



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

Notice of Decision

Decision Date: October 20, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000008646

[REDACTED]

Dear [REDACTED]

On October 13, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's April 6, 2106 notice of enrollment.

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 (NYSOH) properly determine that your enrollment in an Essential Plan was effective May 1, 2016?

Procedural History

On February 22, 2016, NYSOH received your initial application for health insurance.

On February 23, 2016, NYSOH issued an eligibility determination notice, based on your February 22, 2016 application, stating that you were eligible to enroll in the Essential Plan, effective April 1, 2016.

On April 6, 2016, NYSOH issued a notice of enrollment, stating that you were enrolled in an Essential Plan, and that your plan would start May 1, 2016. You spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential Plan insofar as it did not begin April 1, 2016.

On October 13, 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 your initial application to NYSOH for financial assistance on February 22, 2016.
- 2) You testified, and the record reflects, that you enrolled in an Essential Plan on April 5, 2016.
- 3) You testified that you wanted your enrollment in an Essential Plan to begin on April 1, 2016 because the Suffolk County Department of Social Services (Suffolk County DSS) assistor failed to confirm the selection of a plan when you were found eligible to enroll in an Essential Plan on February 22, 2016. You further testified that as a result of not begin enrolled beginning April 1, 2016, you incurred approximately \$250.00 in out-of-pocket costs related to your medical expenses.
- 4) You testified that it was not until about April 5, 2016 that you realized you had not been enrolled in an Essential Plan, because you received documentation from NYSOH requesting that you select a plan at that time.

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)).

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Legal Analysis

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

You testified, and the record indicates, that you submitted your NYSOH application on February 22, 2016. As a result, you were found eligible for the Essential Plan as of February 22, 2016, with coverage to potentially on April 1, 2016, provided you selected a health plan at that time. However, the record reflects that you did not select a health plan for enrollment until April 5, 2016.

You testified it was your understanding that despite assurances by the Suffolk County DDS assistor, you were inadvertently not enrolled in an Essential Plan on February 22, 2016, and that you only confirmed your enrollment on April 5, 2016 when you received further documentation from NYSOH requesting that you select a health plan. However, since nothing in your account shows that the failure to select a plan on February 22, 2016 was inadvertent, we cannot find that your enrollment in a health plan should have been submitted on February 22, 2016, rather than April 5, 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 April 5, 2016, you selected an Essential Plan, so your enrollment properly took effect on the first day of the first month following April 2016; that is, on May 1, 2016.

Therefore, the April 6, 2016 notice of enrollment stating that your enrollment in the Essential Plan was effective May 1, 2016, is correct and must be AFFIRMED.

Decision

The April 6, 2016 notice of enrollment is AFFIRMED.

Effective Date of this Decision: October 20, 2016

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your Essential Plan 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.

If You Have Questions about this Decision (Customer Service Resources):

You can contact us in any of the following ways:

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Summary

The April 6, 2016 notice of enrollment is AFFIRMED.

This decision does not change your eligibility.

The effective date of your Essential Plan 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:

