



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

## Notice of Decision

Decision Date: June 8, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000006379

[REDACTED]

Dear [REDACTED],

On May 16, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's December 21, 2015 and January 19, 2016 notices of eligibility determination.

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: June 8, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000006379



## 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 your children's eligibility for and enrollment in their Child Health Plus coverage was effective as of March 1, 2016?

## Procedural History

On January 14, 2015, NYSOH issued a notice of eligibility determination stating that your children would remain eligible for Medicaid, effective January 1, 2015.

On October 23, 2015, NYSOH issued a notice that it was time to renew your health insurance for the upcoming coverage year. That notice stated that, based on information from federal and state sources, NYSOH could not make a decision about whether you and your children 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 were currently receiving.

On October 26, 2015, NYSOH received your updated application for health insurance.

On October 27, 2015, NYSOH issued a notice of eligibility determination stating that your children were no longer qualified for Medicaid, but that they would continue to receive Medicaid coverage through December 31, 2015. The notice also stated that you should update the information in your NYSOH account

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between November 16, 2015 and December 16, 2015 so that “we can make an appropriate decision.”

Also on October 27, 2015, NYSOH issued a notice of enrollment confirmation confirming your children’s enrollment in their Medicaid Managed Care (MMC) plan, with an enrollment start date of August 1, 2014.

On December 21, 2015, NYSOH issued a notice of eligibility determination stating that your children were not qualified to enroll through NYSOH because you did not respond to the renewal notice and did not complete your renewal within the required timeframe. The notice also stated that their eligibility would end effective December 31, 2015.

On December 24, 2015, a disenrollment notice was issued ending your children’s MMC coverage, effective December 31, 2015, because you did not renew your health insurance coverage.

On January 18, 2016, you updated your account.

On January 19, 2016, an eligibility determination notice was issued finding your children eligible to enroll in Child Health Plus (CHP) coverage with a \$9.00 monthly premium, effective March 1, 2016.

Also on January 19, 2016 an enrollment confirmation notice was issued confirming your children’s enrollment in a CHP plan with a total premium responsibility of \$18.00 per month, and a plan enrollment start date of March 1, 2016.

On January 21, 2016, you spoke to NYSOH’s Account Review Unit and appealed the January 19, 2016 eligibility determination and enrollment confirmation notices insofar as they began your children’s eligibility for, and enrollment in, CHP coverage on March 1, 2016, and not January 1, 2016.

On May 16, 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**

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

- 1) Your NYSOH account indicates that you receive notices from NYSOH electronic mail.

- 2) You testified that you believe you did receive the October 23, 2015 renewal notice, and that that was why you updated your NYSOH account. Three times, in the first two pages of the October 23, 2015 renewal notice, NYSOH stated that you needed to update your account by December 15, 2015. It was not until the last sentence of the second page of a five page notice that it was stated that you needed to update your account between November 16, 2015 and December 15, 2015, for any changes to be in effect on January 1, 2016. The notice did not explain at all what would happen if you updated your account too soon.
- 3) You testified that you did not think there was any problem with your children's coverage until you attempted to take one of them to the doctor in January 2016 and found out she did not have active coverage.
- 4) You testified that you spoke with a few people from NYSOH regarding your children's coverage. You testified that one person told you that your children had a second account, and that was the reason that they didn't have coverage for January 2016. You testified that the next person you spoke with told you that there was no indication of a second account and that you needed to contact their insurance plan.
- 5) The record reflects that there are two inactive account numbers in NYSOH's system associated with your name and date of birth.
- 6) You testified that you were able to successfully enroll your children in coverage for 2016 sometime after January 15, 2016.
- 7) You testified that you had to take one of your children to the emergency room in February 2016, and that you have an outstanding bill as a result.
- 8) You testified that you are seeking to have your children's CHP coverage and enrollment start as of January 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, NYSOH must conduct annual eligibility redeterminations for qualified individuals who are seeking financial assistance through insurance affordability programs for the upcoming year, such as tax credits and cost-sharing reductions, Medicaid, or Child Health Plus. In such cases, NYSOH is required to request that the qualified individual provide updated income and family size information

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for use in an eligibility redetermination for the upcoming year (see 45 CFR § 155.335(a) and (b)).

NYSOH must send an annual renewal notice that contains the information by which NYSOH will use to redetermine a qualified individual's projected eligibility for that 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 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)). The rules specified in 45 CFR § 155.330(f) are not pertinent here.

For the benefit year beginning on January 1, 2016, the annual open enrollment period began on November 1, 2015 and ended on January 31, 2016 (45 CFR § 155.410(e)(2)).

## **Legal Analysis**

The issue under review is whether NY State of Health (NYSOH) properly determined that your children's eligibility for and enrollment in their CHP plan coverage was effective March 1, 2016.

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

NYSOH issued an annual renewal notice on October 23, 2015. That notice stated that based on information from federal and state sources, NYSOH could not make a decision about whether or not you and your children would qualify for financial help with paying for your health coverage. Although later in the notice it stated that you needed to update your account between November 16, 2015 and December 15, 2016 in order for the changes to be in effect on January 1, 2016, the notice contained three prior statements that said only that your account needed to be updated by December 15, 2015.

You testified that you did believe you did receive the October 23, 2015 renewal notice, and that was why you updated the information in your NYSOH account on October 26, 2015. That day you also re-enrolled your children into their MMC plan. A determination notice was issued the following day, reflecting an effective date of October 1, 2015 and an enrollment confirmation notice was also issued,

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reflecting an effective date of August 1, 2014. Notably, the enrollment confirmation notice did not contain an end date for your children's MMC coverage.

When you updated your account on October 26, 2015, the system did not consider that you intended to update your account for the upcoming coverage year. The renewal notice that was sent to you mentioned three times that you needed to update your coverage by December 15, 2015 on the first and second pages. Additionally, nowhere in the notice did NYSOH advise you what the result would be if you updated your account *before* November 16, 2015. Moreover, it appears that you have two inactive accounts that were somehow erroneously created in the past, and it is possible that this also had some impact on your attempts to renew your children's coverage.

Therefore, it is found that NYSOH failed to clearly and unambiguously notify you of the precise dates between which you should update your account, and that you reasonably relied on the three instances in the notice where only the December 15, 2015 deadline for renewal was given, and simply updated your account immediately after receiving the notice. Additionally, NYSOH failed to inform you of any possible consequences of renewing your account too soon, and failed to advise you of an end date for your children's MMC coverage in its October 27, 2015 enrollment confirmation notice.

Because you complied with the October 23, 2015 renewal notice and relied on the information in that notice to update your account for what you believed to be the upcoming calendar year, NYSOH's January 19, 2016 eligibility determination notice finding your children eligible to for CHP as of March 1, 2016 is incorrect, and is MODIFIED to reflect a January 1, 2016 start date.

Likewise, the January 19, 2016 enrollment confirmation notice is MODIFIED to reflect an enrollment start date of January 1, 2016.

You are responsible for any premium payments for your children's CHP plan coverage for January and February 2016.

## **Decision**

The January 19, 2016 eligibility determination notice is MODIFIED to reflect a January 1, 2016 start date for your children's eligibility for CHP coverage.

The January 19, 2016 enrollment confirmation notice is MODIFIED to reflect a January 1, 2016 start date for your children's enrollment in their CHP plan.

Your case is RETURNED to NYSOH to facilitate your children's enrollment in their CHP plan coverage as of January 1, 2016.

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**Effective Date of this Decision:** June 8, 2016

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

This decision does not change your children's eligibility.

Your children's eligibility for and enrollment in their CHP coverage should have started as of January 1, 2016.

Your case is being returned to NYSOH to facilitate your children's enrollment in their CHP plan coverage starting on January 1, 2016.

You are responsible for premium payments for your children's coverage for the months of January and February 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
- By mail at:  
NY State of Health Appeals  
P.O. Box 11729  
Albany, NY 12211
- By fax: 1-855-900-5557

## **Summary**

The January 19, 2016 eligibility determination notice is MODIFIED to reflect a January 1, 2016 start date for your children's eligibility for CHP coverage.

The January 19, 2016 enrollment confirmation notice is MODIFIED to reflect a January 1, 2016 start date for your children's enrollment in their CHP plan.

Your case is RETURNED to NYSOH to facilitate your children's enrollment in their CHP plan coverage as of January 1, 2016.

This decision does not change your children's eligibility.

Your children's eligibility for and enrollment in their CHP coverage should have started as of January 1, 2016.

Your case is being returned to NYSOH to facilitate your children's enrollment in their CHP plan coverage starting on January 1, 2016.

You are responsible for premium payments for your children's coverage for the months of January and February 2016.

## **Legal Authority**

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

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

