



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

Notice of Decision

Decision Date: December 20, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000022934

[REDACTED]

Dear [REDACTED] [REDACTED]

On December 6, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's September 23, 2017 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).

This page intentionally left blank.



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

Decision

Decision Date: December 20, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000022934

[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 enrollment in a Medicaid Managed Care plan terminated effective October 31, 2017?

Procedural History

On August 27, 2017, NY State of Health (NYSOH) issued an eligibility determination notice stating that you remain eligible for Medicaid effective October 1, 2017.

Also on August 27, 2017, NYSOH issued a notice of enrollment confirming your enrollment in a Medicaid Managed Care plan, with a plan enrollment start date of October 1, 2016.

On September 22, 2017, NYSOH redetermined your household's eligibility for financial assistance with health insurance.

On September 23, 2017, NYSOH issued a notice of disenrollment, stating that your coverage with your Medicaid Managed Care plan ended on October 31, 2017. The notice stated this was because the system was showing that you had other health insurance or Medicare.

On September 28, 2017, you faxed a written request for an appeal to NYSOH's Account Review Unit. You appealed your disenrollment in your Medicaid Managed Care plan as of October 31, 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).

On October 1, 2017, NYSOH issued a notice of eligibility determination stating that you would remain eligible for Medicaid, effective November 1, 2017, however, you were unable to select a Medicaid Managed Care plan as the system was showing that you had other full benefit health insurance or Medicare.

On October 4, 2017, you uploaded a letter from Empire BlueCross BlueShield stating that you do not have coverage through them.

On October 26, 2017, NYSOH issued an eligibility determination notice stating that you were eligible for Medicaid effective November 1, 2017. The notice advised you to pick a health plan.

On October 27, 2017, NYSOH issued an enrollment confirmation notice stating that your enrollment in a Medicaid Managed Care plan would begin December 1, 2017.

On December 6, 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) You testified, and your account confirms, that you were determined eligible for Medicaid effective October 1, 2017.
- 2) You testified that on August 26, 2017 you selected a Medicaid Managed Care plan.
- 3) You testified, and your account confirms, that on September 23, 2017 you were disenrolled from your Medicaid Managed Care plan because the system determined that you had active third-party health insurance.
- 4) You testified that you have only ever had insurance through Medicaid, with Fidelis as your Medicaid Managed Care Plan.
- 5) You testified that you have never had insurance through Empire BlueCross BlueShield. You stated that you share the same name with someone who has insurance through Empire BlueCross BlueShield, but that person does not have the same date of birth or social security number as you.

- 6) You testified that you have had this issue before, and that you have contacted Empire BlueCross BlueShield who has written a letter stating that you do not have insurance with them.
- 7) On October 4, 2017, you uploaded a letter from Empire BlueCross BlueShield stating that you do not have coverage with them.
- 8) The record indicates that the third-party health insurance was removed from the system on October 25, 2017.
- 9) You testified that you were without a Medicaid Managed Care plan during November 2017 and incurred medical bills.
- 10) The record does not contain any information from NYSOH regarding where they obtained the information that you were enrolled in third party health insurance.
- 11) The record indicates that you were reenrolled into a Medicaid Managed Care plan on December 1, 2017.
- 12) Your NYSOH account shows that you have been enrolled in a Medicaid Managed Care plan through Fidelis since October 1, 2016.
- 13) You testified that your Medicaid Managed Care plan would not pay bills in the months that NYSOH was showing you as enrolled because of the third-party health insurance issue.

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),;

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).

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

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 enrollment in your Medicaid Managed Care plan was terminated effective October 31, 2017.

In the August 27, 2017 notice of eligibility determination, you were found eligible for Medicaid, effective October 1, 2017. On August 26, 2017, you selected a Medicaid Managed Care plan, effective October 1, 2017, as is documented by the August 27, 2017 notice of enrollment confirmation.

Generally, when an individual is eligible for Medicaid through NYSOH they are required to enroll in a Medicaid Managed Care 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 September 22, 2017, NYSOH redetermined your household’s eligibility for financial assistance with health insurance. On September 23, 2017, NYSOH

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).

issued a disenrollment notice advising that your coverage in your Medicaid Managed Care plan would be terminated as of October 31, 2017 because you 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 Medicaid Managed Care plan.

However, you credibly testified that you have only received health insurance through Medicaid, with Fidelis as your Medicaid Managed Care Plan, and that you have never had insurance through Empire BlueCross BlueShield. You submitted corroborating documentation from Empire BlueCross BlueShield stating that you do not have coverage with them.

Therefore, when NYSOH cancelled your coverage in a Medicaid Managed Care plan due to your having third party health insurance, you did not, in fact, have third party health insurance and the information relied upon by NYSOH in making the determination to terminate your coverage under your Medicaid Managed Care plan was incorrect.

Accordingly, the September 23, 2017 disenrollment notice terminating your coverage under your Medicaid Managed Care plan, effective October 31, 2017 is **RESCINDED**. Your case is **RETURNED** to NYSOH to reinstate your Medicaid Managed Care plan effective November 1, 2017.

During the hearing, you testified that your Medicaid Managed Care plan would not pay bills in the months that NYSOH was showing you as enrolled because of the system issue showing that you were enrolled in Empire BlueCross Blue Shield. You testified that you have never had insurance through Empire BlueCross BlueShield. You stated that you share the same name with someone who has insurance through Empire BlueCross BlueShield, but that person does not have the same date of birth or social security number as you. Your NYSOH account shows that you have been enrolled in a Medicaid Managed Care plan through Fidelis since October 1, 2016.

Therefore, your case is also **RETURNED** to NYSOH to conduct outreach to your Medicaid Managed Care plan to ensure that they are showing you as enrolled since October 1, 2016 with no other third-party health insurance.

Decision

The September 23, 2017 disenrollment notice is **RESCINDED**.

Your case is **RETURNED** to NYSOH to reinstate your Medicaid Managed Care plan effective November 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).

Your case is also RETURNED to NYSOH to conduct outreach to your Medicaid Managed Care plan to ensure that they are showing you as enrolled since October 1, 2016 with no other third-party health insurance.

Effective Date of this Decision: December 20, 2017

How this Decision Affects Your Eligibility

NYSOH improperly disenrolled you from your Medicaid Managed Care plan.

Your case is being sent back to reinstate your Medicaid Managed Care plan as of November 1, 2017.

Your case is being sent back to Account Management conduct outreach to ensure billing has been appropriately allocated.

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:

- By calling the Customer Service Center at 1-800-318-2596
- By mail at:

Health Insurance Marketplace
Attn: Appeals
465 Industrial Blvd.

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).

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 September 23, 2017 disenrollment notice is RESCINDED.

NYSOH improperly disenrolled you from your Medicaid Managed Care plan.

Your case is also RETURNED to NYSOH to conduct outreach to your Medicaid Managed Care plan to ensure that they are showing you as enrolled since October 1, 2016 with no other third-party health insurance.

Your case is RETURNED to Account Management to conduct outreach to ensure billing has been appropriately allocated.

Legal Authority

We are issuing this determination 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 1-855-355-5777번으로 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।

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).

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 okyerε 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.

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).