



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

Notice of Decision

Decision Date: January 24, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000024389

[REDACTED]

Dear [REDACTED],

On January 8, 2018 you appeared by telephone at a hearing on your appeal of NY State of Health's September 22, 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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Decision

Decision Date: January 24, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000024389



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 enrollment in your Medicaid Managed Care plan was effective November 1, 2017?

Procedural History

On September 12, 2017, NYSOH received your updated application for financial assistance.

On September 13, 2017, NYSOH issued an eligibility determination notice stating that you were eligible for Medicaid, effective October 1, 2017.

On September 22, 2017, NYSOH issued a plan enrollment notice, based on your September 21, 2017 plan selection, stating that you were enrolled in a Medicaid Managed Care (MMC) plan and that your coverage would start on November 1, 2017.

On November 15, 2017 you spoke to NYSOH's Account Review Unit and appealed the enrollment start date of your MMC plan insofar as it did not begin October 1, 2017.

On January 8, 2018, 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 September 12, 2017.
- 2) You were determined eligible for Medicaid effective October 1, 2017.
- 3) According to your NYSOH account and testimony, you spoke with a NYSOH agent on September 12, 2017.
- 4) You testified you believe you selected and enrolled in an MMC plan while on the telephone with a NYSOH agent at that time.
- 5) You testified you spoke with NYSOH representatives afterward, who confirmed the NYSOH agent you spoke with while on the telephone never confirmed and checked out the health plan you chose on September 12, 2017.
- 6) An Incident was filed with NYSOH on October 27, 2017 in which a NYSOH representative writes “consumer renewed in time Agent on 9/12/2017 never confirmed and checked out twice which gave consumer a gap in her October MMC she only had FFS and is requesting her MMC be covered for 10/1/2017 to avoid gap with her MMC” (Incident [REDACTED]).
- 7) According to your NYSOH account and testimony, you called NYSOH on September 21, 2017 and selected your MMC Plan with an enrollment start date of November 1, 2017.
- 8) You testified that you want your MMC plan to begin on October 1, 2017, because you had a medical procedure that month, which is 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

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

Legal Analysis

The issue under review is whether NYSOH properly determined that your enrollment in a Medicaid Managed Care plan (MMC) was effective November 1, 2017.

You testified that you contacted NYSOH on September 12, 2017, and spoke with a NYSOH Agent, who assisted you with your enrollment in an MMC plan that day. However, the record reflects that the Agent did not confirm and check out twice as needed to process your plan selection, which resulted in a delay in your MMC plan taking effect as of October 1, 2017. After realizing your enrollment was not completed by the NYSOH Agent, you contacted NYSOH on September 21, 2017 and select a MMC plan again.

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 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.

You testified you spoke with NYSOH representatives, who confirmed the NYSOH Agent you spoke with while on the telephone never confirmed and checked out the health plan you chose on September 12, 2017. An Incident was filed with NYSOH on October 27, 2017 in which a NYSOH representative writes “consumer renewed in time Agent on 9/12/2017 never confirmed and checked out twice which gave consumer a gap in her October MMC she only had FFS and is requesting her MMC be covered for 10/1/2017 to avoid gap with her MMC” (Incident [REDACTED] it is reasonable to conclude that, but for NYSOH Agent error, your MMC plan selection was not processed to ensure an October 1, 2017 enrollment start date.

Had your MMC plan, as selected on September 12, 2017, been properly processed by that day, the effective date of your health plan would have been the first day of the month following September 2017; that is, as of October 1, 2017.

Therefore, the September 22, 2017 plan enrollment notice stating that your enrollment in your MMC plan would be effective November 1, 2017, is MODIFIED to state your MMC plan enrollment started October 1, 2017.

Your case is RETURNED to NYSOH to effectuate this change in MMC plan enrollment start date, and to notify you accordingly.

Decision

The September 22, 2017 plan enrollment notice is MODIFIED to reflect an enrollment start date of October 1, 2017.

Your case is RETURNED to NYSOH to effectuate the change in your MMC plan enrollment start date, and to notify you accordingly.

Effective Date of this Decision: January 24, 2018

How this Decision Affects Your Eligibility

The effective date of your Medicaid Managed Care plan is October 1, 2017.

Your case is being sent back to NYSOH to change your MMC plan enrollment start date from November 1, 2017 to October 1, 2017. NYSOH will notify you once this has been accomplished.

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 September 22, 2017 plan enrollment notice is MODIFIED to reflect an enrollment start date of October 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 RETURNED to NYSOH to effectuate the change in your MMC plan enrollment start date, and to notify you accordingly

The effective date of your Medicaid Managed Care plan is October 1, 2017.

Your case is being sent back to NYSOH to change your MMC plan enrollment start date from November 1, 2017 to October 1, 2017. NYSOH will notify you once this has been accomplished.

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)

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।

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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. ye&etumi 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.

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.

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