



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

Notice of Decision

Decision Date: September 8, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000006981

[REDACTED]

Dear [REDACTED],

On August 26, 2016, your spouse, [REDACTED], appeared on your behalf by telephone at a hearing on your appeal of NY State of Health's January 30, 2016 notice of enrollment.

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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NY State of Health Account ID: [REDACTED]
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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 (NYSOH) properly determine that your enrollment in Fidelis Care as your Essential Plan was effective March 1, 2016?

Procedural History

On December 11, 2015, NYSOH issued an eligibility determination notice, based on your December 10, 2015 application, 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 Fidelis Care as your Essential Plan, and that your plan would start January 1, 2016.

On January 16, 2016, NYSOH issued a disenrollment notice confirming receipt of your January 15, 2016 request to end your Essential Plan enrollment with Fidelis Care. The notice stated that your coverage end effective January 31, 2016.

On January 21, 2016, NYSOH received a revised application for health insurance.

On January 22, 2016, NYSOH issued an eligibility redetermination notice, based on your January 21, 2016 application, stating that you were eligible to enroll in

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the Essential Plan, effective March 1, 2016. This notice also advised you to pick a plan as soon as possible.

On January 26, 2016, NYSOH received a revised application for health insurance.

On January 27, 2016, NYSOH issued an eligibility redetermination notice, based on your January 26, 2016 application, stating that you were eligible to enroll in the Essential Plan, effective March 1, 2016.

On January 28, 2016, NYSOH issued a notice of enrollment, based on your plan selection on January 27, 2016, stating that you were enrolled in Healthfirst as your Essential Plan, and that your plan would start March 1, 2016.

On January 30, 2016, NYSOH issued a cancellation notice confirming receipt of your request to cancel your insurance coverage with Healthfirst on January 29, 2016. The notice stated that you would not have coverage with Healthfirst effective March 1, 2016.

Also on January 30, 2016, NYSOH issued a notice of enrollment, based on your plan selection on January 29, 2016, stating that you were enrolled in Fidelis Care as your Essential Plan, and that your plan would start March 1, 2016.

On February 10, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your reenrollment with Fidelis Care as your Essential Plan insofar as it began on March 1, 2016, and not February 1, 2016.

On August 26, 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) You initially enrolled in Fidelis Care as your Essential Plan with such coverage beginning January 1, 2016.
- 2) Your spouse testified that because of your [REDACTED] you were advised to have surgery; however, the hospital informed you and your spouse that Fidelis Care would not cover the procedure. Your spouse further testified that the hospital advised you to switch your Essential Plan as soon as possible in order to have this procedure covered.

- 3) The record reflects that on January 15, 2016, you contacted NYSOH to terminate your spouse's Essential Plan coverage with Fidelis Care. However, there is no record of you having elected a new Essential Plan at that time.
- 4) You submitted a revised application to NYSOH for financial assistance on January 26, 2016. In response to this application, you were found eligible to enroll in an Essential Plan, effective March 1, 2016.
- 5) Your spouse testified that, at the suggestion of the hospital, you selected Healthfirst as your Essential Plan. The record reflects that you selected this plan on January 27, 2016.
- 6) Your spouse testified that shortly thereafter, on or about January 28, 2016, you were contacted by Fidelis Care informing you that your anticipated surgery would now be covered.
- 7) Your spouse testified, and the record reflects, that you disenrolled from Healthfirst and reenrolled in Fidelis Care as your Essential Plan on January 29, 2016.
- 8) Your spouse testified that you wanted your enrollment with Fidelis Care to begin on February 1, 2016, rather than March 1, 2016, because you incurred out-of-pocket costs associated with the surgery during February 2016, and you cannot afford the bill.

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

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

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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 sole issue under review is whether NYSOH properly determined that your enrollment in Fidelis Care, as your Essential Plan, was effective March 1, 2016.

The record reflects that you contacted NYSOH to end your coverage with Fidelis Care on January 15, 2016. Your spouse testified that this was done in response to Fidelis Care stating that they would not cover your impending surgery and the hospital's suggestion that you elect to switch insurance carriers offering the Essential Plan. Accordingly, your coverage with Fidelis Care ended effective January 31, 2016. There is no evidence reflecting your election of a separate plan on that same date.

Your spouse testified, and the record reflects, that a revised NYSOH application was submitted on January 26, 2016. As a result, NYSOH issued a notice on January 27, 2016 stating that you were found eligible to enroll in the Essential Plan, with such coverage to take effect March 1, 2016. At that time, on January 27, 2016, you selected Healthfirst, as your Essential Plan, with such coverage to begin March 1, 2016.

Your spouse testified that shortly thereafter, on or about January 28, 2016, you were contacted by Fidelis Care informing you that your anticipated surgery would now be covered.

The record further reflects that you terminated your Healthfirst plan and reenrolled in Fidelis Care on the same day, January 29, 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. A plan that is selected from the sixteenth day of the month to the end of the month goes into effect on the first day of the second following month.

On January 29, 2016, your spouse selected Fidelis Care, so your enrollment properly took effect on the first day of the second month following January 2016; that is, on March 1, 2016.

Therefore, the January 30, 2016 stating that your reenrollment in Fidelis Care, as your Essential Plan, was effective March 1, 2016, is correct and must be AFFIRMED.

Decision

The January 30, 2016 notice of enrollment is AFFIRMED.

Effective Date of this Decision: September 8, 2016

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your coverage with Fidelis Care as your Essential Plan, is March 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
- By mail at:
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Summary

The January 30, 2016 notice of enrollment is AFFIRMED.

This decision does not change your eligibility.

The effective date of your coverage with Fidelis Care as your Essential Plan, is March 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:

