



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

## Notice of Decision

Decision Date: December 2, 2016

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000008910



Dear [REDACTED],

On October 21, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's April 15, 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: AP000000008910



## 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 your Medicaid Managed Care plan began May 1, 2016?

## Procedural History

On April 24, 2015, NYSOH issued a notice of eligibility determination stating that you were eligible for Medicaid effective April 1, 2015, and you were enrolled in a Medicaid Managed Care plan effective June 1, 2015.

On February 16, 2016, NYSOH issued a renewal notice stating that it was time to renew your health insurance for the upcoming coverage year. That notice also stated that 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 the information on your NYSOH account by March 15, 2016 or you might lose the financial assistance you were currently receiving.

No updates were made to your account by March 15, 2016.

On March 17, 2016, NYSOH issued an eligibility determination notice stating that you were not eligible for Medicaid, Child Health Plus, Essential Plan or to receive tax credits or cost-sharing reductions to help pay for the cost of insurance. You also could not enroll in a qualified health plan at full cost through NYSOH. This was because you had not responded to the renewal notice and had not

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completed your renewal within the required time frame. Your eligibility ended March 31, 2016.

Also on March 17, 2016, NYSOH issued a disenrollment notice confirming that your Medicaid Managed Care plan coverage would end effective March 31, 2016.

On April 14, 2016, NYSOH received your updated application for health insurance.

On April 15, 2016, NYSOH issued an eligibility redetermination notice stating that you were eligible for Medicaid effective April 1, 2016.

Also on April 15, 2016, an enrollment confirmation notice was issued that stated that you had selected a Medicaid Managed Care plan and the effective date of that coverage was May 1, 2016.

Also on April 15, 2016, you spoke to NYSOH's Account Review Unit and appealed the eligibility determination insofar as it began your Medicaid Managed Care plan on May 1, 2016, and not April 1, 2016.

On October 21, 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) Your NYSOH account indicates that you receive notices from NYSOH by regular mail.
- 2) You testified that you did not receive the February 16, 2016 renewal notice from NYSOH telling you that you needed to update the information in your NYSOH account to ensure that your coverage would not be interrupted and that your financial assistance would continue.
- 3) The February 16, 2016 notice sent to you at the address listed on your NYSOH account at that time was not returned as undeliverable.
- 4) You testified that you lived at the [REDACTED] address listed on your NYSOH account until around the end of February 2016, when you moved to a relative's home in [REDACTED].

- 5) You testified that you submitted several change of address requests to your local Post Office but the changes did not take effect.
- 6) According to your NYSOH account, the March 17, 2016 notice that you were disenrolled from your Medicaid Managed Care plan effective March 31, 2016 was returned by the Post Office marked "Return to Sender - Not Deliverable as Addressed - Unable to Forward."
- 7) You testified that, on April 5, 2016, while traveling out of state, you had a sudden medical emergency requiring hospitalization. It was at that time that you learned your Medicaid Managed Care coverage had ended.
- 8) According to your NYSOH account, on April 14, 2016, NYSOH received your updated application for health insurance to include your new address in [REDACTED].
- 9) You testified that you are seeking reinstatement in your Medicaid Managed Care plan as of April 1, 2016 to avoid a gap in coverage because your doctor does not accept Medicaid Fee-For-Service.

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

## **Applicable Law and Regulations**

### Medicaid Renewal

In general, NYSOH must review Medicaid eligibility once every 12 months or "whenever it receives information about a change in a beneficiary's circumstances that may affect eligibility" (42 CFR § 435.916(a)(1), (d)). NYSOH must make its "redetermination of eligibility without requiring information from the individual if able to do so based on reliable information contained in the individual's account or other more current information available to the agency, including but not limited to information accessed through any data bases accessed by the agency" (42 CFR § 435.916(a)(2)).

NYSOH must provide an individual with the annual redetermination notice, including the projected eligibility for coverage and financial assistance, and must require the qualified individual to report any changes within 30 days (45 CFR § 155.335(c), (e)). Once the 30-day period has lapsed, NYSOH must issue a redetermination as provided by the notice, with consideration given to any updates that may have been provided by the individual (45 CFR § 155.335(h)).

An individual is eligible for fee-for-service Medicaid effective on the first day of the month if an individual was eligible any time during that month (42 CFR §

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435.915(b); Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13 ADM-03(III)(F)).

Medicaid Managed Care plan enrollments received on or before the fifteenth day of the month are effective the first day of the following month. Enrollments received after the fifteenth day of the month are effective the first day of the second following month (Medicaid Managed Care Model Contract (Appendix H(6)(b)(ii) & (iii), effective 3/1/2014 – 2/28/2019, NY Social Services Law § 364-j(1)(c); 18 NYCRR § 360-10.3(h); Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13 ADM-03(III)(F)).

## **Legal Analysis**

The issue under review is whether NYSOH properly determined that your enrollment in your Medicaid Managed Care plan was effective May 1, 2016.

You were originally found eligible for Medicaid effective April 1, 2015.

Generally, NYSOH must redetermine a qualified individual's eligibility for Medicaid once every 12 months without requiring information from the individual if able to do so based on reliable information contained in the individual's account or other more current information available to the agency. NYSOH's February 16, 2016 renewal notice stated that there was not enough information to determine whether you were eligible to continue your financial assistance for health insurance, and that you needed to supply additional information by March 15, 2016, or your financial assistance might end.

Because there was no timely response to this notice, you were terminated from your Medicaid Managed Care plan effective March 31, 2016.

You testified that you did not receive any notice from NYSOH telling you that you needed to update the information in your NYSOH account. You testified, and your NYSOH account confirms, that you elected to receive notifications by regular mail. However, there is no evidence in the record that the February 16, 2016 renewal notice sent to your [REDACTED] address telling you to update your NYSOH account by March 15, 2016 or the financial assistance you were receiving might end was returned as undeliverable. Further, you testified that you were still living at that [REDACTED] address until the end of February, 2016.

According to your NYSOH account, the March 17, 2016 notices were returned by the Post Office marked as "Return to Sender – Not Deliverable as Addressed – Unable to Forward."

According to your NYSOH account, you did not update your change of address until April 14, 2016.

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Therefore, the record reflects that, in the February 16, 2016 renewal notice, NYSOH properly notified you of your annual renewal and that information in your NYSOH account needed to be updated in order to ensure your enrollment in your health plan and eligibility for financial assistance would continue.

The record shows that on April 14, 2016, you updated the information in your NYSOH account and submitted a request to enroll in a Medicaid Managed Care plan.

The date on which a Medicaid Managed Care 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 after the fifteenth day of a month goes into effect on the first day of the second following month.

Since you selected your Medicaid Managed Care plan on April 14, 2016, it must take effect on the first day of the following month after April 2016; that is, on May 1, 2016.

Therefore, NYSOH's April 15, 2016 enrollment confirmation notice is AFFIRMED because it properly began your enrollment in your Medicaid Managed Care plan on May 1, 2016.

## **Decision**

The April 15, 2016 enrollment confirmation notice is AFFIRMED.

**Effective Date of this Decision:** December 2, 2016

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

Your enrollment in your Medicaid Managed Care plan properly began as of 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.

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

### **Summary**

The April 15, 2016 enrollment confirmation notice is **AFFIRMED**.

Your enrollment in your Medicaid Managed Care plan properly began as of May 1, 2016.

### **Legal Authority**

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

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

