



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

Notice of Decision

Decision Date: June 16, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000006082



Dear [REDACTED],

On April 7, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's January 9, 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 NY State of Health 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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Issue

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

Did NY State of Health properly determine that your children's enrollment in her Child Health Plus plan was effective February 1, 2016?

Procedural History

On November 16, 2015, NY State of Health (NYSOH) issued a notice stating that it was time to renew your children's health insurance for 2016. That notice stated that, based on information from federal and state sources, NYSOH could not make a decision about whether your children would qualify for financial help paying for their health coverage, and that you needed to update your account by December 15, 2015 or your children might lose the financial assistance they were currently receiving.

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

On December 21, 2015, NYSOH issued a redetermination notice stating that your two children were no longer qualified to enroll through the NY State of Health because you did not respond to the renewal within the required timeframe. As a result, your two children's eligibility ended effective December 31, 2015.

On January 8, 2016, NYSOH received your updated application for financial assistance. That day, a preliminary eligibility determination was prepared stating

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that your children were eligible to enroll in Child Health Plus with a \$45.00 per month premium.

Also on January 8, 2016, you spoke to NYSOH Account Review Unit and appealed the start date of your children's Child Health Plus plan insofar as your children were not eligible for Child Health Plus as of January 1, 2016.

On January 9, 2016, an eligibility determination notice was issued stating that your two children were eligible to enroll in Child Health Plus for a cost of \$45.00 per month effective February 1, 2016.

Also on January 9, 2016, an enrollment confirmation notice was issued confirming your children's enrollment in a Child Health Plus plan with a start date of February 1, 2016.

On April 7, 2016, you had a telephone hearing with a Hearing Officer from the NY State of Health'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 support the following findings of fact:

- 1) You testified that you are appealing only your children's eligibility.
- 2) You testified that you were not aware that your children's coverage had ended until you had taken them to a physician around January 7, 2016.
- 3) You testified, and the record reflects, that you enrolled your child into a Child Health Plus plan for 2016 coverage on January 8, 2016.
- 4) You testified that you need your children's Child Health Plus plan to begin on January 1, 2016, because you had to take your son to the emergency room and incurred medical bills in January in the amount of \$1,382.00, and \$400.00.
- 5) The record reflects and your testimony supports you receive your notices from the NYSOH via regular mail.
- 6) You testified that you prepaid your premium responsibility and believed this covered the month of January. You further testified that you did not receive new plan cards after enrollment for February 1, 2016.

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

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Applicable Law and Regulations

Annual Eligibility Redetermination

Generally, when NYSOH conducts annual eligibility redeterminations for qualified individuals who are seeking financial assistance through insurance affordability programs for the upcoming year, NYSOH is 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 Code of Federal Regulations (CFR) § 155.335(a), (b)).

NYSOH 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, NYSOH must redetermine that individual's eligibility using the information and projected eligibility provided in the annual renewal notice (45 CFR § 155.335(g), (h)). NYSOH must ensure this redetermination is effective on the first day of the coverage year or in accordance with the rules specified in 45 CFR § 155.330(f) regarding effective dates, whichever is later (45 CFR § 155.335(i)).

Child Health Plus

The “period of eligibility” for Child Health Plus is “that period commencing on the first day of the month during which a child is an eligible child and enrolled or recertified for enrollment on an annual basis based on all required information and documentation and ending on the last day of the twelfth month following such date,” unless the CHP premiums are not timely paid, or the child no longer resides in New York State, gains access to or obtains other health insurance coverage, or becomes eligible for Medicaid (NY Public Health Law § 2510(6)).

“A State must specify a method for determining the effective date of eligibility for [Child Health Plus], which can be determined based on the date of application or through any other reasonable method that ensures coordinated transition of children between [Child Health Plus] and other insurance affordability programs as family circumstances change and avoids gaps or overlaps in coverage” (42 CFR § 457.340(f)).

The State of New York has provided that a child's period of eligibility for Child Health Plus begins on the first day of the month during which a child is eligible. A child will become eligible on the first day of the next month, if the application is received by the 15th of the month; applications received after the 15th day of the month will be processed for the first day of the second following month (see State

Plan Amendment (SPA) NY-14-0005, approved February 3, 2015 and effective January 1, 2014).

Legal Analysis

The issue is whether NYSOH properly determined that your children's enrollment in their Child Health Plus plan was effective February 1, 2016.

Generally, NYSOH must redetermine a qualified child's eligibility for Child Health Plus once every twelve months without requiring information from the individual if able to do so based on reliable information contained in the individual's account or other more current information available to the agency. NYSOH's November 16, 2015 renewal notice stated that there was not enough information to determine whether your child was eligible to continue their financial assistance for health insurance, and that you needed to supply additional information by December 15, 2015, or their financial assistance might end.

Because there was no timely response to this notice, your children were terminated from their Child Health Plus plan effective December 31, 2015.

You testified that you probably received the renewal notice but you were very busy with family matters during that time period. You testified, and your NYSOH account confirms, that you elected to receive notifications via regular mail and there is no evidence in the record that any of the notices that were sent to your mailing address were returned as undeliverable.

Therefore, the record reflects that NYSOH properly notified you of your children's annual renewal and that information in your NYSOH account needed to be updated in order to ensure your children's enrollment in their Child Health Plus plan and eligibility for financial assistance would continue.

You first renewed your child's eligibility for financial assistance through NYSOH for 2016 on January 8, 2016, and enrolled your child into a Child Health Plus plan that day.

The date on which a 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.

Therefore, NYSOH's January 9, 2016 enrollment confirmation notice is **AFFIRMED** because it properly began your children's eligibility for and enrollment in Child Health Plus on February 1, 2016.

Decision

The January 9, 2016, enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: June 16, 2016

How this Decision Affects Your Eligibility

This decision does not change your child's eligibility.

The effective date of your children's Child Health Plus plan 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.

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

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- By mail at:
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Summary

The January 9, 2016, enrollment confirmation notice is AFFIRMED.

This decision does not change your children's eligibility.

The effective date of your children's Child Health Plus plan 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:

