



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

Notice of Decision

Decision Date: March 3, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000013375

[REDACTED]

Dear [REDACTED]

On February 23, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's January 1, 2017 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: AP000000013375

[REDACTED]

Issues

The issues presented for review by the Appeals Unit of NY State of Health are:

Did NY State of Health properly determine that you and your spouse's eligibility for and enrollment in an Essential Plan was effective January 1, 2017?

Did the NY State of Health properly determine that your children's eligibility for and enrollment in their Child Health Plus plan was effective January 1, 2017?

Procedural History

On November 18, 2016, NY State of Health (NYSOH) received your updated application for financial assistance with health insurance. That day, a preliminary eligibility determination was prepared with regard to that application, stating that you and your spouse were eligible for the Essential Plan as of January 1, 2017, and your children were eligible for Child Health Plus as of January 1, 2017.

Also on November 18, 2016, you spoke to NYSOH's Account Review Unit and appealed that preliminary eligibility determination insofar as your, your spouse's, and your children's coverage did not begin on December 1, 2016.

On November 19, 2016, NYSOH issued a notice of eligibility determination, based on your November 18, 2016 application, stating that you and your spouse were eligible to enroll in the Essential Plan, effective January 1, 2017, and your children were eligible for Child Health Plus, effective January 1, 2017.

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On January 1, 2017, NYSOH issued a notice of enrollment, stating that you and your spouse were enrolled in the Essential Plan, and that your plans would start January 1, 2017, and that your children were enrolled in a Child Health Plus Plan, and that their plans would start January 1, 2017.

On February 23, 2017, 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 your household previously had employer sponsored health insurance which ended on November 30, 2016. You further testified that you learned that your household's employer sponsored health insurance would end as of November 30, 2016 at the end of October 2016.
- 2) You testified that you initially tried to apply for health insurance for your household through NYSOH on-line, however, as you had previously created an account, and could not recall your member identification, username or password for that account, you could not apply using the on-line account.
- 3) You testified that you then began calling NYSOH, but due to a high volume of calls, you were unable to get through. You further testified that a recording on the NYSOH line directed you to contact a third party company to assist you with applying for health insurance, however, you were unable to get through to the third party company.
- 4) You testified that after you were unable to reach the third party company, you called NYSOH directly again, and were connected to a customer service representative. You further explained that you provided the information for your household's application at that time, but there was a technical issue and your application could not be completed. You stated that you called NYSOH the next day, and it was at that time that your family's eligibility was determined.
- 5) You also testified that you did not select plans for enrollment for your household as soon as your household's eligibility was determined, rather, you called back a few days later when you had time to review the plans. You further stated that you selected plans for your household during that phone call, but were later informed that your household's enrollment had not been fully processed.

- 6) The call record reflects that you first spoke with an NYSOH representative to submit an application for your household on November 17, 2016. The record further indicates that your household's application was not fully processed that day.
- 7) The call record indicates that on November 18, 2016, you completed your household's application for health insurance. That application was submitted and your household's eligibility for financial assistance with health insurance was determined at that time.
- 8) You testified that you wanted your and your spouse's enrollment in an Essential Plan to begin on December 1, 2016 and your children's enrollment in their Child Health Plus plan to begin on December 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)).

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

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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)).

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 first issue is whether NYSOH properly determined that you and your spouse’s eligibility for and enrollment in the Essential Plan was effective January 1, 2017.

You testified that you had attempted to complete your household’s application on-line and had attempted to contact a third party for assistance with your household’s application for health insurance, however, there is no proof in the record that this occurred on or before November 15, 2016.

The record indicates, that you first updated your household’s NYSOH application on November 17, 2016. However, this application could not be processed at that time due to technical difficulties.

You were able to complete an application, submit that application, and receive a preliminary eligibility determination for your household on November 18, 2016. As a result, you and your spouse were found eligible for the Essential Plan as of January 1, 2017.

Had your November 17, 2016 application been properly processed, you would have been able to select a plan for enrollment for yourself and your spouse as of November 17, 2016.

The date on which enrollment in an Essential Plan can take effect depends on the day a person selects the plan for enrollment.

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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.

Had you selected an Essential Plan on November 17, 2016 for yourself and your spouse, the Essential Plan would have taken effect on the first day of the second month following November 2016; that is, on January 1, 2017.

The second issue is whether NYSOH properly determined that your children's enrollment in their Child Health Plus plan was effective January 1, 2017.

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.

Had your November 17, 2016 application been properly processed, you would have been able to select a plan for enrollment for children as of November 17, 2016.

Had you selected a Child Health Plus plan on November 17, 2016 for your children, your children's Child Health Plus plan would have taken effect on the first day of the second month following November 2016; that is, on January 1, 2017.

Therefore, the January 1, 2017 enrollment confirmation notice stating that your and your spouse's enrollment in your Essential Plans was effective January 1, 2017, and your children's enrollment in their Child Health Plus plan was effective January 1, 2017, is correct and must be AFFIRMED.

Decision

The January 1, 2017 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: March 3, 2017

How this Decision Affects Your Eligibility

The effective date of your and your spouse's Essential Plan is January 1, 2017.

The effective date of your children's Child Health Plus plan is January 1, 2017.

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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 January 1, 2017 enrollment confirmation notice is **AFFIRMED**.

The effective date of your and your spouse's Essential Plan is January 1, 2017.

The effective date of your children's Child Health Plus plan is January 1, 2017.

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Legal Authority

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

A Copy of this Decision Has Been Provided To:

