



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

Notice of Decision

Decision Date: October 4, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000007690

[REDACTED]

Dear [REDACTED]

On August 17, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's March 5, 2016 enrollment 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 at the top of this notice.

Legal Authority

We are sending you this notice in accordance with Code of Federal Regulation (CFR) 45 CFR § 155.545(b).

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]
Appeal Identification Number: AP000000007690



Issue

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

Did New York State of Health (NYSOH) properly determine that your youngest child's Child Health Plus plan enrollment start date should be April 1, 2016?

Procedural History

On December 4, 2014, NYSOH issued an eligibility determination notice, in relevant part, that your youngest child was conditionally eligible for Medicaid, effective as of December 1, 2014. The notice directed you to confirm your child's eligibility by providing Benefit Information for Third Party Health Insurance by December 20, 2014.

On November 20, 2015, NYSOH issued an enrollment notice, in relevant part, confirming that as of November 9, 2015, your youngest child was enrolled in Medicaid (UnitedHealthcare Community Plan) with a plan enrollment start date of December 1, 2015.

On January 12, 2016, NYSOH issued a renewal notice stating, in relevant part, that your youngest child qualified for health coverage under Child Health Plus at a cost of \$9.00 per month, effective March 1, 2016. The notice directed you to select a health plan between January 16, 2016 and February 15, 2016 to continue their coverage.

On February 16, 2016, NYSOH issued a disenrollment notice, in relevant part, that your youngest child's UnitedHealthcare of New York, Inc. coverage would end effective February 29, 2016.

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Also on February 16, 2016, NYSOH issued an enrollment notice, in relevant part, stating that your youngest child's health coverage with Child Health Plus will not begin until you pick a plan.

On March 4, 2016, you spoke to NYSOH's Account Review Unit and requested an appeal insofar as the enrollment start of your youngest child's health insurance through NYSOH.

On March 5, 2016, NYSOH issued an enrollment notice, in relevant part, confirming that on March 4, 2016, you enrolled your youngest child in the UnitedHealthcare Community Plan with a plan enrollment start date of March 1, 2016.

On August 17, 2016, you had a telephone hearing with a Hearing Officer from the NYSOH's Appeals Unit. Testimony was taken at the hearing under oath. The record is now complete and closed.

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 via regular mail.
- 2) You testified that you did not receive any notices from NYSOH informing you of your youngest child's renewal of health coverage and the need to select a health plan to avoid interruption in coverage.
- 3) According to your NYSOH account, [REDACTED] was listed as your mailing address in your NYSOH account from March 10, 2015 to the present.
- 4) No notices sent to you at the address listed on your NYSOH account have been returned as undeliverable.
- 5) On January 12, 2016, NYSOH issued a renewal notice stating, in relevant part, that your youngest child qualified for health coverage under Child Health Plus at a cost of \$9.00 per month, effective March 1, 2016. The notice directed you to select a health plan between January 16, 2016 and February 15, 2016 to continue their coverage.
- 6) You testified that you found out that your youngest was not enrolled in health plan through NYSOH at a doctor's appointment in March 2016.

- 7) On March 5, 2016, NYSOH issued an enrollment notice, in relevant part, confirming that on March 4, 2016, you enrolled your youngest child in the UnitedHealthcare Community Plan.
- 8) According to your NYSOH account, your youngest child's UnitedHealthcare Community Plan, through Child Health Plus, had a plan enrollment start date of April 1, 2016.
- 9) You testified that you are concerned about being assessed a tax penalty on your 2016 federal income tax return because your youngest child had a one-month gap in health insurance coverage.

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

Applicable Law and Regulations

Medicaid or Child Health Plus Renewal:

In general, NYSOH must review Medicaid or Child Health Plus eligibility once every twelve months or "whenever it receives information about a change in a beneficiary's circumstances that may affect eligibility" (42 CFR § 435.916(a)(1), (d)). NYSOH must make its "redetermination of eligibility 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, including but not limited to information accessed through any data bases accessed by the agency" (42 CFR § 435.916(a)(2), 42 CFR § 457.343).

The NYSOH must provide an individual with the annual redetermination notice, including the projected eligibility for coverage and financial assistance, and must require the qualified individual to report any changes within 30 days (45 CFR § 155.335(c), (e)). Once the 30-day period has lapsed, NYSOH must issue a redetermination as provided by the notice, with consideration given to any updates provided by the individual (45 CFR §155.335(h)).

NYSOH must provide each applicant or enrollee a written notice of any decision on the application or other determination concerning eligibility (42 CFR § 457.340(e)). If eligibility is approved, the notice must include information on the enrollee's rights and responsibilities under the program (42 CFR § 457.340(e)(1)).

Child Health Plus

"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

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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).

Exemptions

A shared responsibility payment may be imposed with respect to a non-exempt individual who does not maintain minimum essential coverage. However, an exemption may relieve an individual from the shared responsibility payment (45 CFR §155.600(a)).

An exemption may be granted to an applicant for at least before, a month or months during which, and the month after, if it is determined the individual(s) experienced circumstances that prevented them from obtaining coverage under a qualified health plan (45 CFR §155.605(g)(1)(iii)).

Legal Analysis

The issue under review is whether NYSOH properly determined that your youngest child’s Child Health Plus plan enrollment start date should be April 1, 2016.

NSYOH must redetermine an 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 information by which NYSOH will use to determine an individual’s 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.

Federal Regulation requires NYSOH to determine eligibility in Child Health Plus in order to provide each applicant or enrollee notice of any determination concerning eligibility. The notice must include information that states the rights and responsibilities under the program.

On January 12, 2016, NYSOH issued a renewal eligibility redetermination notice. The notice states that your youngest child qualified for health care coverage under Child Health Plus at a cost of \$9.00 per month, effective March 1, 2016. The notice stated that your youngest child could not be enrolled in their current

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health plan for the next coverage year, and a different plan must be selected between January 16, 2016 and February 15, 2016 to continue their coverage.

A new health plan was not selected for your youngest by February 16, 2016. You testified that you do not recall receiving a notice informing you that your youngest child's application needed to be updated or a new plan selected to continue their coverage.

The record indicates that the relevant notices were issued to the address you have listed on your NYSOH account, and that there is no indication that any of the notices were returned to the NYSOH as undeliverable.

On March 4, 2016 you updated the information in your NYSOH account and selected a Child Health Plus plan for your youngest child.

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 and the fifteen of a month goes into effect on the first day of the following month.

Since the plan was selected on March 4, 2016, it must take effect on the first of the following month after March 2016; that is, on April 1, 2016.

Therefore, the March 5, 2016 enrollment notice is MODIFIED, in relevant part, that your youngest child's plan enrollment start date is April 1, 2016.

You expressed concern that you would assessed a shared responsibility payment for your youngest child not have health insurance for the month of March 2016. New York has opted not to provide determinations on whether applicants are eligible for exemptions to the shared responsibility payment. Therefore, if you wish to be considered for an exemption, which would exempt you from paying a penalty for not having health insurance, check the Federal Marketplace website (www.healthcare.gov) for further information.

Decision

The March 5, 2016 enrollment notice is MODIFIED, in relevant part, that your youngest child's plan enrollment start date is April 1, 2016.

Effective Date of this Decision: October 4, 2016

How this Decision Affects Your Eligibility

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Your youngest child's Child Health Plus plan has an enrollment start date of April 1, 2016.

This decision does not change your youngest child's plan enrollment start date.

If you wish to pursue an exemption, you must apply through the federal government. You may provide the federal government with a copy of this Decision to support your request for an exemption.

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 after the date 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 date 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 March 5, 2016 enrollment notice is MODIFIED, in relevant part, that your youngest child's plan enrollment start date is April 1, 2016.

Your youngest child's Child Health Plus plan has an enrollment start date of April 1, 2016.

If you wish to pursue an exemption, you must apply through the federal government. You may provide the federal government with a copy of this Decision to support your request for an exemption.

Legal Authority

We are sending you this notice in accordance with Code of Federal Regulation (CFR) 45 CFR § 155.545(a).

A Copy of this Decision Has Been Provided To:

