



**DECISION OF
STATE AGENCY
ON APPEAL**

In the Appeal of: [REDACTED] and [REDACTED]
For: MinnesotaCare
Agency: Minnesota Department of Human Services
Docket: 162555

On May 14, 2015, Human Services Judge Christopher Cimafranca held an evidentiary hearing under Minn. Stat. § 256.045, subd. 3.

The following person appeared at the hearing:

[REDACTED], Appellant.

The Human Services Judge, based on the evidence in the record and considering the arguments of the parties, recommends the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUE

The issue raised in this appeal is:

Whether the Agency could continue to bill the Appellant for MinnesotaCare premiums when the Agency erroneously made the Appellant eligible for MinnesotaCare.

FINDINGS OF FACT

1. The Agency erroneously made the Appellants eligible for MinnesotaCare effective February 1, 2015 even though the Appellants did not apply for MinnesotaCare and the Appellants had other health insurance coverage. *Exhibit 1; Testimony of Appellant.*

2. On March 17, 2015, Mr. [REDACTED] contacted the Agency to terminate the MinnesotaCare coverage. *Exhibit 1.*

3. In April 2015, the Appellants received a \$300.00 bill from the Agency for the MinnesotaCare premiums. *Testimony of Appellant.* The Agency has not billed the Appellant after this date. *Testimony of Appellant; Exhibit 1.*

4. The Appellants have not paid the MinnesotaCare premiums. *Testimony of Appellant.*

5. The Agency has not taken any action to enforce payment of the premiums, but it has terminated the MinnesotaCare coverage. *Testimony of Appellant.*

6. On April 13, 2015, the Appellants requested a state fair hearing. *Exhibit 3.*

7. On May 14, 2015, Human Services Judge Christopher Cimafranca held an evidentiary hearing by telephone conference. The record was closed at the conclusion of the hearing, consisting of three exhibits.¹

CONCLUSIONS OF LAW

1. This appeal is timely under Minnesota Statutes, § 256.045, subdivision 3. The appeal was received within 30 days of receiving the billing notice.

2. The Commissioner of Human Services has jurisdiction over this appeal under Minnesota Statutes, § 256.045, subdivision 3.

¹ State Agency Appeal Summary with attachments, Exhibit 1; MNsure Memorandum, Exhibit 2; Appeal Statement, Exhibit 3.

3. Minnesota Statutes, §256L.07 subdivision 3(a) also provides that to be eligible for MinnesotaCare, a family or individual must not have minimum essential health coverage, as defined by section 5000A of the Internal Revenue Code. According to section 5000A of the Internal Revenue Code, minimum essential coverage means any of the following: 1) government sponsored coverage; 2) employer sponsored coverage; 3) a health plan offered in the individual market within a State; 4) a grandfathered health plan; or 5) other health benefits coverage. *26 U.S.C. § 5000A(f)(1); See also 26 C.F.R. § 1.36B-2(c).*

4. The effective date of coverage is the first day of the month following the month in which eligibility is approved and the first premium payment has been received. *Minn. Stat. § 256L.05, subd. 3(a).* The initial premium must be received by the last working day of the month for coverage to begin the first day of the following month. *Minn. Stat. § 256L.05, subd. 3(b).*

5. It is undisputed that the Agency incorrectly made the Appellant eligible for MinnesotaCare coverage. Premiums also have never been paid in order for coverage to begin. Although coverage has been terminated and the evidence does not show that the Agency will continue to bill the Appellant or will enforce the past bill, I recommend that the Agency be directed to cease billing the Appellant for the premiums and reverse the determination that the Appellant was eligible for MinnesotaCare effective February 1, 2015.

RECOMMENDED ORDER

THE HUMAN SERVICES JUDGE RECOMMENDS THAT the Commissioner of Human Services ORDER the Agency to cease billing the Appellant for the MinnesotaCare premiums and REVERSE the determination that the Appellant was eligible for MinnesotaCare effective February 1, 2015.

Christopher Cimafranca
Human Services Judge

Date

ORDER OF THE COMMISSIONER

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the Commissioner of Human Services adopts the Human Services Judge's recommendation as her final decision.

FOR THE COMMISSIONER OF HUMAN SERVICES:

Date

cc: [REDACTED] and [REDACTED], Appellants
Teresa Saybe, Minnesota Department of Human Services
Michael Turpin, MNsure General Counsel

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 this decision, you may:

- **Request the Appeals Office reconsider this decision.** The request must state the reasons why you believe your appeal should be reconsidered. The request may include legal arguments and may include proposed additional evidence supporting the request; however, if you submit additional evidence, you must explain why it was not provided at the time of the hearing. The request must be *in writing*, be made *within 30 days of the date of this decision*, and a *copy of the request must be sent to the other parties*. Send your written request, with your docket number listed, to:

Appeals Office
Minnesota Department of Human Services
P.O. Box 64941
St. Paul, MN 55164-0941
Fax: (651) 431-7523

- **Start an appeal in the district court.** This is a separate legal proceeding that you must start *within 30 days of the date of this decision*. You start this proceeding by serving a notice of appeal upon the other parties and the Commissioner, and filing the original notice and proof of service with the county district court. The law that describes this process is Minnesota Statute § 256.045, subdivision 7.²

² County agencies do not have the option of appealing decisions about Supplemental Nutrition Assistance Program (SNAP), Minnesota Family Investment Program (MFIP), or Diversionary Work Program (DWP) benefits to district court under 7 C.F.R. § 273.15(q)(2) and Minnesota Statute § 256J.40.