



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

Notice of Decision

Decision Date: October 27, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000020518

[REDACTED]

[REDACTED]

Dear [REDACTED],

On October 3, 2017, your authorized representative appeared by telephone at a hearing on your appeal of NY State of Health's May 12, 2017 eligibility determination and May 12, 2017 enrollment confirmation 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.

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: October 27, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000020518

[REDACTED]

[REDACTED]

Issues

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

Did NY State of Health provide a timely determination of your child's eligibility for Medicaid as of May 12, 2017?

Did NY State of Health properly determine that your child's Medicaid Managed Care plan began June 1, 2017?

Procedural History

On November 3, 2016, NY State of Health (NYSOH) received your child's application for financial assistance with her health insurance.

On November 4, 2016, NYSOH issued a notice stating more information was needed to make a determination. The notice explained the income documentation you provided NYSOH did not match what was obtained from state and federal data sources. You were asked to submit income documentation for your household by November 18, 2016.

On November 4, 2016, NYSOH issued a disenrollment notice stating your child's Child Health Plus plan would end effective November 30, 2016.

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On November 7, 2016, NYSOH received a copy of a separation letter from your employer uploaded to your NYSOH account.

On January 17, 2017, a NYSOH representative verified your income documentation.

On January 18, 2017, a notice was issued stating the income information in your child's application did not match what NYSOH received from state and federal data sources. The notice requested you to provide proof of your income by February 1, 2017.

On May 1, 2017, a NYSOH representative verified your income documentation.

On May 12, 2017, NYSOH issued an eligibility determination notice stating your child was eligible for Medicaid effective January 1, 2017.

On May 12, 2017, NYSOH issued an eligibility determination notice stating your child was eligible for Medicaid for the month of January 2017, and December 2016 because her monthly income of \$0.00 was at or below the allowable monthly income limit of \$2,056.00.

On May 12, 2017, NYSOH issued an enrollment notice stating your child's Medicaid Managed Care plan was effective June 1, 2017.

On July 14, 2017, you contacted the NYSOH Account Review Unit and requested an appeal of the start date of your Medicaid Managed Care plan, requesting that it begin December 1, 2016.

On October 3, 2017, your authorized representative [REDACTED] appeared on your behalf, and 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) You testified, and the record reflects, that you are appealing the enrollment start date of your child's Medicaid Managed Care plan.
- 2) According to your NYSOH account, NYSOH received your daughter's application for financial assistance on November 3, 2016. That application indicated that she was [REDACTED]

- 3) On November 7, 2016, you submitted documentation of your letter of separation from your employer to NYSOH for verification of the income stated in your November 3, 2016 application. The letter was uploaded to your NYSOH account as Document [REDACTED].
- 4) On January 17, 2017, your letter for separation was verified as acceptable proof of income.
- 5) After the NYSOH representative verified the letter of separation on January 17, 2017, your child's eligibility was rerun and it was determined the information you provided did not match what NYSOH obtained from federal and state data sources.
- 6) On May 1, 2017, NYSOH verified your income documentation as acceptable proof of income.
- 7) The record reflects that you selected a Medicaid Managed Care plan on May 11, 2017.
- 8) You testified that you want your child's Medicaid Managed Care plan to begin on December 1, 2016 because she had medical bills she incurred.
- 9) You testified that you already paid the medical bills for the month of December, and submitted them for reimbursement to NYSOH over the summer of 2017 but were not sure what the outcome of that submission was.

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 an individual was eligible 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 42 USC § 1315; § 364-j(1)(c);

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

Verification Process

For all individuals whose income is needed to calculate the household's eligibility, NYSOH must request data that will allow NYSOH to verify the household's income (45 CFR §155.320(c)(1)(i), 42 CFR § 435.945).

If NYSOH cannot verify the income information required to determine eligibility they must attempt to resolve the inconsistency including giving the applicant the opportunity to submit satisfactory documentary evidence (45 CFR §155.315(f) 42 CFR § 435.952).

Timely Notice of Medicaid Eligibility

When an individual applies for insurance through NYSOH, NYSOH must determine that person's eligibility promptly and without undue delay (45 CFR § 155.310(e)(1); 42 CFR § 435.1200(b)(3)(iii)).

To assess whether an eligibility determination was untimely, NYSOH must base the time period from the date of application to the date NYSOH notifies the applicant of its decision (45 CFR § 155.310(e)(2)). However, if the applicant submits an incomplete application or there is not sufficient information for NYSOH to make an eligibility determination, then NYSOH must notify that applicant that more information is needed to complete the application (45 CFR § 155.310(k)(1)).

NYSOH must provide Medicaid applicants who are an infant older than one year of age but younger than nineteen years of age notice of their eligibility determination within 30 days from the date of the application (18 NYCRR §360-2.4(a)(3)(ii)).

Legal Analysis

The first issue is whether NYSOH provided you with timely determination of your child's eligibility for Medicaid as of May 12, 2017.

For all individuals whose income is needed to calculate the household's eligibility, NYSOH must request data that will allow NYSOH to verify the household's income.

If NYSOH cannot verify the income information required to determine eligibility they must attempt to resolve the inconsistency including giving the applicant the opportunity to submit satisfactory documentary evidence.

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You updated your child's NYSOH account on November 3, 2016. The income amount that was entered into this application did not match federal and state data sources. As a result, NYSOH asked that you submit additional documentation to confirm her income.

On November 7, 2016, you uploaded a copy of your letter of separation from your employer to NYSOH for verification of the income stated in your November 3, 2016 application. According to your account a NYSOH representative then verified the documentation on January 17, 2017. The result of the verification was a notice issued on January 18, 2017 requesting further income documentation.

Your letter of separation was again verified by NYSOH representatives on May 1, 2017.

Since your documentation of loss of income was verified on January 17, 2017, and again on May 1, 2017, your child's application was considered complete as of November 7, 2016 for purposes of issuing an eligibility determination.

NYSOH must provide Medicaid applicants who are an infant older than one year of age but younger than nineteen years of age notice of their eligibility determination within 30 days from the date of the application. To assess whether an eligibility determination was untimely, NYSOH must base the time period from the date of the completed application to the date NYSOH notifies the applicant of its decision.

NYSOH issued an eligibility determination notice on May 12, 2017 that stated your child was eligible for Medicaid. Since NYSOH issued an eligibility determination 186 days from the date your application was considered complete, the May 12, 2017 eligibility determination was untimely.

The second issue is whether NYSOH properly determined that your child's enrollment in her Medicaid Managed Care plan was effective June 1, 2017.

The record reflects that you contacted NYSOH on May 11, 2017 and enrolled your child into a Medicaid Managed Care plan.

The date on which a Medicaid Managed Care 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 will go into effect on the first day of the following month. A plan that is selected on or after the sixteenth day of the month will go into effect on the first day of the second following month.

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However, since the May 12, 2017, eligibility determination notice was not timely issued, you were unable to select a Medicaid Managed Care plan for your daughter.

Since your child's application can be considered completed as of November 7, 2016, she could have picked a plan as early as that date. If she had been able to select a plan as of November 7, 2016, her plan would have been effective December 1, 2016.

Therefore, the May 12, 2017, enrollment confirmation notice stating that your child's enrollment in her Medicaid Managed Care plan would be effective June 1, 2017, is MODIFIED to reflect a December 1, 2016 start date.

Your case is RETURNED to NYSOH to enroll your child in her Medicaid Managed Care plan with a start date of December 1, 2016.

Decision

The May 12, 2017 eligibility determination was untimely.

The May 12, 2017 enrollment confirmation notice is MODIFIED to reflect a start date of December 1, 2016.

Your case is RETURNED to NYSOH to enroll your child in her Medicaid Managed Care plan with a start date of December 1, 2016.

Effective Date of this Decision: October 27, 2017

How this Decision Affects Your Eligibility

Your child's enrollment in her Medicaid Managed Care plan is December 1, 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.

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).

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

The May 12, 2017 eligibility determination was untimely.

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The May 12, 2017 enrollment confirmation notice is MODIFIED to reflect a start date of December 1, 2016.

Your case is RETURNED to NYSOH to enroll your child in her Medicaid Managed Care plan with a start date of December 1, 2016.

Your child's enrollment in her Medicaid Managed Care plan is December 1, 2016.

Legal Authority

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

A Copy of this Decision Has Been Provided To:

[REDACTED]

[REDACTED]

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.

שׂוֹדֵיִשׁ (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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