



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

Notice of Decision

Decision Date: August 26, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000007806



Dear [REDACTED],

On August 24, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's March 1, 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).

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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 properly determine that your enrollment in an Essential Plan was effective April 1, 2016 and not March 1, 2016?

Procedural History

On February 12, 2016, NY State of Health (NYSOH) issued a notice of eligibility determination, based on your February 11, 2016 application, stating that you were eligible to enroll in the Essential Plan for a limited time, effective March 1, 2016.

On March 1, 2016, NYSOH issued an enrollment notice, based on your plan selection on February 29, 2016, stating that you were enrolled in an Essential Plan, and that your plan would start April 1, 2016.

On March 9, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential insofar as it did not begin March 1, 2016.

On August 24, 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 submitted an application to NYSOH for financial assistance on February 11, 2016, with the assistance of a NYSOH representative.
- 2) You testified that you did not complete your plan selection because you were on your lunch break and had to get back to work. You testified you planned on completing it at home that night.
- 3) You testified that you reviewed the plan selections with the NYSOH representative and decided on Fidelis Care Essential Plan 2.
- 4) You testified that you selected the Fidelis Care Essential Plan 2 on February 11, 2016 online from home, but apparently did not confirm your selection.
- 5) You testified that you again attempted to complete your Essential Plan selection on February 12, 2016, and could see online that your selection was made but the system would not allow you to confirm your selection and check-out.
- 6) You testified that you were not aware of the 15th of month deadline, were not told of this deadline on either February 11, 2016 or February 12, 2016 when you spoke with NYSOH representatives, and the notices and website did not alert you of any such deadline, as is stated in the Appeal Summary, dated 08/04/2016, under Entry # [REDACTED], dated 03/09/2016.
- 7) You testified that, had you known of this deadline, you would have taken further steps to confirm your Essential Plan selection by February 15, 2016.
- 8) You testified, and the record reflects, that you enrolled in an Essential Plan on February 29, 2016, with the assistance of a NYSOH representative.
- 9) You testified that you wanted your enrollment in an Essential Plan to begin on March 1, 2016 because you had completed your application and submitted income documents on time and were only unable to confirm your plan selection on February 11, 2016 and February 12 2016, through no fault of your own.

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 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 issue is whether NYSOH properly determined that your enrollment in the Essential Plan was effective April 1, 2016, and not March 1, 2016.

You testified, and the record indicates, that you submitted your NYSOH application on February 11, 2016. As a result, you were found eligible for the Essential Plan as of March 1, 2016 and attempted to enroll into the Fidelis Care Essential Plan 1 that evening.

Ordinarily, 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 February 29, 2016, you selected an Essential Plan, so your enrollment would ordinarily have taken effect on the first day of the second month following February 2016; that is, on April 1, 2016, strictly adhering to federal regulations.

However, you credibly testified and the record reflects that you ran into technical difficulties on February 11, 2016 and February 12, 2016, and were able to select an Essential Plan but were unable to complete and confirm your enrollment on

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both dates. You also credibly testified that you had no knowledge of the 15th day of the month rule and would have taken further action before that deadline to ensure you had coverage as of March 1, 2016. Therefore it is reasonable to conclude that, but for the technical difficulties you ran into on February 11, 2016 and February 12, 2016, you would have confirmed your Essential Plan selection on those dates, which would have been before February 15, 2016, such that your enrollment start date would have been March 1, 2016.

For these reasons, the March 1, 2016 enrollment confirmation notice stating that your enrollment in the Essential Plan was effective April 1, 2016, is MODIFIED to state your enrollment in the Essential Plan you selected is March 1, 2016.

Therefore, your case is RETURNED to NYSOH to facilitate the March 1, 2016 enrollment start date in your Fidelis Care Essential Plan 2, and to notify you accordingly.

Decision

The March 1, 2016 enrollment confirmation notice stating that your enrollment in the Essential Plan was effective April 1, 2016, is MODIFIED to state your enrollment in the Essential Plan you selected is March 1, 2016.

Your case is RETURNED to NYSOH to facilitate the March 1, 2016 enrollment start date in your Fidelis Care Essential Plan 1, and to notify you accordingly.

Effective Date of this Decision: August 26, 2016

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your Essential Health Plan is March 1, 2016.

NYSOH will facilitate the change in your enrollment start date and notify you once the change is made.

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:
NY State of Health Appeals
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Summary

The March 1, 2016 enrollment confirmation notice stating that your enrollment in the Essential Plan was effective April 1, 2016, is MODIFIED to state your enrollment in the Essential Plan you selected is March 1, 2016. .

Your case is RETURNED to NYSOH to facilitate the March 1, 2016 enrollment start date in your Fidelis Care Essential Plan 1, and to notify you accordingly.

This decision does not change your eligibility.

The effective date of your Essential Health Plan is March 1, 2016.

NYSOH will facilitate the change in your enrollment start date and notify you once the change is made.

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Legal Authority

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A Copy of this Decision Has Been Provided To:

