



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

Notice of Decision

Decision Date: November 17, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000009295

[REDACTED]

Dear [REDACTED]

On November 10, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's March 20, 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 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: November 17, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000009295

[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 children's enrollment in their Child Health Plus plan was effective May 1, 2016?

Procedural History

On March 20, 2016, NY State of Health (NYSOH) issued a notice of eligibility determination, based on your March 19, 2016 application, stating in relevant part, that your children were eligible to enroll in Child Health Plus each with a \$30.00 monthly premium, effective May 1, 2016.

Also on March 20, 2016, NYSOH issued a notice of enrollment, based on your plan selection on March 19, 2016, stating in relevant part, that your children were enrolled in a Child Health Plus plan, and that this enrollment in the plan would start May 1, 2016.

On April 29, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your children's Child Health Plus plan insofar as it did not begin April 1, 2016.

On November 10, 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) You testified that you are appealing only your children's eligibility and enrollment effective date.
- 2) According to your NYSOH account, you submitted an application to NYSOH for financial assistance on March 19, 2016.
- 3) According to your NYSOH account and your testimony, you selected and enrolled your children into a Child Health Plus plan on March 19, 2016.
- 4) You testified that your spouse lost employment in mid-March 2016 and as a result you lost employer-sponsored family health coverage at the end of March 2016.
- 5) You testified that you need your children's Child Health Plus plan to begin on April 1, 2016 because both children got sick and required medical treatment and medications during the month of April 2016. As a result you have substantial out of pocket medical expenses for this uncovered medical treatment.

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 children's enrollment in their Child Health Plus plan was effective May 1, 2016.

The record reflects that you contacted NYSOH on March 19, 2016 and enrolled your children into a Child Health Plus plan.

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 children's Child Health Plus plan selection and enrollment were made after the sixteenth of the month, the March 20, 2016 enrollment confirmation notice stating that their enrollment in their Child Health Plus plan was effective May 1, 2016, is correct and must be AFFIRMED.

Decision

The March 20, 2016 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: November 17, 2016

How this Decision Affects Your Eligibility

This decision does not change your children's eligibility.

The effective enrollment start date of your children's Child Health Plus 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:

- 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 March 20, 2016 enrollment confirmation notice is **AFFIRMED**.

This decision does not change your children's eligibility.

The effective enrollment start date of your children's Child Health Plus plan is May 1, 2016.

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Legal Authority

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A Copy of this Decision Has Been Provided To:

