



**DECISION
OF AGENCY
ON APPEAL**

In the Appeal of: [REDACTED]
For: Qualified Health Plan
Agency: MNSure Board
Docket: 163752

On July 30, 2015, Appeals Examiner James A. Watchke-Koranne held an evidentiary hearing under 42 United States Code §18081(f) and Minnesota Statutes, section 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, the Appeals Examiner recommends the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUE

Whether the MNsure Board properly determined that appellant was eligible for enrollment in a Qualified Health Plan effective March 1, 2015.

FINDINGS OF FACT

1. On January 8, 2015, MNsure Operations (herein agency) determined that appellant was eligible for enrollment in a Qualified Health Plan (QHP). *Exhibit 2*. Appellant attempted to enroll in a QHP on February 11, 2015, but for unknown reasons the enrollment did not process. *Id.*

2. Appellant filed a request challenging the start date of her QHP enrollment, and on April 28, 2015 a MNsure representative spoke with appellant and explained that MNsure can enroll appellant in a QHP for March 1, 2015 coverage or prospectively to May 1, 2015 in order to resolve the appeal. Appellant chose to enroll for March 1, 2015 coverage. *Testimony of Appellant and Exhibit 2*.

3. Appellant's premiums during the period of March 1, 2015 through June 30, 2015 totaled \$1,025.36 in comparison to the \$274 she incurred in doctor bills. Because of this discrepancy, the appellant filed another appeal request challenging the start date of her QHP enrollment, which was received by MNsure on March 20, 2015. *Exhibit 1*.

4. On July 30, 2015, Appeals Examiner James A. Watchke-Koranne held an evidentiary hearing via telephone conference. The record was closed at the conclusion of the hearing, consisting of two exhibits.¹

5. Appellant would like QHP coverage effective June 1, 2015. *Exhibit 1 and Appellant's Testimony*.

6. At the hearing the appellant acknowledged her selection of the March 1, 2015 effective date of coverage, however, she indicated that she didn't fully understand the options and the associated implications at the time she selected the March 1, 2015 enrollment date. *Appellant's Testimony*.

APPLICABLE LAW

7. For MNsure appeals, an appeal must be received within 90 days from the date of the notice of eligibility determination. *45 C.F.R. § 155.520(b)(1); Minn. R.*

¹Exhibit 1 – Appeal Request; Exhibit 2 – MNsure Appeals Memorandum.

7700.0105, subp. 2(D).

8. The MNsure Board has the legal authority to review and decide issues about a household's eligibility through MNsure for Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program. *Minn. Stat. § 62V.05, subd. 6*. The MNsure Board has an agreement with the Department of Human Services to hear and decide appeals involving premium assistance.

9. Federal regulations concerning enrollment in qualified health plans (QHPs) are found at 45 C.F.R. §§155.400 – 155.430. The Exchange may only permit a qualified individual to enroll in a QHP or an enrollee to change QHPs during the initial open enrollment period, the annual open enrollment period, or a special enrollment period described in §155.420 of this subpart for which the qualified individual has been determined eligible. *45 C.F.R. §155.410(a)(2)*. The initial open enrollment period began October 1, 2013 and extended through March 31, 2014. *45 C.F.R. §155.410(b)*. 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)*.

10. During the open enrollment period for the benefit year beginning on January 1, 2015, the Exchange must ensure coverage is effective: (a) January 1, 2015, for QHP selections received by the Exchange on or before December 15, 2014; (b) February 1, 2015, for QHP selections received by the Exchange from December 16, 2014, through January 15, 2015; and (c) 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)*.

CONCLUSIONS OF LAW

11. This appeal of MNsure's determination regarding the Appellant's enrollment start date in a QHP is timely in that it was filed within 90 days of the date Appellant was notified of her eligibility for enrollment in a QHP. Appellant is not contesting the household's ineligibility for Medical Assistance or MinnesotaCare coverage or the amounts of premium tax credits and cost-sharing reductions.

12. The facts in this case are not in dispute. Appellant was determined eligible for enrollment in a QHP on January 8, 2015. Due to unknown reasons, appellant was unable to enroll in a QHP and filed an appeal. In order to resolve the appeal, MNsure provided appellant with the option of QHP coverage effective March 1, 2015 or May 1, 2015. Appellant chose to enroll in a QHP effective March 1, 2015. As such, MNsure was obligated by federal law to ensure QHP coverage effective March 1, 2015. Therefore, MNsure acted correctly with regard to the effective date of Appellant's QHP coverage.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

The MNsure Board AFFIRM the Agency's determination of eligibility for appellant's enrollment in a Qualified Health Plan effective March 1, 2015.

James A. Watchke-Koranne
Appeals Examiner

Date

ORDER

IT IS THEREFORE ORDERED THAT, based upon all the evidence and proceedings, the MNsure Board adopt the Appeals Examiner's findings of fact, conclusions of law and order as the agency's final decision.

Date

cc: [REDACTED], Appellant
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 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.