



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

**Notice of Decision**

Decision Date: April 25, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000006038

[REDACTED]

Dear [REDACTED],

On April 6, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health’s January 6, 2016 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 the 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: April 25, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000006038

[REDACTED]

## 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 Emblem Health Essential Plan was effective February 1, 2016?

## Procedural History

On December 11, 2015, NYSOH issued a notice of eligibility determination, based on your December 10, 2015 renewal, stating that you were eligible to enroll in the Essential Plan, effective January 1, 2016.

Also on December 11, 2015, NYSOH issued a notice of enrollment, based on your plan selection on December 10, 2015, stating that you were enrolled in an Essential Plan through Healthfirst, and that your plan would start January 1, 2016.

On January 5, 2016, you updated your NYSOH account and changed your enrollment.

On January 6, 2016, NYSOH issued a notice of enrollment, based on your plan selection on January 5, 2016, stating that you were enrolled in an Essential Plan through Emblem Health, and that your plan would start February 1, 2016.

Also on January 6, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential Plan through Emblem Health, insofar as it did not begin on January 1, 2016.

On April 6, 2016, your spouse appeared at a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. During the hearing, Spanish interpreter # [REDACTED] interpreted. 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 renewed your application with NYSOH for financial assistance on December 10, 2015.
- 2) Your spouse testified, and the record reflects, that you enrolled in an Essential Plan with Healthfirst on December 10, 2015.
- 3) Your spouse testified that you chose this plan because an application counselor recommended it when she was helping you to renew your coverage and enroll in a plan.
- 4) On January 5, 2016, you changed your enrollment to an Essential Plan through Emblem Health.
- 5) Your spouse testified that you made this change because you found out that the hospital where you were receiving a [REDACTED] operation in January 2016 did not accept Healthfirst coverage.
- 6) Your spouse testified that you now have over \$500,000.00 in medical bills from January 2016, and you do not know whether Healthfirst is going to cover any of them.
- 7) Your spouse testified that you wanted your enrollment in your Emblem Health Essential Plan to begin on January 1, 2016 because of these outstanding bills.

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

## **Applicable Law and Regulations**

### Essential Plan Effective Date

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For individuals seeking enrollment in an Essential Plan, New York State has elected to follow the same rules that NYSOH uses in determining effective dates for individuals seeking enrollment in qualified health plans (NY Social Services Law § 369-gg(4)(c); New York's Basic Health Plan Blueprint, p. 16, as approved January 2016; see <https://www.medicaid.gov/basic-health-program/basic-health-program.html>).

The effective date of coverage by an Essential Plan is determined by the date on which an applicant selects a plan for enrollment. For individuals who are eligible for enrollment, NYSOH must generally ensure that coverage is effective the first day of the following month for selections received by NYSOH from the first to the fifteenth of any month (45 CFR §§ 155.410(f)(2), 155.420(b)(1)(i); see also 42 CFR § 600.320). For selections received by NYSOH from the sixteenth to the last day of any month, NYSOH must ensure coverage is effective the first day of the second following month (45 CFR §§ 155.410(f)(2), 155.420(b)(1)(ii)).

## **Legal Analysis**

The issue under review is whether NYSOH properly determined that your enrollment in your Emblem Health Essential Plan was effective February 1, 2016.

The record reflects that you were enrolled into a Healthfirst Essential Plan on December 10, 2015, with coverage starting January 1, 2016.

Your spouse testified that you contacted NYSOH in January and changed your Essential Plan enrollment to Emblem Health. The record reflects that this was done on January 5, 2016.

The date on which enrollment in an Essential Plan can take effect depends on the day a person selects the plan for enrollment.

A plan that is selected from the first day to and including the fifteenth day of a month goes into effect on the first day of the following month.

On January 5, 2016, you changed your enrollment to Emblem Health, so your enrollment properly took effect on the first day of the first month following January; that is, on February 1, 2016.

Your spouse testified that you enrolled in Healthfirst because an application counselor suggested your enroll in that plan, and you did so on her advice. She also testified that you had to change plans because the hospital in which you received a transplant in January did not accept Healthfirst, and you now have outstanding medical debt. She testified that she is still waiting to see what Healthfirst will pay. These circumstances do not give rise to a legal justification

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for changing your Emblem Health enrollment date, as these circumstances were not a result of actions taken by NYSOH.

Therefore, the January 6, 2016 enrollment confirmation notice stating that your enrollment in your Emblem Health Essential Plan was effective February 1, 2016 is correct and must be AFFIRMED.

## **Decision**

The January 6, 2016 enrollment confirmation notice is AFFIRMED.

**Effective Date of this Decision:** April 25, 2016

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

This decision does not change your eligibility for January 2016 coverage through your Healthfirst Essential Plan.

The effective date of your Essential Plan coverage through Emblem Health is 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 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):**

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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Albany, NY 12211
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## **Summary**

The January 6, 2016 enrollment confirmation notice is **AFFIRMED**.

This decision does not change your eligibility for January 2016 coverage through your Healthfirst Essential Plan.

The effective date of your Essential Plan coverage through Emblem Health is February 1, 2016.

## **Legal Authority**

We are issuing this determination in accordance with 45 CFR § 155.545.

**A Copy of this Decision Has Been Provided To:**

