



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: AP000000005762

[REDACTED]

Dear [REDACTED],

On March 11, 2016, your spouse appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's December 25, 2015 enrollment 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 at the top of this notice.

### 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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## Decision

Decision Date: March 23, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000005762

[REDACTED]

## Issue

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

Did the Marketplace properly determine that your spouse's start date of coverage in the Essential Plan should be February 1, 2016?

Did the Marketplace properly determine your children's start state of coverage in their Child Health Plus plan should be February 1, 2016?

## Procedural History

On October 22, 2015 the Marketplace issued a notice that it was time to renew your family's health insurance for 2016. That notice stated that based on information from federal and state sources, the Marketplace could not make a decision about whether you would qualify for financial help paying for your health coverage, and that you needed to update your account by December 15, 2015 or you might lose the financial assistance you are currently receiving.

No updates were made to your account by December 15, 2015.

On December 21, 2015 the Marketplace issued an eligibility determination that your spouse was newly eligible to purchase a qualified health plan at full cost through NY State of Health, effective January 1, 2016. The notice stated that their eligibility will end December 31, 2015.

On December 23, 2015 your Marketplace account was updated.

On December 24, 2015 the Marketplace issued an eligibility determination stating that your spouse was eligible to enroll in the Essential Plan and your children

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were eligible to enroll in Child Health Plus at no cost, effective as of February 1, 2016.

On the same day you spoke to the Marketplace Account Review Unit and requested an appeal insofar as the plan enrollment start date of your spouse's Essential Health Plan and your children's Child Health Plus plan.

On December 25, 2015 the Marketplace issued an enrollment notice confirming your spouse's enrollment in Essential Plan 1 (Empire Blue Cross Blue Shield HealthPlus) and your children's enrollment in Child Health Plus (Emblem Health), both with the effective date of February 1, 2016.

On March 11, 2016, your spouse 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 October 22, 2015 the Marketplace issued a notice that it was time to renew your health insurance for 2016. That notice stated that you needed to update your account by December 15, 2015 or you might lose the financial assistance that is currently be received.
- 2) Your Marketplace account indicates that you receive notices from the Marketplace via electronic mail.
- 3) You testified that you did receive a notice from the Marketplace requesting that you update the information in your Marketplace to ensure that your spouse and children's coverage would continue.
- 4) You testified that due to conflicting notices and the volume of notices issued, it made it difficult to understand what actions needed to be done to ensure the continuation of coverage.
- 5) You testified that you became aware that your spouse and children's coverage was discontinued when you received an electronic disenrollment notice from the Marketplace.
- 6) According to your Marketplace account, the information in your Marketplace Account was updated on December 23, 2015.
- 7) On December 25, 2015 the Marketplace issued an enrollment notice confirming your enrollment as of December 24, 2015. The notice stated that your spouse is enrolled in Essential Plan 1 (Empire Blue Cross Blue Shield

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HealthPlus) with a plan enrollment start date of February 1, 2016, and children are enrolled in Child Health Plus (EmblemHealth) with a plan enrollment start date of February 1, 2016.

- 8) You testified that you want your spouse and children's health insurance coverage to start on January 1, 2016, not February 1, 2016.

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

## **Applicable Law and Regulations**

### Annual Eligibility Redetermination

Generally, the Marketplace must conduct annual eligibility redeterminations for qualified individuals who are seeking financial assistance through insurance upcoming year, such as tax credits and cost-sharing reductions, Medicaid, or Child Health Plus. In such cases, the Marketplace is affordability programs for the required to request that the qualified individual provide updated income and family size information for use in an eligibility redetermination for the upcoming year (see 45 CFR § 155.335(a) and (b)).

The Marketplace must send an annual renewal notice that contains the individual's projected eligibility for the upcoming year (45 CFR § 155.335(c)(3)). If a qualified individual does not respond to the notice after a 30-day period, the Marketplace must redetermine that individual's eligibility using the information provided in the annual renewal notice (45 CFR § 155.335(g), (h)).

### Essential Health Plan Effective Date

Generally, if the individual enrolls in an Essential Plan between the first and fifteenth day of any month, the Marketplace must ensure a coverage effective date of the first day of the following month.

If an individual enrolls between the sixteenth and last day of the month for any month, the Marketplace must ensure a coverage effective date of the first day of the second following month (N.Y. Social Services Law § 369-gg(4)(c)); 45 CFR § 155.420(b)(i-ii).

### Child Health Plus Effective Date

In New York State, Child Health Plus benefits are furnished "By the first day of the month after the application is received if prior to the 15th of the month or the first day after the subsequent month if after the 15th of the month" (Selection made on Form CS 18, Separate Child Health Insurance Program Non-Financial

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Eligibility – Citizenship. Sections: 2105(c)(9) and 2107(e)(1)(J) of the SSA and 42 CFR 457.320(b)(6), (c) and (d)).

## **Legal Analysis**

The issues under review is whether the Marketplace properly determined that your spouse's enrollment in your Essential Health Plan, and your children's Child Health Plus plan should begin February 1, 2016.

The Marketplace must redetermine a qualified individual's eligibility for health insurance and financial assistance to help pay for that health insurance annually. The Marketplace must issue a renewal notice that contains the individual's eligibility. If an individual does not respond to this notice, the Marketplace must issue an eligibility determination for the upcoming coverage year based on the information contained in the renewal notice.

On October 22, 2015, the Marketplace issued an annual renewal notice. That notice stated that based on information from federal and state sources, the Marketplace could not make a decision about whether or not you qualify for financial help paying for your health coverage. You were asked to update the information in your account by December 15, 2015 or the financial help you were receiving might end.

You testified due to conflicting notices and the volume of notices issued, it made it difficult to understand what actions needed to be done to ensure the continuation of coverage.

On December 23, 2015 your Marketplace account was updated.

The date on which an Essential Plan and Child Health Plus 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.

On December 24, 2015, you selected the Essential Plan for your spouse and the Child Health Plus plan for your children, so it must take effect on the first day of the second month after December; that is, on February 1, 2016.

Therefore, the December 25, 2015, enrollment confirmation notice stating that your spouse's Essential Plan and children's Child Health Plus plan would take effect on February 1, 2016, is correct and must be AFFIRMED.

## **Decision**

The December 25, 2015, enrollment notice is AFFIRMED.

**Effective Date of this Decision:** March 23, 2016

## **How this Decision Affects Your Eligibility**

The effective date of your spouse's Essential Plan 1 (Empire Blue Cross Blue Shield HealthPlus) is February 1, 2016.

The effective date of your children's enrollment in Child Health Plus (Emblem Health) is effective date of February 1, 2016.

## **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
- By mail at:

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## **Summary**

The December 25, 2015, enrollment notice is AFFIRMED.

The effective date of your spouse's Essential Plan 1 (Empire Blue Cross Blue Shield HealthPlus) is February 1, 2016.

The effective date of your children's enrollment in Child Health Plus (Emblem Health) is effective date of February 1, 2016.

## **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:**

[REDACTED]

[REDACTED]