



**AMENDED DECISION OF  
STATE AGENCY ON APPEAL**

In the Appeal of: ██████████  
For: Qualified Health Plan  
Agency: MNSure Board  
Docket: 156063

**AMENDED CONCLUSIONS OF LAW**

On October 13, 2014, I wrote to the parties indicating that I would not be accepting the appeals examiner's recommended order in docket #156063. I provided the parties until November 5, 2014 to make any written comments to my proposed order. I received written comments from MNSure but I did not receive any comments from the appellant. Accordingly, I accept the findings of fact in the appeals examiner's recommended decision. I accept conclusions of law twelve and thirteen but I reject conclusions of law fourteen and fifteen to the extent that the examiner concluded the effective start date of coverage is September 1, 2014. Instead, I substitute the following conclusion:

I fully understand appellant's view that she is not able to take full advantage of coverage that is retroactive to June 1, 2014. However, that is the effective date specified in 45 C.F.R. § 155.420(b) in that she applied in late April. The nature of health care insurance is such that the value of the benefits one receives in a given month may or may not exceed the premium costs. In this case appellant incurred no medical expenses in the retroactive period. If she had, however, those costs would be paid, at least within policy limits. If people could select coverage months based solely on perceived financial advantage, the entire system would soon become unsustainable. Finally, I am not persuaded by the human services judge's reliance on those parts of 45 C.F.R. § 155.420(d) that allow a special enrollment period in cases of administrative mistake or oversight. MNSure already found appellant eligible for a special enrollment period, so those provisions provide nothing more than MNSure

determined earlier. For these reasons MNSure is affirmed in deciding that appellant's coverage began June 1, 2014.

ORDER

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the MNSure Board adopts the Appeals Examiner's findings of fact, the amended conclusions of law. The MNSure Board affirms the MNSure decision that appellants effective date for coverage in a Qualified Health Plan is June 1, 2014.

FOR THE MNSURE BOARD as to any effect the decision has on Appellant's eligibility through MNSure for Qualified Health Plan.

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Date

cc: [REDACTED], Appellant  
Michael Turpin, MNSure

**FURTHER APPEAL RIGHTS**

**This decision is final, unless you take further action.**

Appellants who disagree with this decision should consider seeking legal counsel to identify further legal recourse.

If you disagree with the effect this decision has on your eligibility for **Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program**, you may:

- **Appeal to the United States Department of Health and Human Services (DHHS)** under 42 U.S.C. § 18081(f) and 45 C.F.R. § 155.520(c). This decision is the final decision of MNSure, unless an appeal is made to DHHS. An appeal request may be made to DHHS *within 30 days of the date of this decision* by calling the Marketplace Call Center at 1-800-318-2596 (TTY 855-889-4325); or by downloading the appeals form for Minnesota from the appeals landing page on [www.healthcare.gov](http://www.healthcare.gov).