



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

## Notice of Decision

Decision Date: July 29, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000007181

[REDACTED]

Dear [REDACTED]

On July 26, 2016 you appeared by telephone at a hearing on your appeal of NY State of Health's February 19, 2016 eligibility determination and enrollment confirmation notices.

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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## Decision

Decision Date: July 29, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000007181



## Issue

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

Did NYSOH properly determine that your daughter's eligibility for and enrollment in her Child Health Plus plan was effective April 1, 2016?

## Procedural History

On January 29, 2015 NY State of Health (NYSOH) issued a notice of eligibility determination, based on your January 28, 2015 application, stating that your daughter was eligible for Child Health Plus effective March 1, 2015. Your daughter was subsequently enrolled in a Child Health Plus plan.

On January 14, 2016 NYSOH issued a notice that it was time to renew your daughter'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 daughter would qualify for financial help paying for her health coverage, and that you needed to update your account by February 15, 2016 or your daughter might lose the financial assistance she was currently receiving.

No updates were made to your account by February 15, 2016.

On February 17, 2016 NYSOH issued an eligibility determination notice stating that your daughter was not eligible for Medicaid, Child Health Plus, or to receive tax credits or cost-sharing reductions to help pay for the cost of insurance. Your daughter also could not enroll in a qualified health plan at full cost. This was because you had not responded to the renewal notice and had not completed

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your daughter's renewal within the required time frame. Your daughter's eligibility ended February 29, 2016.

On February 18, 2016, NYSOH received your daughter's updated application for health insurance. That day, a preliminary eligibility determination was prepared stating that your daughter was eligible to enroll in Child Health Plus and a plan was selected.

Also on February 18, 2016 you spoke to NYSOH's Account Review Unit and appealed the start date of your daughter's Child Health Plus plan insofar as she did not have coverage in the month of March 2016.

On February 19, 2016 NYSOH issued a notice of eligibility determination, based on your February 18, 2016 application, stating that your daughter was conditionally eligible to enroll in Child Health Plus with a \$15.00 monthly premium, effective April 1, 2016.

Also on February 19, 2016 NYSOH issued a notice of enrollment, based on your plan selection on February 18, 2016, stating that your daughter was enrolled in a Child Health Plus plan and that coverage would start on March 1, 2016.

On July 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) The record indicates that at the time of the determination under appeal you had elected to receive your notifications from NYSOH through electronic mail.
- 2) You testified that you did not remember selecting electronic mail as your notification preference and that you thought the notices would come through regular mail.
- 3) You testified that you received email alerts from NYSOH and that you accessed your online NYSOH account's inbox but you were unable to open any of the notices that were in your inbox because the computer you were using did not have Adobe Reader.
- 4) You testified that you received automated phone calls informing you that it was time to renew but you are unsure if they were in regards to your daughter's Child Health Plus plan.

- 5) You testified that your son has Medicaid outside of NYSOH and you thought that when you renewed his Medicaid coverage you were also renewing coverage for your daughter.
- 6) You testified that you did not know that you needed to update your account until you were able to open the notice in your NYSOH account inbox notifying you that her coverage was ending.
- 7) The record reflects that on February 18, 2016 NYSOH received your daughter's updated application for health insurance.

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, 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)).

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“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 under review is whether NYSOH properly determined that your daughter’s enrollment in her Child Health Plus plan was effective April 1, 2016.

Your child was originally found eligible for Child Health Plus effective March 1, 2015.

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 January 14, 2016 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 February 15, 2016, or their financial assistance might end.

Because there was no timely response to this notice, your daughter was terminated from her Child Health Plus plan effective February 29, 2016.

The record indicates that at the time of the renewal notice you had elected to receive your notifications from NYSOH through electronic mail. You testified that you did not remember selecting electronic mail as your notification preference and that you thought the notices would come through regular mail. However, you testified that you received email alerts from NYSOH and that you accessed your online NYSOH account’s inbox but you were unable to open any of the notices that were in your inbox because the computer you were using did not have Adobe Reader.

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It is not the fault of NYSOH that the computer you were using to access your NYSOH account did not have the compatible software to open the notices. Furthermore, you testified that you were able to open a notice in your NYSOH account inbox notifying you that her coverage was ending. Therefore, the record reflects that NYSOH properly notified you of your child's annual renewal and that information in your NYSOH account needed to be updated in order to ensure your daughter's enrollment in her Child Health Plus plan and eligibility for financial assistance would continue

You first renewed your daughter's eligibility for financial assistance through NYSOH for 2016 on February 18, 2016, and enrolled your daughter 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 19, 2016 eligibility determination notice and enrollment confirmation notices are AFFIRMED because they properly began your child's eligibility for and enrollment in Child Health Plus on April 1, 2016.

## **Decision**

The January 19, 2016 eligibility determination notice is AFFIRMED.

The January 19, 2016 enrollment confirmation notice is AFFIRMED.

**Effective Date of this Decision:** July 29, 2016

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

This decision does not change your daughter's eligibility.

The effective date of your daughter's Child Health Plus plan is April 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.

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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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Albany, NY 12211
- By fax: 1-855-900-5557

### **Summary**

The January 19, 2016 eligibility determination notice is AFFIRMED.

The January 19, 2016 enrollment confirmation notice is AFFIRMED.

This decision does not change your daughter's eligibility.

The effective date of your daughter's Child Health Plus plan is April 1, 2016.

### **Legal Authority**

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

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

