



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

Notice of Decision

Decision Date: April 18, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000027704

[REDACTED]

[REDACTED]

On March 28, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's November 23, 2017 discontinuance and disenrollment notices.

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: April 18, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000027704

[REDACTED]

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 oldest child's enrollment in his Child Health Plus plan ended effective November 30, 2017?

Procedural History

On June 24, 2017, NYSOH issued a notice confirming that you updated your address to [REDACTED].

On September 17, 2017, NYSOH issued an eligibility determination notice, based on the September 16, 2017 application, stating that your oldest child was eligible to enroll in Child Health Plus with a \$9.00 monthly premium, effective November 1, 2017.

Also on September 17, 2017, NYSOH issued a plan enrollment notice stating that your oldest child was enrolled in a Child Health Plus plan and that this enrollment in the plan would start October 1, 2017.

On November 23, 2017, NYSOH issued a discontinuance notice stating that your oldest child was no longer eligible to receive health insurance through NYSOH, effective December 1, 2017, because notices regarding his eligibility and coverage sent to you by NYSOH were returned to the Marketplace as undeliverable. This notice also stated that you needed to update your mailing

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address so that your child could remain eligible for health coverage through NYOSH.

Also on November 23, 2017, NYSOH issued a disenrollment notice stating that your oldest child's Child Health Plus coverage would end of November 30, 2017.

On January 24, 2018, you submitted an updated application for financial assistance with health insurance. That day, a preliminary determination was prepared stating that your oldest child was eligible for Child Health Plus, effective March 1, 2018.

Also on January 24, 2018, you spoke to NYSOH's Account Review Unit and appealed the start date of your oldest child's Child Health Plus plan insofar as it did not begin December 1, 2017.

On January 25, 2018, NYSOH issued an eligibility determination notice stating that your oldest child was eligible for Child Health Plus, effective March 1, 2018.

Also on January 25, 2018, NYSOH issued an enrollment confirmation notice stating that your child was enrolled in Child Health Plus, effective March 1, 2018.

Also on January 25, 2018, NYSOH issued a notice confirming that you updated your address.

On March 28, 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) You testified that you are appealing your oldest child's disenrollment from his Child Health Plus plan, effective November 30, 2017.
- 2) According to your NYSOH account, on June 23, 2017, you updated the address in your account to [REDACTED]
- 3) According to your NYSOH account and your testimony, your oldest child was enrolled in a Child Health Plus plan with a \$9.00 monthly premium, effective October 1, 2017.
- 4) According to your NYSOH account, your oldest child was disenrolled from his Child Health Plus plan, effective November 30, 2017.

- 5) According to your NYSOH account, your address was marked as invalid on November 22, 2017.
- 6) According to your NYSOH account, the November 23, 2017 discontinuance and disenrollment notices were returned as undeliverable to NYSOH on December 4, 2017. The January 25, 2018 address confirmation notice was returned as undeliverable to NYSOH on February 4, 2018.
- 7) According to your NYSOH account, no other NYOSH notices were returned as undeliverable.
- 8) According to your NYSOH account, the November 23, 2017 discontinuance and disenrollment notices were mailed to [REDACTED]
[REDACTED]
- 9) Your account contains a suggested mailing address of [REDACTED]
[REDACTED] from September 25, 2017 through January 24, 2018.
- 10) You testified that the correct address is [REDACTED]
[REDACTED] and you have resided at that address since June 2017 or July 2017.
- 11) You testified that you are seeking to have your oldest child's Child Health Plus plan reinstated as of December 1, 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 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

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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 under review is whether NYSOH properly determined that your oldest child’s enrollment in a Child Health Plus plan ended effective November 30, 2017.

For an applicant to remain eligible for enrollment in a Child Health Plus plan through NYSOH, they must meet both the financial and non-financial requirements. One of the non-financial requirements is that the applicant must be a New York State Resident.

According to your NYSOH account, your address was marked as invalid on November 22, 2017.

As a result, your child was subsequently disenrolled from his Child Health Plus plan because the NYOSH system assumed that your child no longer met the state residency requirement for enrollment in a Child Health Plus plan. As such, on November 23, 2017, NYSOH issued a discontinuance notice and a plan disenrollment notice, stating that your child was no longer eligible to enroll in a Child Health Plus plan and your child’s coverage in his Child Health Plus plan would end effective November 30, 2017.

According to your NYSOH account, the November 23, 2017 discontinuance and disenrollment notices were returned as undeliverable to NYSOH on December 4, 2017. The record reflects that these notices were mailed to [REDACTED]

However, your testimony and a review of the record reflects that that on June 23, 2017, you updated the address in your account to [REDACTED]. You testified that you have resided at that address since June 2017 or July 2017.

Based on the credible evidence of record, since there is no indication in the record as to why your address was marked as invalid by NYSOH and the November 23, 2017 notices were mailed to an address other than the one you entered into your account, it is reasonable to conclude that the notices returned to NYSOH as undeliverable was through no fault of your own, and was the result of an error by NYSOH. As a result, it is reasonable to conclude that your oldest child's disenrollment from his Child Health Plus plan was in error because he continued to meet the state residency requirement.

Therefore, the November 23, 2017 discontinuance notice and November 23, 2017 plan disenrollment notice must be RESCINDED.

Your case is RETURNED to NYSOH to reinstate your oldest child in his Child Health Plus plan, effective December 1, 2017, and to notify you accordingly.

Decision

The November 23, 2017 discontinuance notice is RESCINDED.

The November 23, 2017 plan disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your oldest child in his Child Health Plus plan, effective December 1, 2017, and to notify you accordingly.

Effective Date of this Decision: April 18, 2018

How this Decision Affects Your Eligibility

Your case is sent back to NYSOH to reinstate your oldest child in his Child Health Plus plan, effective December 1, 2017.

NYOSH will notify you once this change has been completed.

It is your responsibility to pay any outstanding monthly premiums directly and timely to your child's Child Health Plus plan.

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.

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).

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):

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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
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- By fax: 1-855-900-5557

Summary

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).

The November 23, 2017 discontinuance notice is RESCINDED.

The November 23, 2017 plan disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate your oldest child in his Child Health Plus plan, effective December 1, 2017, and to notify you accordingly.

Your case is sent back to NYSOH to reinstate your oldest child in his Child Health Plus plan, effective December 1, 2017.

NYOSH will notify you once this change has been completed.

It is your responsibility to pay any outstanding monthly premiums directly and timely to your child's Child Health Plus plan.

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

(Bengali)

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1-855-355-5777

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. y&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.

אַײַדיש (Yiddish)

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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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