



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

Notice of Decision

Decision Date: October 3, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000020417

[REDACTED]

Dear [REDACTED],

On September 28, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's June 30, 2017 plan enrollment 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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DEPARTMENT OF HEALTH
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Decision

Decision Date: October 3, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000020417

[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 you and your child had Medicaid Fee-For-Service as of June 1, 2017 and were enrolled in a Medicaid Managed Care (MMC) plan, effective August 1, 2017?

Procedural History

On June 30, 2017, NYSOH issued an eligibility determination notice, based on your June 29, 2017 application, stating that you and your child were eligible for Medicaid, effective June 1, 2017.

Also on June 30, 2017, NYSOH issued a plan enrollment notice confirming your selection of an MMC plan for you and your child, with a plan enrollment start date of August 1, 2017.

On July 11, 2017, you spoke to NYSOH's Account Review Unit and appealed the start date of your and your child's enrollment in your MMC plan insofar as it did not begin on June 1, 2017.

On September 28, 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.

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Findings of Fact

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

- 1) You submitted an application to NYSOH for financial assistance on June 29, 2017. You enrolled yourself and your child in an MMC plan that same day.
- 2) You testified that, although you had health insurance previously through NYSOH in 2015, in early 2015, you applied by telephone for Medicaid and you and your child were given Medicaid coverage through Ulster County Department of Social Services.
- 3) According to two September 28, 2017 reports from eMedNY, New York's Medicaid reporting system, your child was enrolled in Medicaid through Ulster County Department of Social Services from her birth until May 31, 2017 and you were enrolled in Medicaid through the Ulster County Department of Social Services from [REDACTED] until May 31, 2017.
- 4) You testified that you did not receive any notices from Ulster County Department of Social Services telling you that you needed to update your application to renew your and your child's MMC coverage or that you were being terminated from your health plan. You found out when you received a bill from your doctor in July 2017.
- 5) You testified that you want your and your child's MMC plan to begin on June 1, 2017 because you have medical bills for services received in June 2017, which are not covered by Medicaid Fee-For Service.

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

Applicable Law and Regulations

Medicaid Effective Date

An individual is eligible for fee-for-service Medicaid effective on the first day of the month if an individual was eligible any time during that month (42 CFR § 435.915(b)). MMC 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 (MMC Model Contract (Appendix H(6)(b)(ii) & (iii), effective

3/1/2014 – 2/28/2019, N.Y. Soc. Serv. Law §364-j(1)(c); 18 NYCRR § 360-10.3(h)).

Legal Analysis

The issue under review is whether NYSOH properly determined that you and your child's enrollment in your MMC plan was effective August 1, 2017.

You testified that, although you had health insurance previously through NYSOH, in early 2015, you applied by telephone for Medicaid and you and your child were given Medicaid coverage through Ulster County Department of Social Services.

According to two separate September 28, 2017 reports from eMedNY, New York's Medicaid reporting system, your child was enrolled in Medicaid through Ulster County Department of Social Services from her birth until May 31, 2017 and you were enrolled in Medicaid through the Ulster County Department of Social Services from [REDACTED] until May 31, 2017.

You also testified that you were never given notice by Ulster County Department of Social Services that you needed to update your account or that your and your child's MMC coverage was about to end. You first learned that you were terminated from your MMC plan when you received a bill on or about [REDACTED] from your doctor.

NYSOH's Appeals Unit has no jurisdiction over Ulster County Department of Social Services and can only review the issue of your MMC plan enrollment date. Any issues regarding lack of notice that your and your child's Medicaid coverage through your local Department of Social Services was ending properly belong before NYS Office of Temporary and Disability Assistance (OTDA). You can learn more about the fair hearing process before OTDA's Office of Administrative Hearings at <https://otda.ny.gov>.

The record shows that, on June 29, 2017, you submitted a new application for health insurance for you and your child, were both determined eligible for Medicaid as of June 1, 2017, and enrolled in an MMC plan through NYSOH that same day.

Medicaid Fee-For-Service is made effective the first day of the month if an individual is eligible for Medicaid anytime during that month. Therefore, you and your child had Medicaid Fee-For-Service as of June 1, 2017.

The date on which a MMC plan can take effect depends on the day a person selects the plan for enrollment.

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

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selected after the fifteenth day of a month goes into effect on the first day of the second following month.

Since you selected your and your child's MMC plan on June 29, 2017, coverage properly took effect on the first day of the second month following June 2017; that is, on August 1, 2017.

Therefore, NYSOH's June 30, 2017 plan enrollment notice is AFFIRMED because it properly began your and your child's enrollment in your MMC plan on August 1, 2017.

Decision

The June 30, 2017 plan enrollment notice is AFFIRMED.

Effective Date of this Decision: October 3, 2017

How this Decision Affects Your Eligibility

This decision does not change your or your child's eligibility.

You and your child had Medicaid Fee-For-Service, effective June 1, 2017.

The effective date of your and your child's enrollment in your MMC plan is August 1, 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 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)).

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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

The June 30, 2017 plan enrollment notice is **AFFIRMED**.

This decision does not change your or your child's eligibility.

You and your child had Medicaid Fee-For-Service, effective June 1, 2017.

The effective date of your and your child's enrollment in your MMC plan is August 1, 2017.

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).

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 مجانًا.

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 okyer& 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.

שׂוֹדִישׁ (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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