



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

## Notice of Decision

Decision Date: October 28, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000008848

[REDACTED]

Dear [REDACTED]

On October 25, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's April 13, 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

Decision Date: October 28, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000008848

[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 was effective May 1, 2016?

## Procedural History

On January 13, 2016, NY State of Health (NYSOH) issued a notice that it was time to renew your health insurance for the upcoming coverage year. That notice stated, based on information from federal and state sources, NYSOH could not make a decision about whether you would qualify for financial help paying for your health coverage, and that you needed to update your account by February 15, 2016 or you might lose the financial assistance you were currently receiving.

On February 15, 2016, you updated your NYSOH account.

On February 16, 2016, NYSOH issued a notice of eligibility determination, based on your February 15, 2016 application, stating that you were eligible to enroll in the Essential Plan, effective March 1, 2016.

On April 12, 2016, you selected an Essential Plan.

Also on April 12, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential Plan you had selected insofar as it did not begin April 1, 2016.

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On April 13, 2016, NYSOH issued an enrollment notice, based on your plan selection on April 12, 2016, confirming your enrollment in an Essential Plan with a start date of May 1, 2016.

On October 25, 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 supports the following findings of fact:

- 1) According to your NYSOH account, you accessed your account online on February 15, 2016 and submitted an updated application to NYSOH for financial assistance.
- 2) You testified that, after completing your updated application on February 15, 2016, you selected an Essential Plan and received a "confirmation page" that led you to believe you had selected and enrolled in an Essential Plan with a March 1, 2016 start date.
- 3) According to your NYSOH account, you selected and enrolled in an Essential Plan on April 12, 2016, with a May 1, 2016 enrollment start date.
- 4) You testified that you first learned you did not have health coverage when the hospital where you treated in late March 2016 or early April 2016 contacted you to inform you that you did not have health insurance coverage for the services you had received.
- 5) You testified that this information prompted you to contact NYSOH, at which time you learned you had not selected a health plan on February 15, 2016 because the "confirmation page" was not the last step in that process.
- 6) You testified the representative from NYSOH advised you that you did not "clicked through to the last page" to complete the enrollment process when you updated your application on February 15, 2016, so your enrollment was not processed and there was nothing they could do about it.
- 7) You testified that you are seeking to have your Essential Plan coverage backdated to 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 you selected was effective May 1, 2016.

You testified, and according to your NYSOH account, you updated your NYSOH application on February 15, 2016. As a result, you were found eligible for the Essential Plan as of March 1, 2016. According to your NYSOH account, you did not enroll in a plan until April 12, 2016, which ordinarily would result in a May 1, 2016 enrollment start date in the Essential Plan you selected.

However, you credibly testified that, when you completed your renewal application on February 15, 2016, you received a "confirmation page" regarding your Essential Plan selection and believed that meant you had enrolled in a health plan. You credibly testified that you first learned from your hospital that you did not have coverage for the services you received in late March 2016 or early April 2016. You further credibly testified that this information prompted you to contact NYSOH, during which conversation, a NYSOH representative advised you that you did not "clicked through to the last page" to complete the enrollment process. Your NYSOH account confirms the credibility of your testimony based on your logged activity in your NYSOH account on February 15, 2016. Therefore, it is concluded that you made every reasonable effort to select a health plan and ensure that you were enrolled in health insurance coverage as of that date.

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.

Since you updated your application on February 15, 2016 and believed you had confirmed your health plan selection by virtue of the “confirmation page” that popped up, your Essential Plan could properly take effect on the first day of the first month following February; that is, on March 1, 2016.

Since the credible evidence of record indicates you updated your application on February 15, 2016, and made every reasonable effort to select a health plan and ensure your enrollment in an Essential Plan as of that date, the April 13, 2016 enrollment confirmation notice is MODIFIED to state your Essential Plan is effective March 1, 2016.

Your case is RETURNED to NYSOH to effectuate this change.

Despite your request to have coverage begin April 1, 2016, the March 1, 2016 enrollment start date is being applied so as to comport with federal regulation, state law, and New York’s Basic Health Plan Blueprint,

You will be responsible for payment of premiums for the months of March 2016 and April 2016.

## **Decision**

The April 13, 2016 enrollment confirmation notice is MODIFIED to state your Essential Plan is effective March 1, 2016.

Your case is RETURNED to NYSOH to effectuate this change.

**Effective Date of this Decision:** October 28, 2016

## **How this Decision Affects Your Eligibility**

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

Your case is being sent back to NYSOH to change your enrollment start date to March 1, 2016.

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).

You will be responsible for payment of premiums for the months of March 2016 and April 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:

- 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 April 13, 2016 enrollment confirmation notice is MODIFIED to state your Essential Plan is effective March 1, 2016.

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Your case is RETURNED to NYSOH to effectuate this change.

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

Your case is being sent back to NYSOH to change your enrollment start date to March 1, 2016.

You will be responsible for payment of premiums for the months of March 2016 and April 2016.

### **Legal Authority**

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



**A Copy of this Decision Has Been Provided To:**

