



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

Notice of Decision

Decision Date: March 15, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000026683

[REDACTED]

Dear [REDACTED]

On March 7, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's December 15, 2017 enrollment confirmation 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.

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 15, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000026683



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 child's enrollment in his Child Health Plus plan was effective January 1, 2018?

Procedural History

On January 18, 2017, NY State of Health (NYSOH) issued a notice of eligibility determination, based on your January 17, 2017 application, stating that your child was eligible to enroll in Child Health Plus with a \$9.00 monthly premium, effective February 1, 2017.

On January 28, 2017, NYSOH issued a notice of enrollment, stating that your child remained enrolled in a Child Health Plus plan, effective January 1, 2016.

On November 15, 2017, you updated your NYSOH application attesting to a household income of \$23,868.00.

On November 16, 2017, NYSOH issued a notice stating that the income information in your application did not match information NYSOH received from state and federal sources. The notice directed you to provide proof of income by November 30, 2017.

Also on November 16, 2017, NYSOH issued a disenrollment notice stating that your child's Child Health Plus plan coverage was ending November 30, 2017.

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On November 17, 2017, you updated your NYSOH application attesting to a household income of \$27,768.00.

On November 18, 2017, NYSOH issued a notice of eligibility determination stating that your child was eligible to enroll in Child Health Plus with a \$9.00 monthly premium, effective December 1, 2017. The notice directed you to select a plan for enrollment.

On December 14, 2017, you selected a Child Health Plus plan.

On December 15, 2017, NYSOH issued a notice of enrollment, stating that your child was enrolled in a Child Health Plus plan, and that this enrollment in the plan would be January 1, 2018.

On January 3, 2018, you spoke to NYSOH's Account Review Unit and appealed the start date of your child's Child Health Plus plan insofar as it did not begin December 1, 2017.

On March 7, 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.

Findings of Fact

A review of the record supports the following findings of fact:

- 1) Your child was determined eligible and remained enrolled in a Child Health Plus plan, since January 1, 2016.
- 2) You submitted an application to NYSOH for financial assistance on November 15, 2017 attesting to a household attesting to a household income of \$23,868.00.
- 3) On November 16, 2017 your child was placed into a pending Medicaid status and you were directed to provide income documentation by November 30, 2017.
- 4) Your child was disenrolled from his Child Health Plus plan coverage, effective November 30, 2017.
- 5) On November 17, 2017, you updated your NYSOH account attesting to a household income of \$27,768.00.

- 6) On November 18, 2017, your child was determined eligible for Child Health Plus with an effective start date of December 1, 2017. The notice directed you to select a plan for enrollment.
- 7) You testified, and the record reflects, that you enrolled your child into a Child Health Plus plan on December 14, 2017.
- 8) Your child's enrollment start date was January 1, 2018.
- 9) You testified that you receive your correspondence from NYSOH by email.
- 10) You testified that you did not receive any email alerts from NYSOH advising you that you have notices in your NYSOH account.
- 11) You testified that you did not know that your child was disenrolled from his Child Health Plus plan effective November 30, 2017. You testified that you did not know that your child was determined eligible for Child Health Plus effective December 1, 2017 or that you needed to select a plan for your child. You testified that these were the reasons that you did not select a health plan for your child sooner.
- 12) You testified that on [REDACTED] you brought your child to see a doctor and it was at that time that you were notified that your child did not have health insurance.
- 13) During the hearing you checked your email account and discovered that you had received the email alerts from NYSOH but that they were in your "spam" folder and that you did not see them. You testified that the corresponding notices from NYSOH were in your NYSOH account.
- 14) You testified that you need your child's Child Health Plus plan to begin on December 1, 2017 because you have medical bills incurred in December 2017.

Conflicting evidence, if any, was considered and found to be less credible than the evidence noted above.

Applicable Law and Regulations

Child Health Plus

The "period of eligibility" for Child Health Plus 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

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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 [Child Health Plus], which can be determined based on the date of application or through any other reasonable method that ensures coordinated transition of children between [Child Health Plus] 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 Child Health Plus 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 is whether NYSOH properly determined that your child’s enrollment in his Child Health Plus plan was effective January 1, 2018.

You testified that you contacted NYSOH on December 14, 2017 and enrolled your child into a Child Health Plus plan.

The date on which a Child Health Plus plan can take effect depends on the day a person selects the plan for enrollment. A plan that is selected between the first day and fifteenth day of a month goes into effect on the first day of the following month. A plan that is selected from the sixteenth day of the month and the end of the month goes into effect on the first day of the second following month.

Therefore, the December 15, 2017 enrollment confirmation notice stating that your child’s enrollment in his Child Health Plus plan was effective January 1, 2018, is correct and must be AFFIRMED.

You testified that you did not receive any email alerts from NYSOH advising you that you had notices in your NYSOH account. You testified that you did not know that your child was disenrolled from his Child Health Plus plan effective November 30, 2017. You testified that you did not know that your child was determined eligible for Child Health Plus effective December 1, 2017 and that the notice directed you to select a plan for your child. You testified that these were the reasons that you did not select a health plan for your child sooner.

However, during the hearing you testified that you checked your email account and discovered that you had received all of the email alerts from NYSOH but that they were in your “spam” folder. You also testified that all of the corresponding notices from NYSOH were in your NYSOH account. As such, the NYSOH Appeals Unit finds that NYSOH properly notified you of your child’s disenrollment, his Child Health Plus eligibility and the need for you to select a plan for your child’s coverage to begin effective December 1, 2017.

Therefore, there is no basis to change the start date of your child’s coverage.

Decision

The December 15, 2017 enrollment confirmation notice is AFFIRMED.

Effective Date of this Decision: March 15, 2018

How this Decision Affects Your Eligibility

This decision does not change your child’s eligibility.

The effective date of your child’s Child Health Plus plan is January 1, 2018.

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:

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).

- 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):

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- By mail at:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

Summary

The December 15, 2017 enrollment confirmation notice is AFFIRMED.

This decision does not change your child's eligibility.

The effective date of your child's Child Health Plus plan is January 1, 2018.

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 1-855-355-5777 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 okyer& 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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