



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

Notice of Decision

Decision Date: October 12, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000008516

[REDACTED]

Dear [REDACTED],

On October 6, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's April 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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Decision

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NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000008516

[REDACTED]

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 through Affinity was effective May 1, 2016?

Procedural History

On February 24, 2016 NY State of Health (NYSOH) issued a notice of eligibility determination, based on your February 23, 2016 application, stating that you were eligible to enroll in the Essential Plan, effective April 1, 2016.

Also on February 24, 2016 NYSOH issued a notice of enrollment, based on your plan selection on February 23, 2016, stating that you were enrolled in an Essential Plan through UnitedHealthcare, and that your plan would start April 1, 2016.

On March 31, 2016 you contacted NYSOH and requested to be disenrolled from your UnitedHealthcare plan. You instead enrolled into an Essential Plan through Affinity.

Also on March 31, 2016 you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential Plan through Affinity insofar as it did not begin April 1, 2016.

On April 1, 2016, NYSOH issued a disenrollment notice stating that your enrollment in the Essential Plan through UnitedHealthcare would end effective April 30, 2016.

Also on April 1, 2016, NYSOH issued a notice of enrollment, based on your plan selection on March 31, 2016, stating that you were enrolled in an Essential Plan through Affinity, and that your plan would start May 1, 2016.

On October 6, 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 23, 2016 and you enrolled into an Essential Plan through UnitedHealthcare that day.
- 2) You testified that you selected UnitedHealthcare because their webpage stated that your doctor was in their network. You testified that you did not call your doctor, NYSOH, or your health plan to confirm the webpage's accuracy.
- 3) You testified that you called UnitedHealthcare on March 31, 2016 to get your plan ID card number so that you could make an appointment with your doctor. You testified that at that time the UnitedHealthcare representative informed you that your doctor was not in network.
- 4) You testified, and the record reflects, that on March 31, 2016 you contacted NYSOH, and enrolled into an Essential Plan through Affinity.
- 5) You testified that you want your Essential Plan through Affinity to begin April 1, 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 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 through Affinity was effective May 1, 2016.

You submitted an application to NYSOH for financial assistance on February 23, 2016. You were subsequently found eligible for the Essential Plan and you enrolled into an Essential Plan through UnitedHealthcare that day.

You testified that you originally selected UnitedHealthcare for an April 1, 2016 effective date because their webpage stated that your doctor was in their network. However, you did not call your doctor, NYSOH, or your health plan to confirm the webpage's accuracy.

You testified, and the record reflects, that on March 31, 2016, you contacted NYSOH, and enrolled into an Essential Plan through Affinity. You testified that you want your Essential Plan through Affinity to begin April 1, 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 March 31, 2016, you selected an Essential Plan through Affinity, so your enrollment properly took effect on the first day of the second month following March; that is, on May 1, 2016.

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Therefore, the April 1, 2016 enrollment confirmation notice stating that your enrollment in the Essential Plan through Affinity was effective May 1, 2016, is correct and must be AFFIRMED.

Decision

The April 1, 2016 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: October 12, 2016

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your Essential Health Plan through Affinity is May 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.

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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 April 1, 2016 enrollment confirmation notice is AFFIRMED.

This decision does not change your eligibility.

The effective date of your Essential Health Plan through Affinity is May 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:

