



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

Notice of Decision

Decision Date: November 14, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000020032

[REDACTED]

[REDACTED]

On October 13, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's June 24, 2017 and September 8, 2017 eligibility determination 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 NY State of Health 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]
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Issues

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

Did NY State of Health (NYSOH) properly determine that your domestic partner was eligible for the Essential Plan, effective August 1, 2017?

Did NYSOH properly determine that your domestic partner was not eligible for Medicaid?

Procedural History

On June 23, 2017, an application for health insurance was run on your behalf.

On June 24, 2017, NYSOH issued a notice of eligibility determination stating that your domestic partner was eligible for the Essential Plan, effective August 1, 2017. That notice also stated that he was not eligible for Medicaid because his income was over the allowable income limits for that program.

On June 26, 2017, you spoke to NYSOH's Account Review Unit and appealed the eligibility determination for your domestic partner, insofar as he was not determined eligible for Medicaid.

On July 12, 2017, NYSOH issued an enrollment confirmation notice, stating that your domestic partner was enrolled in the Essential Plan, effective August 1, 2017.

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On August 30, 2017, NYSOH issued a disenrollment notice, stating that your domestic partner's Essential Plan enrollment would end on August 1, 2017 because he did not pay the insurance bill by the payment deadline.

On September 7, 2017, you updated your application for financial assistance. That day, a preliminary eligibility determination was prepared stating your domestic partner was eligible for the Essential Plan, effective October 1, 2017.

Also on September 7, 2017, you spoke to NYSOH's Account Review Unit and appealed the eligibility determination for your domestic partner, insofar as he was not determined eligible for Medicaid.

On September 8, 2017, NYSOH issued a notice of eligibility determination, based on the September 7, 2017 application, stating that your domestic partner was eligible for the Essential Plan, effective October 1, 2017. That notice also stated that he was not eligible for Medicaid because his income was over the allowable income limits for that program.

On October 13, 2017, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and held open up to October 27, 2017, to allow you to submit supporting documents.

On October 26, 2017, you submitted the requested documentation. It was entered into the record as Appellant's Exhibit #1 and the record was closed that day.

Findings of Fact

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

- 1) You testified that you expect to file your 2017 taxes with a tax filing status of single and that your domestic partner expects to file his 2017 taxes with a tax filing status of head of household. You will claim one dependent on that tax return, and your domestic partner will claim two dependents on that tax return.
- 2) You and your domestic partner are not married.
- 3) You are seeking Medicaid for your domestic partner.
- 4) The applications that were submitted on June 23, 2017 and September 7, 2017 listed annual household income for your domestic partner of \$32,060.88, consisting of income he earns from self-employment. You testified that this amount was correct.

- 5) You provided documentation showing that your domestic partner's monthly income for June 2017 was \$4,068.34, and his monthly income for September 2017 was \$2,013.75.
- 6) You testified that he only worked for half of September 2017.
- 7) Your application states that you will not be taking any deductions on your 2017 tax return, but you testified that you and your domestic partner will both be taking self-employment deductions.
- 8) Your application states that your domestic partner lives in Ulster County.
- 9) The record reflects that the appeal you filed on September 7, 2017 was closed as a duplicate on September 11, 2017 [REDACTED]

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

Applicable Law and Regulations

Essential Plan

NYSOH must generally determine an applicant eligible for the Essential Plan, a basic health plan, if the person is (1) a resident of New York State, (2) expects to have a household income between 138% and 200% of the applicable federal poverty level (FPL) or, in the case of an individual who is a lawfully present non-citizen who is ineligible for Medicaid or Child Health Plus as a result of their immigration status, has a household income that is between 0% and 200% of the FPL, (3) is not otherwise eligible for minimum essential coverage except through the individual market, (4) is 64 years old or younger, (5) is a citizen or a lawfully present non-citizen, and (6) is not incarcerated (see 42 CFR § 600.305, 42 CFR § 435.603(d)(4), 45 CFR § 155.305(e), NY Social Services Law § 369-gg(3), 42 USC § 18051).

In an analysis of Essential Plan eligibility, the determination is based on the FPL in effect on the first day of the benefit year for which coverage is requested (45 CFR § 155.300(a)). On the date of your application, that was the 2016 FPL, which is \$20,160.00 for a three-person household (81 Fed. Reg. 4036.).

A person who has a household income that is at or below 150% of the FPL has a \$0.00 premium contribution (New York's Basic Health Plan Blueprint, p. 21, as approved January 2016; see <https://www.medicaid.gov/basic-health-program/basic-health-program.html>).

A person who has a household income greater than 150% of the FPL or below 200% of the FPL has a \$20.00 per month premium contribution (New York's Basic Health Plan Blueprint, as approved January 2016).

The Essential Plan is considered minimum essential coverage therefore, a person who is eligible for the Essential Plan is not eligible for any premium tax credit because they are eligible for minimum essential coverage through the individual market (see 26 CFR § 1.36B-2(c)(1), 26 USC § 5000A(f)(1)(C)).

Medicaid

Medicaid can be provided through NYSOH to adults who: (1) are age 19 or older and under age 65, (2) are not pregnant, (3) are not entitled to or enrolled for Medicare benefits under part A or B of title XVIII of the Act, (4) are not otherwise eligible for and enrolled for mandatory coverage under a State's Medicaid State plan in accordance with subpart B of this part, and (5) have a household modified adjusted gross income (MAGI) that is at or below 138% of the FPL for the applicable family size (42 CFR § 435.119(b), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)), NY Social Services Law § 366(1)(b)).

In an analysis of Medicaid eligibility, the determination is based on the FPL "for the applicable budget period used to determine an individual's eligibility" (42 CFR § 435.4). On the date of your application, that was the 2017 FPL, which is \$20,420.00 for a three-person household (82 Fed. Reg. 8831).

Financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size (42 CFR § 435.603(h)(1); State Plan Amendment (SPA) 13-0055-MM3, as approved March 19, 2014).

Household Composition

"Family size" means the number of persons counted as members of an individual's household. The household of a taxpayer who expects to file a return, and does not expect to be claimed as a tax dependent by anyone else, consists of the taxpayer plus all people the taxpayer expects to claim as tax dependents (42 CFR § 435.603(f)(1)).

Legal Analysis

The first issue under review is whether NYSOH properly determined that your domestic partner was eligible for the Essential Plan, effective August 1, 2017.

The application that was submitted on June 23, 2017 listed an annual household income for your domestic partner of \$32,060.88 and the eligibility determination

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relied upon that information. The application that was submitted on September 7, 2017 also listed an annual household income for your domestic partner of \$32,060.88. You testified that this amount is correct.

Your domestic partner is in a three-person household. He expects to file his 2017 income taxes as head of household and will claim two dependents on that tax return.

The Essential Plan is provided through NYSOH to individuals who meet the non-financial requirements and have a household modified adjusted gross income that is between 138% and 200% of the FPL for the applicable family size. On the date of your application, the relevant FPL was \$20,160.00 for a three-person household. Since an annual household income of \$32,060.88 is 159.03% of the 2016 FPL, NYSOH properly found your domestic partner to be eligible for the Essential Plan.

The second issue is whether NYSOH properly determined that your domestic partner was not eligible for Medicaid.

Medicaid can be provided through NYSOH to adults between the ages of 19 and 65 who meet the non-financial requirements and have a household modified adjusted gross income that is at or below 138% of the FPL for the applicable family size. On the date of your application, the relevant FPL was \$20,420.00 for a three-person household. Since \$32,060.88 is 157% of the 2017 FPL, NYSOH properly found your domestic partner to be not eligible for Medicaid on an expected annual income basis, using the information provided in your application.

Since the June 24, 2017 and September 8, 2017 eligibility determination notices properly stated that, based on the information you provided, your domestic partner was eligible for the Essential Plan and not eligible for Medicaid, they are correct and AFFIRMED.

However, financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size. You submitted income documentation that shows your domestic partner earned \$4,068.34 in June 2017.

To be eligible for Medicaid, your domestic partner would need to meet the non-financial criteria and have an income no greater than 138% of the FPL, which is \$2,349.00 per month. Since the documentation you provided shows that your domestic partner earned \$4,068.34 in June 2017, he does not qualify for Medicaid on the basis of monthly income as of the date of the June 23, 2017 application.

However, you provided documentation that shows that your domestic partner earned \$2,013.75 in September 2017. Therefore, your case is RETURNED to NYSOH to redetermine your domestic partner's eligibility for financial assistance as of September 7, 2017 with a household size of three people and a monthly income of \$2,013.75 in Ulster County.

Decision

The June 24, 2017 eligibility determination notice is AFFIRMED.

The September 8, 2017 eligibility determination notice is AFFIRMED.

Your case is RETURNED to NYSOH to redetermine your domestic partner's eligibility for financial assistance with a household size of three people and a monthly income of \$2,013.75 in Ulster County.

Effective Date of this Decision: November 14, 2017

How this Decision Affects Your Eligibility

Your case is being sent back to NYSOH for a redetermination of your domestic partner's eligibility.

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:

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).

- 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

The June 24, 2017 eligibility determination notice is AFFIRMED.

The September 8, 2017 eligibility determination notice is AFFIRMED.

Your case is RETURNED to NYSOH to redetermine your domestic partner's eligibility for financial assistance with a household size of three people and a monthly income of \$2,013.75 in Ulster County.

Legal Authority

We are sending you this notice in accordance with 45 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).

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 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 bɛtumi ama wo obi a okyerɛ 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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