 that is at or below 138% of the federal poverty 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)).

Medicaid Eligibility: Third Party Health Insurance:

As a condition of eligibility, the agency must require legally able applicants and beneficiaries to assign rights to the Medicaid agency to medical support and to payment for medical care from any third party. The applicant or beneficiary must cooperate in identifying and providing information to assist the Medicaid agency in pursuing third parties who may be liable to pay for care and services under the plan, unless the individual establishes good cause for not cooperating (42 CFR § 435.610(a)(3)).

MMC Start Date:

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)).

Legal Analysis

Currently at issue is whether New York State of Health properly determined that your spouse's Medicaid Managed Care coverage should be effective February 1, 2016.

On November 2, 2015 your spouse applied for health insurance through the Marketplace. On the following day the Marketplace issued notices stating that, your spouse was eligible for Medicaid effective as of November 1, 2015. However, the type of Medicaid coverage your spouse is eligible for does not require them to enroll in a health plan.

As a condition of eligibility of Medicaid, the agency must require applicants to assign rights to the Medicaid agency to medical support and to payment for

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medical care from any third party. The applicant must cooperate in identifying and providing information to assist the Medicaid agency in pursuing third parties who may be liable to pay for care and services under the plan.

On November 19, 2015, an email from Member Services Health Republic Insurance of New York was uploaded to your Marketplace account stating that your spouse's health insurance policy through Heath Republic Insurance of New York will end November 30, 2015.

The date on which a Medicaid Managed Care plan can take effect depends on the day a person selects the plan for enrollment.

A plan that is selected between the first day and fifteenth day of a month goes into effect on the first day of the following month. A plan that is selected between the sixteenth day of the month and the end of the month goes into effect on the first day of the second following month.

There was sufficient evidence to show that your spouse's third party health insurance coverage would terminate November 30, 2015 as of November 19, 2015. Your spouse should have been determined eligible to enroll in a Medicaid Managed Care plan on November 19, 2015, which should have made your spouse's Fidelis Care coverage effective January 1, 2016.

Therefore, the December 22, 2015 enrollment notice is MODIFIED insofar as to state that your spouse's coverage with Fidelis Care is effective January 1, 2016.

Decision

The December 22, 2015 Marketplace notice is MODIFIED insofar as to state that your spouse's coverage with Fidelis Care is effective January 1, 2016.

Effective Date of this Decision: March 23, 2016

How this Decision Affects Your Eligibility

Your spouse's Medicaid Managed Care plan is effective January 1, 2016.

You are eligible for reimbursement by Medicaid for any outstanding medical expenses that were incurred as a result of your spouse's Fidelis Care not being effective January 1, 2016.

If You Disagree with this Decision (Appeal Rights)

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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 December 22, 2015 Marketplace notice is MODIFIED insofar as to state that your spouse's coverage with Fidelis Care is effective January 1, 2016.

Your spouse's Medicaid Managed Care plan is effective January 1, 2016.

You are eligible for reimbursement by Medicaid for any outstanding medical expenses that were incurred as a result of your spouse's Fidelis Care not being effective January 1, 2016.

Legal Authority

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

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A Copy of this Decision Has Been Provided To:

[REDACTED]

[REDACTED]