



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

Notice of Decision

Decision Date: January 24, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000010438

[REDACTED]

Dear [REDACTED],

On January 6, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's June 24, 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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NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000010438



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 through Fidelis Care was effective August 1, 2016?

Procedural History

On November 24, 2015, NY State of Health (NYSOH) issued an eligibility determination notice stating that you were eligible to enroll in the Essential Plan, effective January 1, 2016.

On November 25, 2015, NYSOH issued an enrollment confirmation notice stating that you were enrolled in the Essential Plan through MVP Health Care and that your plan would start January 1, 2016.

On May 26, 2016, your NYSOH account was updated.

On May 27, 2016, NYSOH issued an eligibility determination stating that you were eligible for the Essential Plan, effective July 1, 2016.

On May 27, 2016, NYSOH issued a disenrollment notice stating that your coverage in the Essential Plan through MVP Health Care would end effective June 30, 2016.

On June 22, 2016, you enrolled into the Essential Plan through Fidelis Care.

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Also, on June 22, 2016, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in the Essential Plan through Fidelis Care insofar as it did not begin July 1, 2016.

On June 24, 2016, NYSOH issued a notice of enrollment, based on your plan selection on June 22, 2016, stating that you were enrolled in an Essential Plan through Fidelis Care, and that your plan would start August 1, 2016.

On January 6, 2017, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and left open to allow the Hearing Officer the opportunity to review phone conversations that you had with NYSOH. The Hearing Officer reviewed two phone calls that you had with NYSOH from May 26, 2016 and the record is now closed.

Findings of Fact

A review of the record supports the following findings of fact:

- 1) You were enrolled in an Essential Plan through MVP Health Care effective January 1, 2016.
- 2) On May 26, 2016, you updated your application to NYSOH for financial assistance and disenrolled from your Essential Plan through MVP Health Care.
- 3) You testified that you attempted to enroll in a new health plan through Fidelis Care on May 26, 2016.
- 4) You testified that you were told by a NYSOH agent on May 26, 2016 that you would be enrolled in a new health plan that day.
- 5) Recordings of two telephone calls on May 26, 2016 between yourself and NYSOH were reviewed. At no point during those phone calls did a NYSOH representative state that you were enrolled in a new health plan for July 1, 2016 coverage.
- 6) You testified, and the record reflects, that you enrolled in an Essential Plan through Fidelis Care on June 22, 2016.
- 7) You testified that you wanted your enrollment in an Essential Plan through Fidelis Care to begin on July 1, 2016 because you incurred medical expenses for services rendered.

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

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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 through Fidelis Care was effective August 1, 2016.

You were enrolled in an Essential Plan through MVP Health Care effective January 1, 2016. On May 26, 2016, you updated your application to NYSOH for financial assistance and disenrolled from your Essential Plan through MVP Health Care. No new enrollments were submitted that day.

You testified, and the record confirms, that on June 22, 2016 you enrolled into an Essential Plan through Fidelis Care. You testified that you wanted your enrollment to begin on July 1, 2016 because you incurred medical expenses.

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 June 22, 2016, you selected an Essential Plan, so your enrollment properly took effect on the first day of the second month following June; that is, on August 1, 2016.

You testified that you were told by a NYSOH agent on May 26, 2016, they day that you were disenrolled from your previous health plan, that you would be enrolled in a new health plan that day. The Hearing Officer listened to the two telephone calls that you made to NYSOH on May 26, 2016, at no point during those phone calls did a NYSOH representative state that you were enrolled in a new health plan for July 1, 2016 coverage.

Therefore, the June 24, 2016 enrollment confirmation notice stating that your enrollment in the Essential Plan through Fidelis Care was effective August 1, 2016, is correct and must be AFFIRMED.

Decision

The June 24, 2016 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: January 24, 2017

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

The effective date of your Essential Health Plan through Fidelis Care is August 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

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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 June 24, 2016 enrollment confirmation notice is AFFIRMED.

This decision does not change your eligibility.

The effective date of your Essential Health Plan through Fidelis Care is August 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:

