



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

Notice of Decision

Decision Date: August 25, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000007653

[REDACTED]

Dear [REDACTED],

On August 15, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's March 2, 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).

This page intentionally left blank.



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

Decision

Decision Date: August 25, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000007653



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 enrollment in an Essential Plan was effective February 1, 2016?

Procedural History

On December 15, 2014, NY State of Health (NYSOH) issued an enrollment confirmation stating that you were enrolled in Medicaid beginning December 1, 2014 and that your Medicaid Managed Care plan began December 1, 2014.

On September 15, 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 would qualify for financial help paying for your health coverage in the upcoming policy year, and that you needed to update your account by November 15, 2015 or you might lose the financial assistance you were currently receiving.

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

On November 17, 2015, NYSOH issued an eligibility determination notice stating that you were not eligible for Medicaid, Child Health Plus, or to receive tax credits or cost-sharing reductions to help pay for the cost of insurance and you 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 your renewal within the required time frame. Your eligibility was to end November 30, 2015.

On December 16, 2015, NYSOH received your updated application for health insurance.

On December 17, 2015, NYSOH issued a notice of eligibility redetermination, based on your December 16, 2015 application, stating that you were eligible to enroll in the Essential Plan, with \$20.00 per month premium effective January 1, 2016. That notice also stated that you needed to pick a health plan.

On January 22, 2016, you contacted NYSOH and picked a health plan.

On January 23, 2016, NYSOH issued a notice of enrollment, based on your plan selection on January 22, 2016, stating that you were enrolled in an Essential Plan, and that your plan would start March 1, 2016 with a monthly premium of \$46.56.

On March 2, 2016, NYSOH issued a notice of enrollment confirmation that adjusted the start date of your Essential Plan to February 1, 2016 with a premium of \$46.56 per month.

On March 3, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in your Essential Plan insofar as it did not begin January 1, 2016.

On August 15, 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 testified, and the record reflects, that on December 16, 2015, using the services of a certified application counselor (CAC) by telephone, you updated your account and submitted an application for financial assistance.
- 2) You testified that your only contact with the CAC was by telephone because you were away and not receiving mail. You testified that the CAC told you by telephone on December 16, 2016 that you had health insurance starting January 1, 2016. You relied on a screen shot of your account the CAC sent to your phone. This screen shot showed you were eligible for the Essential Plan with a \$20.00 monthly premium and that the start date was

“1/01/2016.” You credibly testified that the CAC never told you that you had to pick a plan.

- 3) You testified you would have picked a health plan had you known you needed to. You testified you did not receive any notice from NYSOH advising you to pick a health plan because you were away and not receiving mail.
- 4) You testified that you became sick and were hospitalized in early January 2016. You first learned you did not have health insurance when you started receiving bills associated with that hospitalization.
- 5) You testified and the record reflects that you contacted NYSOH on January 22, 2016 to find out why you did not have a plan. At that time you learned that your Essential Plan would not start until you selected a plan. The CAC had never selected a plan for you. You selected a health plan on that date.
- 6) On January 23, 2016, NYSOH issued an enrollment confirmation notice regarding your January 22, 2016 plan selection which stated your plan enrollment start date was March 1, 2016. That notice was returned to NYSOH by the post office and was marked “Temporarily Away”.
- 7) On March 2, 2016, NYSOH issued an enrollment confirmation notice stating that your Essential Plan enrollment start date was February 1, 2016 with a premium of \$46.56 per month.
- 8) On March 3, 2016, you spoke to a representative of NYSOH and requested the start date of your Essential Plan be backdated to January 1, 2016. You also asked for a hearing to review the start date of your Essential Plan.
- 9) You testified that you wanted your enrollment in an Essential Plan to begin on January 1, 2016 because you have medical bills for your hospitalization, doctor visits and prescriptions for the month of January 2016.

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

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).

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)).

Enrollment Periods

NYSOH must provide annual open enrollment periods during which time qualified individuals may enroll in a qualified health plan (QHP) and enrollees may change QHPs (45 CFR § 155.410(a)).

For the benefit year beginning on January 1, 2016, the annual open enrollment period began on November 1, 2015, and extended through January 31, 2016 (45 CFR §155.410(e)(2)). NYSOH must ensure that coverage is effective as of January 1, 2016, for qualified health plan selections received by on or before December 19, 2015 (45 CFR §155.410(f)(2)(i), see also; Press Release: NY State of Health Extends Enrollment Deadline for January 1 Coverage, <http://info.nystateofhealth.ny.gov/news/press-release-ny-state-health-extends-enrollment-deadline-january-1-coverage>

Legal Analysis

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

You testified, and the record indicates, that you updated your NYSOH application on December 16, 2016 using the services of a CAC. As a result, you were found eligible for the Essential Plan as of January 1, 2016 with \$20.00 monthly premium.

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

Ordinarily, 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. However, during December

2015, NYSOH elected to extend the deadline for qualified health plan selections for a January 1, 2016 start date to December 19, 2015.

You credibly testified that you were temporarily away from your home in December 2015 and part of January 2016 so you elected to use the services of a CAC over the telephone in updating your account and enrolling for health insurance for 2016. Using the CAC, you updated your account and submitted your financial assistance application for health insurance on December 16, 2015. At that time you were preliminarily determined eligible for the Essential Plan with a \$20.00 monthly premium and an eligibility effective start date of January 1, 2016.

You credibly testified that, on December 16, 2016, the CAC sent to your phone a screen shot of the preliminary eligibility determination and that you relied on the CAC's statement that you had health insurance coverage starting January 1, 2016.

You credibly testified that the CAC never told you that you had to pick a health plan in order for your Essential Plan coverage to begin.

It was not until you started receiving bills for medical costs associated with your January 2016 hospitalization that you first learned you did not have health coverage. It was on January 22, 2016, when you contacted NYSOH directly after recovering from your illness, that you learned the CAC had neglected to inform you that you needed to pick a health plan before your Essential Plan coverage would begin.

You selected a plan on January 22, 2016 and NYSOH issued an enrollment confirmation notice stating that your plan enrollment start date was March 1, 2016.

On March 2, 2016, however, NYSOH issued an enrollment confirmation notice stating that your Essential Plan start date was effective February 1, 2016. This notice was binding and enforced as the enrollment start date of coverage with your Essential Plan at that time. However, you are seeking to have your coverage start date made effective January 1, 2016.

A review of the record shows that it is reasonable to conclude that had the CAC told you that you needed to select an Essential Plan when you were on the telephone with him on December 16, 2015 that you would have done so at that time. Therefore, it is reasonable to conclude that the CAC would have made a plan selection for you at that time. A plan selection on December 16, 2016 would have been before the December 19, 2015 deadline for a January 1, 2016 plan start date.

For these reasons, the December 17, 2015 notice of eligibility redetermination stating that you are eligible to enroll in the Essential Plan effective January 1, 2016 is AFFIRMED.

The March 2, 2016 enrollment confirmation notice stating that your enrollment start date in the Essential Plan was effective February 1, 2016 is MODIFIED to reflect a January 1, 2016 plan enrollment start date.

Your case is RETURNED to NYSOH to effectuate these changes and to notify you accordingly.

You will be responsible for your monthly premium for the month of January 2016.

Decision

The December 17, 2015 eligibility determination is AFFIRMED.

The March 2, 2016 enrollment confirmation notice is MODIFIED to reflect a January 1, 2016 enrollment start date in the Essential Plan you selected.

Your case is RETURNED to NYSOH to effectuate this change and to notify you accordingly.

You will be responsible for your monthly premium for the month of January 2016.

Effective Date of this Decision: August 25, 2016

How this Decision Affects Your Eligibility

The effective date of your eligibility for the Essential Plan and the enrollment start date in the Essential Plan you selected is January 1, 2016.

You are responsible for your monthly premium for the month of January 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.

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).

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 December 17, 2015 eligibility determination is AFFIRMED.

The March 2, 2016 enrollment confirmation notice is MODIFIED to reflect a January 1, 2016 enrollment start date in the Essential Plan you selected.

Your case is RETURNED to NYSOH to effectuate this change and to notify you accordingly.

The effective date of your eligibility for the Essential Plan and the enrollment start date in the Essential Plan you selected is January 1, 2016.

You will be responsible for your monthly premium for the month of January 2016.

Legal Authority

We are issuing this determination in accordance with 45 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).

A Copy of this Decision Has Been Provided To:

