



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: AP000000008576

[REDACTED]

Dear [REDACTED],

On October 6, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's February 20, 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: October 12, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000008576



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 two oldest children's enrollment in their Child Health Plus plan was effective April 1, 2016?

Procedural History

On November 20, 2015 NY State of Health (NYSOH) received an application for health insurance submitted on your and your family's behalf.

On November 21, 2015 NYSOH issued a notice stating that your two oldest children may be eligible for health insurance through NYSOH but more information was needed to make a determination. You were asked to submit documentation of your income.

On February 1, 2016, your NYSOH account was updated to indicate that you were pregnant and expecting one child.

On February 2, 2016, paystubs were uploaded to your NYSOH account.

Also on February 2, 2016 a notice was issued stating that your two oldest children may be eligible for health insurance through NYSOH but more information was needed to make a determination. You were asked to submit documentation of your income.

On February 19, 2016, your NYSOH account was updated.

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On February 20, 2016 NYSOH issued a notice of eligibility determination, based on your February 19, 2016 application, stating that your two oldest children were eligible to enroll in Child Health Plus with a \$9.00 each monthly premium, effective April 1, 2016.

Also on February 20, 2016 NYSOH issued a notice of enrollment, stating that your children were enrolled in a Child Health Plus plan, and that this enrollment in the plan would start April 1, 2016.

On April 1, 2016 you spoke to NYSOH's Account Review Unit and appealed the start date of your two oldest children's Child Health Plus plan insofar as it did not begin January 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 testified that you are appealing only your two oldest children's eligibility.
- 2) You testified that an Application Counselor from your health plan came to your house in November 2015 to assist you in applying for health insurance for your family.
- 3) The record indicates that an Application Counselor submitted an application to NYSOH for financial assistance on November 20, 2015 on behalf of your family.
- 4) You testified that at the time the November 20, 2015 application was submitted you also provided the Application Counselor with copies of your spouse's paystubs. You testified that it was your understanding that your Application Counselor would be submitting those paystubs to NYSOH and enrolling your children into a plan because she told you your children were "all set" for coverage.
- 5) There is no indication that your Application Counselor ever provided the November 2015 paystubs to NYSOH.

- 6) You testified that you had prepaid several months of Child Health Plus coverage for your children so you did not question why you did not receive billing statements.
- 7) The record indicates that on February 1, 2016 your account was updated by your Application Counselor and paystubs for January 2016 were uploaded the next day.
- 8) You testified that in the beginning of February 2016 you contacted your Application Counselor because you were pregnant and wanted to update your NYSOH application.
- 9) You testified that at the end of February 2016 you were informed that your two oldest children did not have coverage through a Child Health Plus plan.
- 10) The record reflects that your account was updated on February 19, 2016 and your children were enrolled into a Child Health Plus plan.
- 11) You testified that you tried to call the Application Counselor that assisted you numerous times to figure out what happened and why your children did not have coverage as of January 1, 2016 but that she stopped returning your calls.

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

Applicable Law and Regulations

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)).

“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)).

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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 e.g. State Plan Amendment (SPA) NY-14-0005, approved February 3, 2015 and effective January 1, 2014).

Legal Analysis

The issue is whether NYSOH properly determined that your two oldest children's enrollment in their Child Health Plus plan was effective April 1, 2016.

The record indicates that an Application Counselor submitted an application to NYSOH for financial assistance on November 20, 2015 on behalf of your family. As a result, your children's eligibility was unable to be determined until documentation was received to verify the household's income. You testified that at the time of the November 20, 2015 application you provided the Application Counselor with copies of your spouse's paystubs. However, there is no indication that your Application Counselor ever provided the November 2015 paystubs to NYSOH.

You testified that it was your understanding that your Application Counselor would be submitting those paystubs to NYSOH and enrolling your children into a plan because she told you your children were "all set" for coverage. The record indicates that on February 2, 2016 your account was updated by your Application Counselor again and paystubs for January 2016 were uploaded. You credibly testified that you were not informed that your two oldest children did not have coverage through a Child Health Plus plan until the end of February 2016 and that the update made in early February 2016 was because you were pregnant.

The record indicates that your children were never given an eligibility determination until the account was updated on February 19, 2016.

Since you reasonably relied on what your Application Counselor told you, and the record as developed supports your testimony as credible, it is determined that your oldest children's Child Health Plus plan should have been selected on or about November 20, 2015.

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 from the sixteenth day of the month and the end of the month goes into effect on the first day of the second following month.

Since your oldest children should have been enrolled into a Child Health Plus plan on November 20, 2015 their coverage should have started the second following month after November, which is January 1, 2016.

Therefore, February 20, 2016 eligibility determination notice is MODIFIED to state that your two oldest children were eligible for Child Health Plus, effective January 1, 2016.

The February 20, 2016 enrollment confirmation notice is MODIFIED to state that your two oldest children's enrollment in their Child Health Plus plan was effective as of January 1, 2016.

Decision

The February 20, 2016 eligibility determination notice is MODIFIED to state that your two oldest children were eligible for Child Health Plus, effective January 1, 2016.

The February 20, 2016 enrollment confirmation notice is MODIFIED to state that your two oldest children's enrollment in their Child Health Plus plan was effective as of January 1, 2016.

Your case is RETURNED to NYSOH to backdate your two oldest children's coverage in their Child Health Plus for the months of January, February, and March 2016.

Effective Date of this Decision: October 12, 2016

How this Decision Affects Your Eligibility

The effective date of your two oldest children's Child Health Plus plan is January 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

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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
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The February 20, 2016 eligibility determination notice is MODIFIED to state that your two oldest children were eligible for Child Health Plus, effective January 1, 2016.

The February 20, 2016 enrollment confirmation notice is MODIFIED to state that your two oldest children's enrollment in their Child Health Plus plan was effective as of January 1, 2016.

Your case is RETURNED to NYSOH to backdate your two oldest children's coverage in their Child Health Plus for the months of January, February, and March 2016.

The effective date of your two oldest children's Child Health Plus plan is January 1, 2016.

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Legal Authority

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

A Copy of this Decision Has Been Provided To:

