



STATE OF NEW YORK
DEPARTMENT OF HEALTH
PO Box 11729
Albany, NY 12211

Notice of Decision

Decision Date: April 16, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000027316

[REDACTED]

[REDACTED]

On March 14, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's November 15, 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
PO 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(b).

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: April 16, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000027316



Issues

The issues presented for review by the Appeals Unit of NY State of Health is:

Did NY State of Health (NYSOH) properly determine that your Medicaid Managed Care plan coverage terminated effective November 30, 2017?

Procedural History

On August 23, 2017, NYSOH issued an eligibility determination stating that you were eligible for Medicaid, without condition, effective August 1, 2017. The notice also stated that you could not enroll in a Medicaid Managed Care (MMC) plan since NYSOH records reflected that you were enrolled in other health insurance or Medicare.

On September 14, 2017, you provided an update to your application requesting financial assistance with health insurance.

Also on September 14, 2017, NYSOH received a letter from Emblem Health, dated August 7, 2017, stating that your coverage under that employer-sponsored plan ended effective September 1, 2017.

On September 15, 2017, NYSOH issued an eligibility determination notice stating that you were no longer eligible for Medicaid; however, your Medicaid coverage would continue until August 31, 2018. This was because certain individuals who qualified for Medicaid get coverage for twelve continuous months from the date they were last determined eligible. You were also advised to select an MMC plan. This eligibility determination was effective September 1, 2017.

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On September 16, 2017, NYSOH issued an enrollment notice confirming your selection of an MMC plan as of September 15, 2017, with such coverage to begin effective October 1, 2017.

On November 14, 2017, NYSOH redetermined your eligibility for financial assistance with health insurance.

On November 15, 2017, NYSOH issued an eligibility determination notice stating that no longer eligible for Medicaid; however, your Medicaid coverage would continue until August 31, 2018. This was because certain individuals who qualified for Medicaid get coverage for twelve continuous months from the date they were last determined eligible. The notice also stated that you could not enroll in an MMC plan since NYSOH records reflected that you were enrolled in other health insurance or Medicare. This eligibility determination was effective December 1, 2017.

Also on November 15, 2017, NYSOH issued a disenrollment notice confirming that your MMC plan coverage would end on November 30, 2017. This was because NYSOH records reflected that you were enrolled in other health insurance or Medicare.

On December 14, 2017, NYSOH redetermined your eligibility for financial assistance with health insurance.

On December 15, 2017, NYSOH issued an eligibility determination notice stating that you remained eligible for Medicaid, without condition, effective December 1, 2017. You were also advised to select an MMC plan at that time.

On December 25, 2017, NSYOH issued an enrollment notice confirming your selection of an MMC plan as of December 24, 2017, with such coverage to begin effective February 1, 2018.

On January 16, 2018, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in your Medicaid Managed Care plan, insofar as your enrollment did not begin December 1, 2017.

On March 14, 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 support the following findings of fact:

- 1) You testified, and your account confirms, that you were determined eligible for Medicaid, effective August 1, 2017.

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- 2) You testified that on September 15, 2017 you selected a Medicaid Managed Care plan.
- 3) You testified, and your account confirms, that on November 14, 2017 you were disenrolled from your MMC plan because the system determined that you had active third-party health insurance.
- 4) You testified that you had insurance through an employer-sponsored Emblem Health plan until September 1, 2017.
- 5) On September 14, 2017 you uploaded a letter from Emblem Health stating that your coverage with that insurance carrier ended effective September 1, 2017.
- 6) The record indicates that the third-party health insurance was removed from the system on December 14, 2017.
- 7) You testified that you were without a MMC plan during the months of December 2017 and January 2018 and incurred medical bills.
- 8) The record does not contain any information from NYSOH regarding where they obtained the information that you were enrolled in third party health insurance.
- 9) The record indicates that you were reenrolled into a Medicaid Managed Care plan on December 24, 2017, with such coverage resuming February 1, 2018.

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),;

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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 MMC plan was terminated, effective November 30, 2017.

In the August 23, 2017 notice of eligibility determination, you were found eligible for Medicaid, effective August 1, 2017. On September 14, 2017, you selected an MMC plan, effective October 1, 2017, as is documented by the September 15, 2017 enrollment notice.

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 November 14, 2017, NYSOH redetermined your household's eligibility for financial assistance with health insurance. On November 15, 2017, NYSOH issued a disenrollment notice advising that your coverage in your MMC plan

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would be terminated as of November 30, 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 your coverage under your employer-sponsored health insurance ended on September 1, 2017 and submitted documentation from your Emblem Health confirming that your coverage ended September 1, 2017.

Therefore, when NYSOH cancelled your coverage in an MMC 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 MMC plan was incorrect.

Accordingly, the November 15, 2017 disenrollment notice terminating your coverage under your MMC plan, effective November 30, 2018 is RESCINDED.

Decision

The November 15, 2017 disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your MMC plan coverage effective December 1, 2017.

Effective Date of this Decision: April 16, 2018

How this Decision Affects Your Eligibility

NYSOH improperly disenrolled you from your MMC plan.

Your case is being sent back to reinstate your MMC plan as of December 1, 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

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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 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:

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- By fax: 1-855-900-5557

Summary

The November 15, 2017 disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your MMC plan coverage effective December 1, 2017.

NYSOH improperly disenrolled you from your MMC plan.

Your case is being sent back to reinstate your MMC plan as of December 1, 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.

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، يرجى الاتصال بالرقم 1-855-355-5777. يُمكننا توفير مترجم فوري لك باللغة التي تتحدثها مجانًا.

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।

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 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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