



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

Notice of Decision

Decision Date: December 21, 2016

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000010068

[REDACTED]

Dear [REDACTED],

On November 29, 2016, you appeared by telephone at a hearing on your appeal of NY State of Health's June 4, 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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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 spouse's enrollment in her Medicaid Managed Care plan was effective July 1, 2016?

Procedural History

On June 2, 2016, NYSOH issued a notice of eligibility determination, based on your June 1, 2016 application, stating that your spouse was eligible for Medicaid, effective June 1, 2016.

On June 4, 2016, NYSOH issued an enrollment notice confirming your spouse's enrollment in the Medicaid Managed Care plan you selected for her on June 1, 2016, with a coverage start date of July 1, 2016.

On June 2, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your spouse's enrollment in her Medicaid Managed Care plan, insofar as it did not begin June 1, 2016.

On November 29, 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 submitted an initial application to NYSOH for financial assistance for your spouse on June 1, 2016.
- 2) You testified that when you moved from Erie County to Queens County, it resulted in a gap in your spouse's Medicaid Managed Care coverage for the month of June 2016.
- 3) According to your NYSOH Account and your testimony, you selected your spouse's Medicaid Managed Care Plan on June 1, 2016, with an enrollment start date of July 1, 2016.
- 4) You testified that you want your spouse's Medicaid Managed Care plan to begin on June 1, 2016 because she was seen by many doctors in that month.

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

Applicable Law and Regulations

Medicaid

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 § 435.915(b), Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13ADM-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; see 42 USC § 1315; § 364-j(1)(c); 18 NYCRR § 360-10.3(h), Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13ADM-03(III)(F)).

Legal Analysis

The issue under review is whether NYSOH properly determined that your spouse's enrollment in her Medicaid Managed Care plan was effective July 1, 2016.

According to your NYSOH account, you contacted NYSOH on June 1, 2016 and enrolled your spouse into a Medicaid Managed Care plan. You testified that when you and your spouse moved from one county (Erie County) to another (Queens County), it resulted in a gap in your spouse's Medicaid Managed Care plan for the month of June 2016.

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 up to and including the fifteenth day of a month will go into effect on the first day of the following month. A plan that is selected on or after the sixteenth day of the month will go into effect on the first day of the second following month.

On June 1, 2016, you selected a Medicaid Managed Care plan for your spouse, so it properly took effect on the first day of the month following June 2016; that is, on July 1, 2016.

Therefore, the June 4, 2016 enrollment confirmation notice stating that your spouse's enrollment in her Medicaid Managed Care plan would be effective July 1, 2016, was correct and must be **AFFIRMED**.

Decision

The June 4, 2016 enrollment confirmation notice is **AFFIRMED**.

Effective Date of this Decision: December 21, 2016

How this Decision Affects Your Eligibility

This decision does not change your spouse's eligibility.

The effective date of your spouse's Medicaid Managed Care plan is July 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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P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The June 4, 2016 enrollment confirmation notice is **AFFIRMED**.

This decision does not change your spouse's eligibility.

The effective date of your spouse's Medicaid Managed Care plan is July 1, 2016.

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Legal Authority

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A Copy of this Decision Has Been Provided To:

