



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

Notice of Decision

Decision Date: June 26, 2017

NY State of Health Account ID: [REDACTED] (see also [REDACTED])
Appeal Identification Number: AP000000015422

[REDACTED]

Dear [REDACTED],

On May 8, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's January 20, 2017 eligibility redetermination notice and January 20, 2017 disenrollment 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.

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Decision

Decision Date: June 26, 2017

NY State of Health Account ID: [REDACTED] (see also [REDACTED])
Appeal Identification Number: AP000000015422

[REDACTED]

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 [REDACTED] eligibility for and enrollment in your Essential Plan ended effective January 31, 2017?

Procedural History

On January 14, 2016, NYSOH received your application for financial assistance with health insurance.

On January 15, 2016, NYSOH issued an eligibility determination notice, based on your January 14, 2016 application, stating that you were eligible to enroll in an Essential Plan, effective February 1, 2016.

Also on January 15, 2016, NYSOH issued an enrollment confirmation notice, confirming your selection of an Essential Plan, with an enrollment start date of February 1, 2016.

On December 2, 2016, NYSOH issued a notice that it was time to renew your health insurance for the upcoming coverage year. That notice stated that based on information from federal and state sources, NYSOH could not determine whether you would qualify for financial help paying for your health coverage, and that you needed to update your account between December 16, 2016 and

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January 15, 2017 or you might lose the financial assistance you were currently receiving.

No updates were received by January 15, 2017 and NYSOH redetermined your eligibility for financial assistance with health insurance.

On January 20, 2017, NYSOH issued an eligibility determination notice stating that you were newly eligible to purchase a qualified health plan at full cost through NYSOH, effective February 1, 2017. The notice stated that you were not eligible for financial assistance because you did not respond to the renewal notice.

Also on January 20, 2017, NYSOH issued a disenrollment notice stating that your enrollment in your Essential Plan was terminated, effective January 31, 2017.

On January 26, 2017, NYSOH received your updated application for health insurance.

On January 27, 2017, NYSOH issued a notice of eligibility determination, stating that you were eligible to enroll in an Essential Plan, effective March 1, 2017.

On February 1, 2017, you spoke to NYSOH's Account Review Unit and appealed your Essential Plan eligibility, insofar as your coverage ended January 31, 2017.

On February 2, 2017, NYSOH issued an enrollment notice confirming your selection of your Essential Plan, with a plan enrollment start date of March 1, 2017.

On May 8, 2017, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. During the hearing, [REDACTED] acted as your Authorized Representative and assisted you with your testimony. 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 were determined eligible for the Essential Plan on January 15, 2016, with an effective date of February 1, 2016.
- 2) Your Authorized Representative is your spouse.

- 3) Your Authorized Representative testified that you received the December 2, 2016 renewal notice telling you that you needed to update your application by January 15, 2017.
- 4) Your Authorized Representative testified that he logged onto his NYSOH account on December 28, 2016 (██████████ - ██████████) to update your (██████████) NYSOH account. Your Authorized Representative testified that he was unable to access any of your information and could not update your account.
- 5) Your Authorized Representative testified that during the first week of January 2017 he logged onto his NYSOH account (██████████ - ██████████) to update your (██████████) NYSOH account. Your Authorized Representative testified that he was again unable to access any of your information and could not update your account.
- 6) Your Authorized Representative testified that he called NYSOH during the first week of January 2017 and was advised that the problem was because he had two NYSOH accounts. NYSOH's records show that you also called on January 30, 2017.
- 7) Your Authorized Representative testified that he logged onto his second NYSOH account (██████████) on January 26, 2017 and reenrolled you into an Essential Plan with a start date of March 1, 2017.
- 8) NYSOH records confirm that on January 26, 2017, NYSOH received your updated application for health insurance.
- 9) NYSOH records reflect that there are two active NYSOH accounts for (██████████ and ██████████ (██████████ & ██████████)).
- 10) The December 2, 2016 renewal notice directed you to update your account between December 16, 2016 through January 15, 2017.
- 11) NYSOH records reflect that no telephone calls were placed to NYSOH regarding accounts (██████████) or (██████████) during the period of December 16, 2016 through January 15, 2017.
- 12) According to the "Events Tab" in NYSOH accounts (██████████) and (██████████), there was no activity during the period of December 16, 2016 through January 15, 2017.
- 13) Your Authorized Representative testified that you incurred medical bills during the month of February 2017.

14) Your Authorized Representative testified that you are seeking coverage in the Essential Plan for February 2017.

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

Applicable Law and Regulations

Essential Plan Renewal

In general, NYSOH will review Essential Plan eligibility no more frequently than once every 12 months from the effective date of eligibility as long as enrollees are under age 65, not enrolled in minimum essential coverage, remain state residents, and do not have any changes in circumstances. An individual enrolled in the Essential Plan shall have his or her coverage continued until the end of the 12-month period, provided he or she does not lose eligibility by reason of citizenship status, lack of state residence, failure to provide a valid social security number, providing inaccurate information that would affect eligibility when requesting or renewing health coverage, failure to make the applicable premium payment, or changes in circumstances (42 CFR § 600.340(a); 42 CFR § 600.320(d); NY Social Services Law § 369-gg(3) and (4)(d)); New York's Basic Health Plan Blueprint, pp. 8 and 16, as approved January 2016; see <https://www.medicaid.gov/basic-health-program/basic-health-program.html>).

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 (42 CFR § 600.340(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 (42 CFR § 600.345; (NY Social Services Law § 369-gg(4)(c); 45 CFR § 155.335(g); New York's Basic Health Plan Blueprint, p. 17, as approved January 2016; see <https://www.medicaid.gov/basic-health-program/basic-health-program.html>).

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

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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 under review is whether NYSOH properly determined that your eligibility for and enrollment in your Essential Plan ended effective January 31, 2017.

You were originally found eligible for the Essential Plan effective February 1, 2016.

Generally, NYSOH will redetermine a qualified individual's eligibility for the Essential Plan 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 December 2, 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 January 15, 2017, or your financial assistance might end.

Because there was no timely response to this notice, your coverage with your Essential Plan was terminated effective January 31, 2017.

NYSOH notified you of your annual renewal and that information in your NYSOH account needed to be updated to ensure your enrollment in your health plan and eligibility for financial assistance would continue. You testified that you received the December 2, 2016 renewal notice from NYSOH telling you that you needed to update the information in your NYSOH account.

Your Authorized Representative testified that he attempted to update your account prior to the 2017 deadline and that he logged onto his NYSOH account on December 28, 2016 and the first week of January 2017 [REDACTED] - [REDACTED] to update your ([REDACTED]) NYSOH account. Your Authorized Representative testified that he was unable to access any of your information and could not update your account.

Your Authorized Representative testified that he called NYSOH during the first week of January 2017 and was advised that a problem existed because he had two active NYSOH accounts. NYSOH records confirm that there are two active NYSOH accounts for [REDACTED] and [REDACTED] & [REDACTED]).

However, your account indicates that no telephone calls were placed to NYSOH regarding accounts [REDACTED] or [REDACTED] during the period of December 16, 2016 through January 15, 2017, the period during which you needed to update your account. Also, according to the "Events Tab" in NYSOH accounts [REDACTED], there was no activity during the period of December 16, 2016 through January 15, 2017.

As such, there is insufficient evidence that you or your Authorized Representative attempted to update either of your two active accounts ([REDACTED] [REDACTED]) before the deadline indicated in the renewal notice, so the existence of the duplicate account had no bearing on the untimely renewal of your account.

Therefore, NYSOH's January 20, 2017 eligibility determination notice and January 20, 2017 disenrollment notice are AFFIRMED because they properly ended your eligibility for and enrollment in an Essential Plan on January 31, 2017.

Decision

The January 20, 2017 eligibility redetermination notice is AFFIRMED.

The January 20, 2017 disenrollment notice is AFFIRMED.

However, your case is RETURNED to NYSOH to deactivate one of your two active accounts.

Effective Date of this Decision: June 26, 2017

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

NYSOH correctly determined that your Essential Plan ended effective January 31, 2017.

However, your case is returned to NYSOH to deactivate one of your two active accounts.

If You Disagree with this Decision (Appeal Rights)

This Decision is final unless you submit an appeal request to the Federal Marketplace 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 Federal Marketplace. 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 have questions about appealing to the Federal Marketplace, you can contact them in any of the following ways:

- By calling the Customer Service Center at 1-800-318-2596
- By mail at:
Health Insurance Marketplace
Attn: Appeals
465 Industrial Blvd.
London, KY 40750-0061
- By fax: 1-877-369-0129

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 January 20, 2017 eligibility redetermination notice is AFFIRMED.

The January 20, 2017 disenrollment notice is AFFIRMED.

This decision does not change your eligibility.

NYSOH correctly determined that your Essential Plan ended effective January 31, 2017.

However, your case is RETURNED to NYSOH to deactivate one of your two active accounts.

Legal Authority

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

A Copy of this Decision Has Been Provided To:



Getting Help in a Language Other than English

This is an important document. If you need help to understand it, please call 1-855-355-5777. We can give you an interpreter for free in the language you speak.

Español (Spanish)

Este es un documento importante. Si necesita ayuda para entenderlo, llame al 1-855-355-5777. Le proporcionaremos un intérprete sin ningún costo.

中文 (Traditional Chinese)

這是重要的文件。如果您需要獲得關於瞭解文件內容方面的協助，請致電 1-855-355-5777。我們可以為您免費提供您所使用語言的翻譯人員。

Kreyòl Ayisyen (Haitian Creole)

Sa a se yon dokiman ki enpòtan. Si ou bezwen èd pou konprann li, tanpri rele nimewo 1-855-355-5777. Nou kapab ba ou yon entèprèt gratis nan lang ou pale a.

中文 (Simplified Chinese)

这是一份重要的文件。如果您需要帮助理解此文件，请打电话至 1-855-355-5777。我们可以为您免费提供相应语种的口译服务。

Italiano (Italian)

Questo è un documento importante. Per qualsiasi chiarimento può chiamare il numero 1-855-355-5777. Possiamo metterle a disposizione un interprete nella sua lingua.

한국어 (Korean)

중요한 서류입니다. 이해하는 데 도움이 필요하시면 1-855-355-5777 번으로 연락해 주십시오. 귀하의 언어에 대한 무료 통역 서비스가 제공됩니다.

Русский (Russian)

Это важный документ. Если Вам нужна помощь для понимания этого документа, позвоните по телефону 1-855-355-5777. Мы можем бесплатно предоставить Вам переводчика Вашего языка.

العربية (Arabic)

هذه وثيقة مهمة. إذا كنت بحاجة إلى مساعدة لفهم محتواها، يُرجى الاتصال بالرقم 1-855-355-5777. يُمكننا توفير مترجم فوري لك باللغة التي تتحدثها مجاناً.

বাংলা (Bengali)

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এটি এক গুরুত্বপূর্ণ নথি। এটি বুঝতে আপনার যদি সাহায্যের প্রয়োজন হয় তাহলে, অনুগ্রহ করে 1-855-355-5777 নম্বরে কল করুন। আপনি যে ভাষায় কথা বলেন বিনামূল্যে আমরা আপনাকে একজন দোভাষী দিতে পারি।

Français (French)

Ceci est un document important. Si vous avez besoin d'aide pour en comprendre le contenu, appelez le 1-855-355-5777. Nous pouvons mettre gratuitement à votre disposition un interprète dans votre langue.

हिंदी (Hindi)

यह एक महत्वपूर्ण दस्तावेज़ है। अगर आपको इसे समझने में सहायता चाहिए, तो कृपया 1-855-355-5777 पर कॉल करें। हम आपकी भाषा बोलने वाला एक दुभाषिया नि:शुल्क उपलब्ध करवा सकते हैं।

日本語 (Japanese)

これは重要な書類です。理解するために支援が必要な場合は、1-855-355-5777 にお電話ください。通訳を無料で提供いたします。

नेपाली (Nepali)

यो एउटा महत्वपूर्ण कागजात हो। यसलाई बुझ्न तपाईंलाई मद्दत चाहिन्छ भने, कृपया 1-855-355-5777 मा फोन गर्नुहोस्। हामीले तपाईंले बोल्ने भाषामा तपाईंलाई नि:शुल्क दोभाषे उपलब्ध गराउन सक्छौं।

Polski (Polish)

To jest ważny dokument. W przypadku konieczności skorzystania z pomocy w celu zrozumienia jego treści należy zadzwonić pod numer 1-855-355-5777. Istnieje możliwość uzyskania bezpłatnej usługi tłumacza języka, którym się posługujesz.

Twi (Twi)

Krataa yi ye tow krataa a ho hia. Se wo hia eho nkyerekyeremu a, ye sre wo, fre 1-855-355-5777. ye&btumi ama wo obi a okyerE kasa a woka no ase ama wo kwa a wontua hwee.

(Urdu) اردو

یہ ایک اہم دستاویز ہے۔ اگر آپ کو اسے سمجھنے کے لیے مدد کی ضرورت ہے تو براہ کرم 1-855-355-5777 پر کال کریں۔ ہم آپ کو آپ کی مادری زبان میں ایک مفت مترجم فراہم کر سکتے ہیں۔

Tiếng Việt (Vietnamese)

Đây là tài liệu quan trọng. Nếu quý vị cần trợ giúp để hiểu tài liệu này, vui lòng gọi 1-855-355-5777. Chúng tôi có thể cung cấp thông dịch viên miễn phí nói ngôn ngữ của quý vị.

אידיש (Yiddish)

דאס איז א וויכטיגער דאקומענט. אויב איר דארפט הילף עס צו פארשטיין, ביטע רופט 1-855-355-5777. מיר קענען אייך געבן א דאלמענטשער פריי פון אפצאל אין די שפראך וואס איר רעדט.

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