



**DECISION OF
MNSURE BOARD
ON APPEAL**

In the Appeal of: [REDACTED]
For: Qualified Health Plan (QHP)
Agency: MNSure Board
Docket: 160223

On March 17, 2015, Appeals Examiner Christopher Cimafranca held an evidentiary hearing under 42 United States Code §18081(f) and Minnesota Statutes, §62V.05, subdivision 6(a).

The following person appeared at the hearing:

[REDACTED] Appellant.

Based on the evidence in the record and considering the arguments of the parties, I recommend the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUE

Whether the MNsure Board correctly determined the effective date of the Appellant's health plan coverage.

FINDINGS OF FACT

1. On or about February 9, 2015, MNsure sent the Appellant a Health Care Notice. *Exhibit 1*. The Notice stated that the Appellant was approved for a Qualified Health Plan coverage type with an effective date of January 1, 2015. *Exhibit 1*. The Notice specifically stated that the Appellant was eligible to purchase a Qualified Health Plan (QHP) through MNsure and that the coverage type effective date may change based on the date the plan was selected. *Exhibit 1*.
2. On February 12, 2015, the Appellant filed an appeal with the Appeals Office. *Testimony of Appellant; Exhibit 3*.
3. Agency records show that the Appellant completed the application on December 9, 2014. *Exhibit 1*.
4. Agency records also show that the Appellant made a QHP selection on February 12, 2015. *Exhibit 1*.
5. However, the Appellant claims that he selected a QHP on December 9, 2014 and again on December 31, 2014. *Testimony of Appellant*. The Appellant cannot remember the language on the screen at the time he allegedly selected a plan but he remembers that it stated that the process was supposedly completed and that he was enrolled. *Testimony of Appellant*.
6. The Appellant incurred health care costs in January 2015 and would like his health plan to be effective on January 1, 2015. *Testimony of Appellant*.
7. The Agency determined that the effective date of the Appellant's health plan was on March 1, 2015 because the Appellant made a QHP selection on February 12, 2015. *Exhibit 1*.
8. On March 17, 2015, Appeals Examiner Christopher Cimafranca held an evidentiary hearing by telephone conference. The record was closed at the conclusion of the hearing, consisting of three exhibits.¹

¹ MNsure Appeal Summary, Exhibit 1; Minnesota of Department of Human Services Appeal Summary, Exhibit 2; Appeal Request, Exhibit 3.

CONCLUSIONS OF LAW

1. This appeal was started within the allowed time limits under 45 C.F.R. §155.520(b).

2. The MNsure Board has legal authority to review Appellant's household's eligibility for enrollment in a qualified health plan and premium assistance under Minnesota Statute § 62V.05, subdivision 6. The MNsure Board has an agreement with the Minnesota Department of Human Services to hear and decide appeals involving premium assistance.

3. Upon making an eligibility determination, the Exchange must implement the eligibility determination for enrollment in a QHP through the Exchange, advance payments of the premium tax credit, and cost-sharing reductions as follows—

(1) For an initial eligibility determination, in accordance with the dates specified in §155.410(c) and (f) and §155.420(b), as applicable. *45 C.F.R. §155.310(f)(1)*.

4. *Annual open enrollment period.* For the benefit year beginning on January 1, 2015, the annual open enrollment period begins on November 15, 2014, and extends through February 15, 2015. *45 C.F.R. §155.410(e)*.

5. *Effective date for coverage after the annual open enrollment period.* For the benefit year beginning on January 1, 2015, the Exchange must ensure coverage is effective -

(1) January 1, 2015, for QHP selections received by the Exchange on or before December 15, 2014.

(2) February 1, 2015, for QHP selections received by the Exchange from December 16, 2014 through January 15, 2015.

(3) March 1, 2015, for QHP selections received by the Exchange from January 16, 2015 through February 15, 2015. *45 C.F.R. §155.410(f)*.

6. The MNsure Board extended the enrollment deadline to December 31, 2014 for a January 1, 2015 effective coverage. <https://www.mnsure.org/news-room/news/news-detail.jsp?id=486-151009>.

7. Evaluating the Appellant's testimony in light of his understandable interest of having a January 1, 2015 effective date along with the fact that the Agency's account of the events was detailed and supported by documentary evidence, I conclude that the Agency in this instance described a more plausible chain of events. For this reason, I conclude that the Appellant made a QHP selection on February 12, 2015 and that the Agency correctly determined the effective date of the Appellant's health plan to be on March 1, 2015, in accordance with 45 C.F.R. §155.410(f). The Health Care Notice that

was sent to the Appellant specifically provided that the coverage type effective date may change based on the date the plan was selected. Therefore, I recommend affirming the Agency's determination.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT the MNSure Board AFFIRM MNSure's determination that the Appellant's QHP is effective on March 1, 2015.

/s/ Christopher Cimafranca
Christopher Cimafranca
Appeals Examiner

April 20, 2015
Date

ORDER OF THE MNSURE BOARD

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the MNSure Board adopts the Appeals Examiner's recommendation as the final decision.

FOR THE MNSure Board:

Date

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.

- **Seek judicial review** to the extent it is available by law.

cc: [REDACTED] Appellant
[REDACTED] MNsure