



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

Notice of Decision

Decision Date: April 09, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000028001

[REDACTED]

[REDACTED]

On March 29, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's December 16, 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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STATE OF NEW YORK
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Decision

Decision Date: April 09, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000028001



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 a Medicaid Managed Care (MMC) plan terminated effective January 1, 2018?

Procedural History

On November 4, 2017, NYSOH issued an eligibility determination notice stating that you were eligible for Medicaid, effective November 1, 2017. The notice further stated that you were not eligible to enroll in an MMC plan because you had other health insurance or Medicare.

On December 5, 2017, you uploaded a letter from [REDACTED] showing that your third-party insurance (TPHI) coverage through them was ending as of December 31, 2017.

Also on December 5, 2017, NYSOH redetermined your eligibility.

On December 6, 2017, NYSOH issued a notice of eligibility determination stating that you remained eligible for Medicaid, effective December 1, 2017, and that you needed to pick a health plan for enrollment.

On December 9, 2017, NYSOH issued a notice of enrollment confirming your enrollment in an MMC plan, with an enrollment start date of January 1, 2018.

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On December 15, 2017, NYSOH redetermined your eligibility for financial assistance with health insurance.

On December 16, 2017, NYSOH issued a notice of eligibility redetermination stating that you would remain eligible for Medicaid, effective January 1, 2018. However, you were unable to enroll in an MMC plan, as the system was showing that you had other health insurance or Medicare.

Also, on December 16, 2017, NYSOH issued a disenrollment notice stating that your enrollment in your MMC plan was ending, effective January 1, 2018, because NYSOH's information showed that you had other health insurance or Medicare. The notice stated that you still had Medicaid coverage, and that you would get services by using your NY State Benefit Identification card.

On January 5, 2018, NYSOH's system redetermined your eligibility.

On January 6, 2018, NYSOH issued an eligibility determination notice stating that you remained eligible for Medicaid, effective January 1, 2018. The notice advised you to pick a health plan.

On January 29, 2018, you selected an MMC plan for enrollment.

That same day, you spoke to NYSOH's Account Review Unit and appealed the start date of your enrollment in your MMC plan, insofar as your enrollment did not begin January 1, 2018.

On January 30, 2018, NYSOH issued an enrollment confirmation notice stating that your enrollment in an MMC plan would begin March 1, 2018.

On March 29, 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, and your account confirms, that you were determined eligible for Medicaid effective November 1, 2017.
- 2) You testified that you called NYSOH and were told that you should submit proof that your [REDACTED] TPHI was ending as of December 31, 2017, and that you should call back in December 2017 to select a plan.

- 3) You testified that you sent NYSOH documentation of your TPHI ending, but, when you called back in December 2017, NYSOH told you that they had not received it, and to send it again.
- 4) You testified that you sent the documentation again, and your NYSOH account reflects that you uploaded a letter on December 5, 2017 stating that your [REDACTED] TPHI was ending as of December 31, 2017.
- 5) You testified that you were able to select a Fidelis MMC plan, and your NYSOH account confirms that an MMC plan was selected on December 8, 2017.
- 6) You testified that you received a packed and ID card from Fidelis, so you thought your coverage was all set for January 2018.
- 7) You testified that you went to [REDACTED] office on [REDACTED] and found out that your coverage was not active.
- 8) You testified that you called Fidelis and were advised to call NYSOH.
- 9) You testified that you called NYSOH and were informed that NYSOH had made an error in disenrolling you from your MMC plan when you had already provided proof that your TPHI ended, but that they could not backdate your MMC enrollment.
- 10) Your NYSOH account reflects that you were re-enrolled into your MMC plan, beginning March 1, 2018.
- 11) You testified that you were without an MMC plan during January 2018, and incurred medical bills.

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)).

MMC 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

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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)).

Continuous Coverage

Most applicants determined eligible for Medicaid are guaranteed 12 months of Medicaid coverage offered through MMC, 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 an MMC 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 January 1, 2018.

Initially, you were found eligible for Medicaid in a notice dated November 4, 2017, effective November 1, 2017. At that time, you were determined eligible for Fee-For-Service Medicaid only, because you had other health insurance coverage. On December 5, 2017, you uploaded a letter indicating that your TPHI was ending on December 31, 2017, and NYSOH redetermined your eligibility that same day. In the December 6, 2017 notice of eligibility determination, you were found eligible for Medicaid, effective December 1, 2017, and advised to select an MMC plan. On December 8, 2017, you selected an MMC plan, with your enrollment to begin on January 1, 2018, as is documented by the December 9, 2017 notice of enrollment confirmation.

Generally, when an individual is eligible for Medicaid through NYSOH they are required to enroll in an MMC 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 December 15, 2017, NYSOH redetermined your household's eligibility for financial assistance with health insurance. On December 16, 2017, NYSOH issued a disenrollment notice advising that your coverage in your MMC plan would be terminated as of January 1, 2018 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 MMC plan.

However, the record reflects that your TPHI ended as of December 31, 2017. You submitted documentation to prove this on December 5, 2017, and this documentation was accepted by NYSOH, as evidenced by the fact that you were permitted to select an MMC plan for enrollment on December 8, 2017.

Therefore, when NYSOH cancelled your coverage in an MMC plan due to your having TPHI, you did not, in fact, have TPHI for the date on which your MMC plan was set to begin (January 1, 2018), and the information relied upon by NYSOH in making the determination to terminate enrollment in your MMC plan was incorrect.

Accordingly, the December 16, 2017 disenrollment notice, terminating your coverage under your MMC plan effective January 1, 2018 is RESCINDED.

Decision

The December 16, 2017 disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate you in your MMC plan effective January 1, 2018.

Effective Date of this Decision: April 09, 2018

How this Decision Affects Your Eligibility

NYSOH improperly disenrolled you from your MMC plan.

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 being sent back to reinstate you in your MMC plan as of 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:

- 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

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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 16, 2017 disenrollment notice is RESCINDED.

Your case is RETURNED to NYSOH to reinstate you in your MMC plan effective January 1, 2018.

NYSOH improperly disenrolled you from your MMC plan.

Your case is being sent back to reinstate you in your MMC plan as of January 1, 2018.

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 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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