



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

Notice of Decision

Decision Date: August 31, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000019275

[REDACTED]

Dear [REDACTED],

On August 29, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's April 21, 2017 eligibility determination and plan enrollment notices.

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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STATE OF NEW YORK
DEPARTMENT OF HEALTH
P.O. Box 11729
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Decision

Decision Date: August 31, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000019275

[REDACTED]

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 youngest child's eligibility for and enrollment in Child Health Plus started effective June 1, 2017?

Procedural History

On December 6, 2016, your youngest child (child) was added to your NY State of Health (NYSOH) account and an application was submitted on his behalf.

On December 7, 2016, NYSOH issued an eligibility determination notice stating that your child was eligible to enroll in Child Health Plus for a limited time with a \$45.00 per month premium, effective January 1, 2017. The notice directed you to provide documentation confirming your child's citizenship status and Social Security number before March 6, 2017.

On December 9, 2016, NYSOH issued a plan enrollment notice confirming your child's enrollment in a Child Health Plus plan.

On March 14, 2017, NYSOH issued an eligibility determination notice stating that your child was not eligible for Medicaid, Child Health Plus, or to receive tax credits or cost-sharing reductions to help pay for the cost of insurance. Your child also could not enroll in a qualified health plan at full cost because you had not confirmed his citizenship status and Social Security number within the required timeframe.

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Also on March 14, 2017, NYSOH issued a disenrollment notice stating that your child's coverage in his Child Health Plus plan would end effective March 31, 2017 because he was no longer eligible to enroll in health insurance through NYSOH.

On April 20, 2017, your child's Social Security number was added to your NYSOH account.

On April 21, 2017, NYSOH issued an eligibility determination notice stating that your child was eligible to enroll in Child Health Plus with a \$15.00 per month premium, effective June 1, 2017.

Also on April 21, 2017, NYSOH issued a plan enrollment notice confirming your child's enrollment in a Child Health Plus plan, effective June 1, 2017.

On May 25, 2017, you spoke to NYSOH's Account Review Unit and appealed your child's disenrollment from his Child Health Plus plan for the month of April 2017.

On August 29, 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) According to your NYSOH account and your testimony, you received all of your notices from NYSOH by electronic mail.
- 2) You testified that you did not receive any electronic alerts regarding any notice in your NYSOH account telling you that you needed to supply your child's Social Security number to confirm his eligibility.
- 3) The record indicates that your child was added to your NYSOH account on December 6, 2016. The application that was submitted that day indicates that he was a U.S Citizen but he did not have a Social Security number because you were in the process of applying for one.
- 4) You testified that you were advised by the broker that you must supply your child's birth certificate, but there was no mention of having to supply his Social Security card. As such, you supplied your child's birth certificate to the broker a couple of weeks after he was born.

- 5) You testified that you received your child's Social Security card around the same time you received his birth certificate and, had you known, would have supplied that at the time as well.
- 6) You testified that you did not know your child had been disenrolled from his Child Health Plus plan until your doctor's office called the day before an appointment and advised you that your child was no longer insured.
- 7) The record indicates that on April 20, 2017 your child's Social Security number was added to your NYSOH account.
- 8) You testified that you are appealing your child's Child Health Plus re-enrollment start date because you were advised by a NYSOH representative that your child's coverage would be backdated and to go ahead and bring your child to see his doctor. You have medical bills you would like to be reimbursed for by the health plan.

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

Applicable Law and Regulations

Child Health Plus

A child who meets the eligibility requirements for Child Health Plus may be eligible to receive a subsidy payment if the child resides in a household with a household income at or below 400% of the federal poverty level (FPL) (New York Public Health Law (PHL) § 2511(2)(a)(iii)).

To be eligible for Child Health Plus, the child:

- Must be under 19 years of age;
- Must be a New York State Resident;
- Must not have other health insurance coverage; and
- Must not be eligible for, or enrolled in, Medicaid

(N.Y. Pub. Health Law. § 2511(2)(a)-(e)).

As a condition of eligibility for Child Health Plus, an individual, including children, must furnish their Social Security Number and evidence of their citizenship or status as a qualified immigrant or PRUCOL alien to NY State of Health for verification purposes (42 CFR § 435.910(a) and (b)(3); 42 CFR § 457.340(b); 18 NYCRR § 360-3.2(j)(2) and (3); *see generally* 18 NYCRR § 360-3.2(j)).

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NYSOH must require an applicant who has a Social Security Number to provide the number but does not require an applicant's Social Security Number as a condition of enrollment for Child Health Plus if the applicant is not eligible to receive one or his or her number is not yet available (42 CFR § 457.340(b), 42 CFR § 435.910(h)(1); Model State Children's Health Insurance Program Plan, Section 4.1.9).

If an applicant attests to citizenship, status as a national, or lawful presence, and NYSOH is unable to verify such attestation, NY State of Health must then provide the applicant with 90 days to provide satisfactory documentary evidence. Notice is considered received 5 days after the date on the notice, unless the applicant demonstrates that he or she did not receive the notice within the 5 day period (45 CFR § 155.315(c)(3), (f)(2)(i)).

If NYSOH remains unable to verify the citizenship attestation and/or Social Security number after the 90-day period ends, it must determine the applicant's eligibility based on the information available (45 CFR § 155.315(f)(5)).

NYSOH is required to provide proper written notice to an applicant of any decision effecting an enrollee's Child Health Plus eligibility (42 CFR § 457.340(e)). When Child Health Plus coverage is denied, suspended or terminated NYSOH must provide sufficient notice to enable the child's parent or caretaker relative to take appropriate actions in order to allow Child Health Plus coverage to continue without interruption (42 CFR § 457.340(e)(2); 42 CFR § 457.1130(a)(3)).

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 State Plan Amendment (SPA) NY-14-0005, approved February 3, 2015 and effective January 1, 2014).

Electronic Notices

Applicants may choose to receive notices and information from NYSOH by either electronic notice or regular mail. If the applicant elects to receive electronic notices, NYSOH must send an email or other electronic communication alerting the individual that a notice has been posted to the applicant's account within 1 day of the notice being generated (45 CFR §155.230(d); 42 CFR §435.918(b)(3) and (4)). If an electronic notice is undeliverable, NYSOH must send a notice by regular mail within three business days of the date of a failed electronic communication (42 CFR §435.918(b)(5)).

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Legal Analysis

The issue under review is whether NYSOH properly determined that your child's eligibility for and enrollment in Child Health Plus terminated effective March 31, 2017.

NYSOH is required to determine whether individuals are eligible to enroll in coverage through NYSOH, and must confirm, among other things, their Social Security number and citizenship status.

If NYSOH cannot verify an individual's citizenship status or Social Security number, it must provide the individual with notice of the inconsistency. NYSOH must then provide the individual with a period of 90 days from the date notice is received to resolve the inconsistency.

In the eligibility determination issued on December 7, 2016, you were advised that your child's eligibility for Child Health Plus was only conditional, and that you needed to confirm his Social Security number and citizenship status before March 6, 2017.

Because there was no timely response to this notice, your child was terminated from his Child Health Plus plan, effective March 31, 2017.

However, you testified and the record reflects that you elected to receive alerts regarding notices from NYSOH electronically. You credibly testified that you did not receive an electronic alert regarding the December 7, 2016 eligibility determination notice, which directed you to update the information in your NYSOH account on behalf of your child, nor were you informed of the same by your broker. Additionally, there is no evidence in your account documenting that any email alert was sent to you regarding the need to supply your child's Social Security number, that it failed such that paper notice was sent to you by regular mail.

Therefore, it is concluded that NYSOH did not give you the proper notice that you needed to supply additional information on your child's behalf.

You first added your child's Social Security number to your account and updated his eligibility for financial assistance through NYSOH on April 20, 2017.

Therefore, it is assumed that this is the information that would have been used had you been timely informed of the need to update your account, as stated in the eligibility determination notice.

Therefore, the April 21, 2017 eligibility determination notice is MODIFIED to state that, effective April 1, 2017, your child was eligible to enroll in Child Health Plus with a \$15.00 premium per month, and the April 21, 2017 plan enrollment notice

is MODIFIED to state that your child's enrollment in his Child Health Plus plan is effective April 1, 2017.

Your case is RETURNED to NYSOH to effectuate these changes and to notify you accordingly.

Decision

The April 21, 2017 eligibility determination notice is MODIFIED to state that, effective April 1, 2017, your child was eligible to enroll in Child Health Plus with a \$15.00 premium per month.

The April 21, 2017 plan enrollment notice is MODIFIED to state that your child's enrollment in his Child Health Plus plan is effective April 1, 2017.

Your case is RETURNED to NYSOH to effectuate these changes and to notify you accordingly.

Effective Date of this Decision: August 31, 2017

How this Decision Affects Your Eligibility

NYSOH failed to give you proper notice of the need to provide your child's Social Security number and, therefore, your child should not have been disenrolled from his Child Health Plus plan.

Your child's eligibility for and enrollment in his Child Health Plus plan should have been effective as of April 1, 2017.

Your case is being sent back to NYSOH to reinstate your child into his Child Health Plus plan as of April 1, 2017. NYSOH will notify you once this has been done.

You will be responsible to pay to the health plan directly the monthly premiums due for the months of April 2017 and May 2017.

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

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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:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

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).

The April 21, 2017 eligibility determination notice is MODIFIED to state that, effective April 1, 2017, your child was eligible to enroll in Child Health Plus with a \$15.00 premium per month.

The April 21, 2017 plan enrollment notice is MODIFIED to state that your child's enrollment in his Child Health Plus plan is effective April 1, 2017.

Your case is RETURNED to NYSOH to effectuate these changes and to notify you accordingly.

NYSOH failed to give you proper notice of the need to provide your child's Social Security number and, therefore, your child should not have been disenrolled from his Child Health Plus plan.

Your child's eligibility for and enrollment in his Child Health Plus plan should have been effective as of April 1, 2017.

Your case is being sent back to NYSOH to reinstate your child into his Child Health Plus plan as of April 1, 2017. NYSOH will notify you once this has been done.

You will be responsible to pay to the health plan directly the monthly premiums due for the months of April 2017 and May 2017.

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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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. y&b&tumi 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.

שׂוֹדֵשׁ (Yiddish)

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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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