

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

Notice of Decision

Decision Date: March 13, 2018

NY State of Health Account ID:

Appeal Identification Number: AP00000024000



Dear ,

On March 8, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's October 31, 2017 eligibility determination 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 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.



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

Decision

Decision Date: March 13, 2018

NY State of Health Account ID
Appeal Identification Number: AP00000024000



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 your children's eligibility for Child Health Plus (CHP) premium assistance was effective December 1, 2017?

Procedural History

On July 11, 2017, you filed an application for financial assistance with health insurance through NYSOH.

On July 12, 2017, NYSOH issued a notice of eligibility determination, based on your July 11, 2017 application, stating that your children were eligible to enroll in CHP with a \$9.00 monthly premium each for a limited time, effective August 1, 2017. The notice further stated that you needed to submit documentation of your household income by September 9, 2017 to confirm your children's eligibility.

Also on July 12, 2017, you updated your NYSOH application.

On July 13, 2017, NYSOH issued a notice of eligibility determination, based on your July 12, 2017 application, stating that your children were eligible to enroll in CHP with a \$9.00 monthly premium each for a limited time, effective August 1, 2017. The notice further stated that you needed to submit documentation of your household income by September 9, 2017 to confirm your children's eligibility.

Also on July 13, 2017, NYSOH issued a notice of enrollment, based on your plan selection on July 12, 2017, stating that your children were enrolled in a Healthfirst CHP plan, and that this enrollment would start on August 1, 2017.

On August 30, 2017, you updated your NYSOH application.

On August 31, 2017, NYSOH issued a notice of eligibility determination stating that your children were eligible to enroll in CHP with a \$9.00 monthly premium each for a limited time, effective October 1, 2017. The notice further stated that you needed to submit documentation of your household income by September 9, 2017 to confirm your children's eligibility.

That same day, NYSOH issued a disenrollment notice stating that your children's enrollment in their Healthfirst CHP plan was ending, effective September 30, 2017, because you asked NYSOH to end their coverage on August 30, 2017.

Also on August 31, 2017, NYSOH issued a notice of enrollment, based on your plan selection on August 30, 2017, stating that your children were enrolled in a Blue Cross/Blue Shield (BC/BS) CHP plan with a \$9.00 monthly premium each, beginning October 1, 2017.

No documentation was submitted to NYSOH by September 9, 2017.

On September 15, 2017, NYSOH redetermined your household's eligibility.

On September 16, 2017, NYSOH issued a notice of eligibility determination stating that your children were eligible to enroll in CHP at full cost, effective October 1, 2017. The notice further stated that they were eligible to enroll in a plan at full cost because NYSOH relied on state and federal data sources, which showed your household income to be more than \$98,400.00.

Also on September 16, 2017, NYSOH issued a notice of enrollment confirming that your children were enrolled in their BC/BS CHP plan, with a monthly premium of \$260.76 each, beginning October 1, 2017.

On October 3, 2017, you uploaded income documentation to your NYSOH account.

On October 4, 2017, NYSOH reviewed this documentation and redetermined your household's eligibility.

On October 5, 2017, NYSOH issued a notice of eligibility determination stating that your children were eligible to enroll in CHP with a \$9.00 monthly premium each for a limited time, effective November 1, 2017. The notice further stated that you needed to submit income documentation by December 3, 2017 to confirm your children's eligibility.

Also on October 5, 2017, NYSOH issued a notice of enrollment confirmation, confirming your children's enrollment in a BC/BS CHP plan with a \$9.00 monthly premium each, beginning November 1, 2017.

On October 13, 2017, NYSOH issue a disenrollment notice stating that your children were being disenrolled from their CHP coverage, effective November 1, 2017, because you did not make a premium payment by the payment deadline.

On October 23, 2017, you uploaded additional income documentation to your NYSOH account, and NYSOH redetermined your household's eligibility.

On October 24, 2017, NYSOH issued a notice of eligibility determination stating that your children were eligible for CHP at full cost for a limited time, effective December 1, 2017. The notice further stated that, because your children had access to employer sponsored coverage, they could not enroll in CHP. Lastly, the notice directed you to submit documentation of your household income on their behalf by December 3, 2017.

On October 30, 2017, NYSOH redetermined your household's eligibility.

On October 31, 2017, NYSOH issued a notice of eligibility determination stating that your children were eligible for CHP with a \$9.00 monthly premium each, beginning December 1, 2017.

On November 3, 2017, you spoke to NYSOH's Account Review Unit and appealed the start date of your children's CHP premium assistance, insofar as it began on December 1, 2017, and not October 1, 2017.

On November 4, 2017, NYSOH issued a notice of enrollment, stating that your children were enrolled in a BC/BS CHP plan with a \$9.00 monthly premium each, beginning December 1, 2017.

On November 15, 2017, NYSOH issued a new notice of enrollment stating that your children were enrolled in their BC/BS CHP plan with a \$9.00 monthly premium each, beginning November 1, 2017

On March 8, 2018, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. During the hearing, you clarified that, as your children's CHP premium assistance was backdated to November 1, 2017, you are now appealing to have the premium assistance reinstated for the month of October 2017. 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 that you are appealing to have your children's CHP premium assistance be reinstated for the month of October 2017.
- 2) Your NYSOH account reflects that you applied for financial assistance on behalf of your family on July 11 and July 12, 2017.
- 3) You testified that you completed the application online.
- 4) You testified that you believe you recall being asked to provide income documentation when you completed your NYSOH application in July 2017.
- 5) The eligibility determination notices issued on July 12 and July 13, 2017 reflect that you were asked to submit income documentation on behalf of your children by September 9, 2017.
- 6) You testified that you submitted income documentation, but you could not recall when you did so.
- 7) Your NYSOH account reflects that income documentation was first uploaded to your NYSOH account on October 3, 2017.
- 8) You testified that you receive notices from NYSOH in the regular mail.
- 9) You testified that you believe you did receive the July 2017 eligibility determinations stating that you needed to submit income documentation to confirm your household's eligibility, but that you could not say for sure, as you have received many notices from NYSOH.
- 10) Your NYSOH account reflects that you updated your application again on August 30, 2017.
- 11) You testified that you went into the application that day to change your children's enrollment to BC/BS, as one of your children's providers no longer accepted Healthfirst.
- 12) Your NYSOH account reflects that NYSOH issued a notice on August 31, 2017 stating that you needed to supply income documentation to confirm your children's eligibility by September 9, 2017.
- 13) You testified that you are not sure whether you received that notice.

- 14) Your NYSOH account indicates that you are sent email alerts regarding notices issued in your NYSOH account.
- 15) Your NYSOH account reflects that NYSOH redetermined your children's eligibility for financial assistance on September 15, 2017, and issued a notice on September 16, 2017 stating that they were eligible to enroll in CHP at full cost, effective October 1, 2017.
- 16) You testified that it was your understanding that, since your children had been approved for premium assistance when they were enrolled with Healthfirst, they would also receive that assistance when you changed their enrollment to BC/BS.
- 17) You testified that, when you went to make a premium payment for your children's October CHP premium, you discovered that the premium due had increased to over \$200.00 for each child.
- 18) You testified that you contacted BC/BS, and then NYSOH, and that NYSOH advised you to file an appeal.
- 19) You testified that you did not make a premium payment for the month of October 2017, and that you thought you only needed to pay the \$9.00 premium until the issue was resolved.
- 20) You testified that BC/BS informed you that your children did not have coverage in the month of October 2017.
- 21)Your NYSOH account reflects that your children were enrolled in coverage in October 2017, but at full cost.
- 22)Your NYSOH account reflects that your children were disenrolled from their coverage as of November 1, 2017 for nonpayment of the premium.
- 23)You testified that BC/BS is not billing you for October's premium because they say that your children did not have coverage in that month, but you are being billed by the providers whom your children saw in October 2017.
- 24)Your NYSOH account reflects that you updated your application on October 30, 2017, and your children were found eligible for CHP with a \$9.00 monthly premium as of December 1, 2017.
- 25)Your NYSOH account also reflects that your children were enrolled in their BC/BS CHP plan with a \$9.00 monthly premium as of December 1, 2017; however, on November 14, 2017, NYSOH backdated your children's premium assistance to November 1, 2017, as stated in the November 15, 2017 enrollment notice.

26) Your NYSOH account reflects that you changed your children's CHP coverage to Healthfirst as of January 1, 2018.

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 CHP 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 (NY PHL) § 2511(2)(a)(iii)).

To be eligible for CHP, 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

(NY PHL § 2511(2)(a)-(e)).

NYSOH is required to verify the eligibility of an applicant for CHP subsidy payments, which includes verifying the applicant's household income. If NYSOH is unable to verify the applicant's household income using available data sources, then NYSOH must request additional information from the applicant. NYSOH must provide the applicant with a reasonable time to furnish such information (42 CFR § 457.380; 42 CFR § 435.952(c)).

The "period of eligibility" for CHP is "that period commencing on the first day of the month during which a child is an eligible child and enrolled or recertified for enrollment on an annual basis based on all required information and documentation and ending on the last day of the twelfth month following such date," unless the CHP premiums are not timely paid or the child no longer resides in New York State, gains access to or obtains other health insurance coverage, or becomes eligible for Medicaid (NY Public Health Law § 2510(6)).

"A State must specify a method for determining the effective date of eligibility for [CHP], which can be determined based on the date of application or through any other reasonable method that ensures coordinated transition of children between [CHP] and other insurance affordability programs as family circumstances change and avoids gaps or overlaps in coverage" (42 CFR § 457.340(f)).

The State of New York has provided that a child's period of eligibility for CHP 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 e.g. State Plan Amendment (SPA) NY-14-0005, approved February 3, 2015 and effective January 1, 2014).

Legal Analysis

The issue under review is whether NYSOH properly determined that your children's eligibility for CHP premium assistance did not begin until December 1, 2017.

You applied for financial assistance with health insurance on behalf of your family in July 2017. NYSOH determined that your children were eligible for CHP with a \$9.00 monthly premium each as of August 1, 2017. However, that eligibility was for a limited time, as NYSOH needed income documentation to confirm your children's eligibility.

NYSOH is required to verify the eligibility of an applicant for CHP subsidy payments, which includes verifying the applicant's household income. If NYSOH is unable to verify the applicant's household income using available data sources, then NYSOH must request additional information from the applicant. NYSOH must provide the applicant with a reasonable time to furnish such information

You testified that you recall that you were asked to submit income documentation when you first applied for financial assistance on behalf of your family. Additionally, though your NYSOH account currently reflects that you are enrolled to receive email alerts regarding notices issued in your NYSOH account, you testified that you received many notices from NYSOH in the mail, and that you believe you did receive the July 2017 notices stating that your children's eligibility was for a limited time, and that you needed to submit income documentation. Lastly, NYSOH requested income documentation from you on three separate occasions: after your July 11, 2017 application update, your July 12, 2017 application update, and your August 30, 2017 application update.

Therefore, you are considered to have been on notice that you needed to submit income documentation to confirm your children's eligibility.

When NYSOH did not receive the requested income documentation by the date specified in the three notices (September 9, 2017), NYSOH redetermined your children's eligibility based on income information available from state and federal data sources, as they were required to do by law. Based on the income

information available from these data sources, your children were found to be ineligible to receive premium assistance. As such, NYSOH properly issued a notice on September 16, 2017 stating that your children were eligible to enroll in CHP at full cost, effective October 1, 2017, based on income information from state and federal data sources.

You testified that you found out in approximately October 2017 that your children's CHP premium had gone up to over \$200.00 per month per child. You testified that you filed an appeal and believed that you would only need to pay the \$9.00 monthly premium until the issue was resolved. You testified that you incurred medical bills in the month of October 2017 on behalf of your children, and you discovered that none of them were covered; BC/BS informed you that your children did not have coverage in the month of October 2017. Your NYSOH account does not reflect any break in coverage for your children: only a break in their premium assistance eligibility. Additionally, though NYSOH did issue a disenrollment notice for nonpayment of premium, that disenrollment did not go into effect until November 1, 2017, as stated in the notice.

You updated your children's application again on October 4, 2017, and your children were once again found eligible for CHP premium assistance, beginning November 1, 2017. Subsequently, on October 13, 2017, NYSOH issued a disenrollment notice indicating that your children were disenrolled for nonpayment, effective November 1, 2017. However, on October 30, 2017, you updated your NYSOH application again.

The State of New York has provided that a child's period of eligibility for CHP 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.

As your children's application was filed on October 30, 2017, which is after the 15th of the month, NYSOH properly determined that your children's eligibility for CHP premium assistance began on December 1, 2017. However, NYSOH subsequently backdated your children's premium assistance to November 1, 2017, as stated in the November 15, 2017 enrollment confirmation, and this decision does not address that backdate, nor does it seek to disturb or change this action.

Therefore, NYSOH's October 31, 2017 eligibility determination notice, stating that your children were eligible to enroll in CHP with a \$9.00 monthly premium each, effective December 1, 2017, is AFFIRMED, with acknowledgement of the subsequent backdating of that premium assistance to November 1, 2017.

Additionally, as NYSOH's system indicates no break in CHP coverage, and as the only disenrollment notice on file reflects a November 1, 2017 disenrollment

date, your case is RETURNED to NYSOH to allow you to reenroll your children in their BC/BS CHP plan at full cost in the month of October 2017.

NYSOH will contact you to determine whether you would like to have your children's October 2017 CHP coverage reinstated at full cost.

Decision

The October 31, 2017 eligibility determination notice is AFFIRMED, with acknowledgment that your children's CHP premium assistance was backdated to November 1, 2017 by NYSOH.

Your case is RETURNED to NYSOH to contact you so that you may opt to reenroll your children in their BC/BS CHP plan for the month of October 2017 at full cost.

Effective Date of this Decision: March 13, 2018

How this Decision Affects Your Eligibility

The effective date of your children's eligibility for CHP premium assistance was December 1, 2017, but the Appeals Unit recognizes the backdating of this assistance to November 1, 2017.

There is no indication in NYSOH's system that BC/BS contacted NYSOH to terminate your children's October 2017 CHP coverage. Therefore, you have the right to reenroll your children into their BC/BS CHP plan for the month of October 2017 at full cost, if you so choose.

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. 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 October 31, 2017 eligibility determination notice is AFFIRMED, with acknowledgment that your children's CHP premium assistance was backdated to November 1, 2017 by NYSOH.

Your case is RETURNED to NYSOH to contact you so that you may opt to reenroll your children in their BC/BS CHP plan for the month of October 2017 at full cost.

The effective date of your children's eligibility for CHP premium assistance was December 1, 2017, but the Appeals Unit recognizes the backdating of this assistance to November 1, 2017.

There is no indication in NYSOH's system that BC/BS contacted NYSOH to terminate your children's October 2017 CHP coverage. Therefore, you have the right to reenroll your children into their BC/BS CHP plan for the month of October 2017 at full cost, if you so choose.

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.

<u>한국어 (Korean)</u>

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.

(Arabic)العربية

هذه وثيقة مهمة. إذا كنت بحاجة إلى مساعدة لفهم محتواها، يُرجى الاتصال بالرقم 5777-355-855-1. يُمكننا توفير مترجم فوري لك باللغة التي تتحدثها مجانًا.

বাংলা (Bengali)

এটি এক গুরুত্বপূর্ণ নিখি। 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 महत्त्वपूर्ण कागजात हो। यसलाई बुझ्न तपाईंलाई मद्दत चाहिन्छ भने, कृपया 1-855-355-5777 मा फोन गर्नुहोस्। हामीले तपाईंले बोल्ने भाषामा तपाईंलाई नि:शुल्क 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. yebetumi ama wo obi a okyere kasa a woka no ase ama wo kwa a wontua hwee.

اردو(Urdu)

یہ ایک اہم دستاویز ہے۔ اگر آپ کو اسے سمجھنے کے لیے مدد کی ضرورت ہے تو براہ کرم5777-355-855-1 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.