



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

## Notice of Decision

Decision Date: March 14, 2018

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000026623

[REDACTED]

Dear [REDACTED]

On March 6, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's December 6, 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).

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## Decision

Decision Date: March 14, 2018

NY State of Health Account ID: [REDACTED]  
Appeal Identification Number: AP000000026623

[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 spouse's enrollment in a Medicaid Managed Care plan ended, effective December 31, 2017?

## Procedural History

On May 19, 2017, NY State of Health (NYSOH) issued an eligibility determination notice stating that your spouse remained eligible for Medicaid effective July 1, 2017.

Also on May 19, 2017, NYSOH issued an enrollment notice confirming your spouse's enrollment in a Medicaid Managed Care plan, with a plan enrollment start date of July 1, 2017.

On December 5, 2017, NYSOH redetermined your household's eligibility for financial assistance with health insurance.

On December 6, 2017, NYSOH issued an eligibility determination notice based on the December 5, 2017 systematic update, stating that your spouse remained eligible for Medicaid, effective January 1, 2018. The notice further stated that information available to NYSOH showed that your spouse had other health insurance outside of NYSOH.

Also on December 6, 2017, NYSOH issued a disenrollment notice stating your spouse's Medicaid Managed Care plan coverage would end on December 31,

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2017, because records showed she had other health insurance outside of NYSOH. The notice indicated that individuals who have other health insurance cannot be enrolled in a Medicaid Managed Care plan.

On January 2, 2018, you spoke to NYSOH's Account Review Unit and appealed insofar as your spouse was disenrolled from her Medicaid Managed Care plan and is unable to re-enroll in a plan due to her employer sponsored health insurance.

On March 6, 2018, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. During the hearing Cantonese Interpreter # [REDACTED] interpreted. 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) According to your NYSOH account and your testimony, your spouse remained eligible for Medicaid as of July 1, 2017 and was enrolled in a Medicaid Managed Care plan with a plan enrollment start date of July 1, 2017.
- 2) According to your NYSOH account, on December 5, 2017, NYSOH systematically redetermined your spouse's eligibility based information received from data sources indicating your spouse was enrolled in a third-party health insurance plan.
- 3) According to your NYSOH account, your spouse was disenrolled from her Medicaid Managed Care plan on December 31, 2017 because records showed she had had active third-party health insurance.
- 4) On December 19, 2017, you uploaded to your NYSOH account, a letter dated December 18, 2017 from your spouse's employer. That letter stated that your spouse was employed by [REDACTED] and that she was covered by a health insurance plan that provided Minimum Essential Coverage (see document [REDACTED]).
- 5) Notes in your NYSOH account indicate that on December 20, 2017, a representative with the NYS Department of Health contacted the third-party health insurance provider and confirmed that the policy was still active.
- 6) You testified you are seeking to be able to enroll your spouse in a Medicaid Managed Care plan.

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), Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010,13 ADM-03(III)(F)).

### 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 Social Services Law (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 under review is whether NYSOH properly determined your spouse's Medicaid Managed Care plan coverage ended, effective December 31, 2017 and that you cannot enroll your spouse in a Medicaid Managed Care plan going forward.

According to your NYSOH account, your spouse was determined eligible for Medicaid effective July 1, 2017 and was enrolled in a Medicaid Managed Care plan for starting July 1, 2017.

Generally, when an individual is eligible for Medicaid through NYSOH they are required to enroll in an Medicaid Managed Care plan. However, when a person

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has active coverage in a health insurance plan outside of NYSOH, they are not eligible to enroll in an Medicaid Managed Care plan.

On December 5, 2017, NYSOH systematically redetermined your spouse's eligibility based on information received from data sources indicating she was enrolled in third-party health insurance. As a result, NYSOH issued a disenrollment notice on December 6, 2017 stating your spouse's Medicaid Managed Care plan coverage would end on December 31, 2017, because records showed she had other health insurance.

On December 19, 2017, you uploaded to your NYSOH account, a letter dated December 18, 2017 from your spouse's employer. That letter stated that your spouse was employed by [REDACTED] and that she was covered by a health insurance plan that provided Minimum Essential Coverage.

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.

Therefore, the record establishes that your spouse is covered by a third-party health insurance plan provided by her employer and that this health insurance plan provided Minimum Essential Coverage. As such your spouse is not eligible to enroll in a Medicaid Managed Care plan through NYSOH. The December 6, 2017 eligibility determination notice that states your spouse remains eligible for Medicaid effective January 1, 2018 and that records show she had other health insurance and cannot enroll in a Medicaid Managed Care plan is correct and is AFFIRMED.

The December 6, 2017 disenrollment notice stating your spouse's Medicaid Managed Care plan coverage would end on December 31, 2017, because records showed she had other health insurance, is correct and is AFFIRMED.

## **Decision**

The December 6, 2017 eligibility determination notice is AFFIRMED.

The December 6, 2017 disenrollment notice is AFFIRMED.

**Effective Date of this Decision:** March 14, 2018

## **How this Decision Affects Your Eligibility**

This decision does not change your spouse's eligibility.

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 spouse's Medicaid Managed Care plan coverage ended December 31, 2017.

### **If You Disagree with this Decision (Appeal Rights)**

If applicable, if you think a portion of your appeal should not be dismissed, you can ask us to vacate, or cancel, this dismissal. You must ask us in writing within 30 days after the date on this notice, showing good cause as to why the dismissal should be vacated. NYSOH's Appeals Unit will review your request. If your request is approved, another hearing will be scheduled for you. If your request is denied, NYSOH will tell you in writing. If you do not respond to the dismissed portion of your appeal within 30 days, your appeal will remain dismissed, and NYSOH will take no further action on your appeal.

Insofar as your case was decided, the 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 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).

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):**

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- 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 December 6, 2017 eligibility determination notice is AFFIRMED.

The December 6, 2017 disenrollment notice is AFFIRMED.

This decision does not change your spouse's eligibility.

Your spouse's Medicaid Managed Care plan coverage ended December 31, 2017.

## **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&btumi 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.

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