



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

## Notice of Decision

Decision Date: June 01, 2017

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000016020

[REDACTED]

Dear [REDACTED],

On May 26, 2017, your spouse, acting as your Authorized Representative, appeared by telephone at a hearing on your appeal of NY State of Health's December 8, 2016 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.

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: June 01, 2017

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000016020

[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 youngest child's enrollment in a Medicaid Managed Care plan terminated effective March 1, 2016?

## Procedural History

On March 8, 2016, NYSOH issued an eligibility determination notice stating that your youngest child was eligible for Medicaid, effective March 1, 2016.

Also on March 8, 2016, NYSOH issued a notice of enrollment confirming the enrollment of your youngest child in a Medicaid Managed Care (MMC) plan, with a plan enrollment start date of March 1, 2017.

On December 7, 2016, NYSOH redetermined your household's eligibility for financial assistance with health insurance.

On December 8, 2017, NYSOH issued a notice of eligibility redetermination stating that you would remain eligible for Medicaid, effective March 1, 2016, however, you were unable to select an MMC plan as the system was showing that you had other full benefit health insurance or Medicare.

Also, on December 8, 2016, NYSOH issued an enrollment confirmation notice stating that the type of Medicaid coverage you were eligible for does not require you to enroll in a health plan.

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On February 21, 2017, you spoke to NYSOH's Account Review Unit and appealed the cancellation of your youngest child from her MMC plan coverage as of March 1, 2016.

On May 26, 2017, your spouse, [REDACTED] (acting as your Authorized Representative), had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and held open until 5:00 p.m. ET on May 31, 2017, to allow you to submit a letter issued by your employer's insurance carrier confirming the start date of your youngest child's coverage through your spouse's health insurance plan.

That same day, you provided to the Appeals Unit through facsimile a letter issued by your employer's insurance carrier, Empire BlueCross, dated May 9, 2017. As a result, the record was closed on May 26, 2017.

## **Findings of Fact**

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

- 1) You testified that you wanted your spouse, [REDACTED], to act as your Authorized Representative during the hearing.
- 2) Your spouse testified, and your NYSOH account reflects, that your youngest child was determined eligible for Medicaid effective March 1, 2016.
- 3) Your spouse testified, and your NYSOH account reflects, that on March 7, 2016 you selected an MMC plan for your youngest child's coverage.
- 4) You spouse testified, and your account confirms, that on December 7, 2016 your youngest child was disenrolled from her MMC plan because the system determined that she had active third party health insurance. Her coverage under the MMC plan was retroactively cancelled effective March 1, 2016.
- 5) Your spouse testified that your youngest child did not have insurance had insurance through his employer sponsored plan until October 13, 2016. Your spouse further testified that this coverage start date was due to a three-month waiting period before he could enroll a dependent.
- 6) On May 26, 2017, you uploaded a letter from Empire BlueCross stating that your youngest child had coverage through them from October 13, 2016 through March 27, 2017.

- 7) Your spouse testified that due to your child's retroactive disenrollment from her MMC plan as of March 1, 2016, you incurred significant medical expenses during the period between March 1, 2016 and September 30, 2016.
- 8) The record does not contain any information from NYSOH regarding where they obtained the information that you were enrolled in third party health insurance.

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 that individual was eligible at 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 18 NYCRR § 360-10.3(h),; Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13 ADM-03(III)(F)).

### Continuous Coverage

Most applicants determined eligible for Medicaid are guaranteed 12 months of Medicaid coverage offered through Medicaid Managed Care, even if the adult loses Medicaid eligibility because of any changes or updates they make to their Marketplace account. For example, even if income increases above the Medicaid limit allowed for the household size, the insured will remain covered under Medicaid for a 12-month period. This 12-month period is referred to as "continuous coverage," and is set based on the start date of the original Medicaid eligibility determination or the date of any subsequent Medicaid eligibility determination based on modified adjusted gross income (see 42 CFR § 435.916; NY Social Services Law (NY SSL) § 366(4)(c)).

### Third Party Health Insurance

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A person who has primary medical or health care coverage available from or under a third-party insurance provider is not permitted to enroll into a Medicaid Managed Care plan (NY SSL § 364-j(3)(e)(xx); Medicaid Managed Care Model Contract (Appendix H-6), effective 3/1/2014 – 2/28/2019). However, they will remain eligible for fee-for-service Medicaid with limited exceptions, including entering prison or another facility that provides medical care, lack of state residence, or failing to provide a valid social security number (NY SSL § 366(4)(c)).

## **Legal Analysis**

The issue for review is whether NYSOH properly determined that your youngest child's enrollment in her MMC plan was cancelled effective March 1, 2016.

In the March 8, 2016 notice of eligibility determination, your youngest child was found eligible for Medicaid, effective March 1, 2017. On March 7, 2016, you selected an MMC plan for her coverage, effective March 1, 2016, as is documented by the March 8, 2016 notice of enrollment confirmation.

Generally, when an individual is eligible for Medicaid through NYSOH they are required to enroll in a MMC plan. Applicants determined eligible will be enrolled or remain in their Medicaid plan with limited exceptions, including entering prison or another facility that provides medical care, moving out of state, or failing to provide a valid Social Security number.

On December 7, 2016, NYSOH redetermined your household's eligibility for financial assistance with health insurance. On December 8, 2016, NYSOH issued a disenrollment notice advising that your youngest child's coverage in her MMC plan would be terminated as of March 1, 2016 because she had full benefit health insurance or Medicare.

When NYSOH determines that a person has active coverage in a health insurance plan outside of NYSOH, that person is not eligible to enroll or remain enrolled in a MMC plan.

However, your spouse credibly testified that your coverage under your employer-sponsored health insurance for your child did not begin until October 13, 2016. You submitted documentation from your spouse's employer-sponsored health insurance plan confirming that your youngest child's coverage did not begin until October 13, 2016, and did not end until March 27, 2017.

Therefore, when NYSOH cancelled your youngest child's coverage in an MMC plan due to her having third party health insurance, she did not, in fact, have third party health insurance and the information relied upon by NYSOH in making the

determination to terminate your youngest child's coverage under her MMC plan was incorrect.

Accordingly, the December 8, 2016 disenrollment notice terminating your youngest child's coverage under her MMC plan, effective March 1, 2016 is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your youngest child's MMC plan coverage effective March 1, 2016 through October 12, 2016.

## **Decision**

The December 8, 2016 disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your youngest child's MMC plan coverage effective March 1, 2016 through October 12, 2016.

**Effective Date of this Decision:** June 01, 2017

## **How this Decision Affects Your Eligibility**

NYSOH improperly disenrolled your youngest child from her MMC plan.

Your case is being sent back to reinstate your youngest child's MMC plan from March 1, 2016 through October 12, 2016.

## **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

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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):**

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- 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 December 8, 2016 disenrollment notice is RESCINDED.

NYSOH improperly disenrolled your youngest child from her MMC plan.

Your case is being sent back to reinstate your youngest child's MMC plan from March 1, 2016 through October 12, 2016.

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## **Legal Authority**

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

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**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)

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।

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## **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 निःशुल्क 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 निःशुल्क 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&etumi 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 דאלמעטשער פריי פון אפצאל אין די שפראך וואס איר רעדט.

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