



**DECISION  
OF AGENCY  
ON APPEAL**

In the Appeal of: [REDACTED]

For: Qualified Health Plan  
MinnesotaCare  
Medical Assistance

Agency: Mnsure Board  
Minnesota Department of Human Services

Docket: 164756

On August 25, 2015, Appeals Examiner Mariam P. Mokri held an evidentiary hearing under 42 United States Code §18081(f), Minnesota Statute §62V.05, subdivision 6(a) and Minnesota Statute § 256.045, subdivision 3.

The following people appeared at the hearing:

[REDACTED], Appellant's Representative.

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 ISSUES

Whether the MNsure board correctly determined the effective date of Appellant's enrollment in a Qualified Health Plan (QHP).

## FINDINGS OF FACT

1. The MNsure Board (herein MNsure) advised the Appellant that the Appellant was eligible to enroll in a QHP on April 24, 2015. *Exhibit 1*. On that same date, Appellant was found ineligible for Medical Assistance (MA) and MinnesotaCare. *Exhibit 2*. The Appellant filed a request challenging the determination of the effective date, which was received on June 22, 2015. *Exhibit 3*. The appeal was originally scheduled for July 25, 2015, but was dismissed. The matter was reopened and scheduled for hearing. On August 25, 2015, Appeals Examiner Mariam Mokri held an evidentiary hearing via telephone conference. The record closed at the conclusion of the hearing with three exhibits<sup>1</sup>.

2. Appellant applied for health coverage through the MNsure system as a family of two on April 14, 2015. *Exhibit 1*. Appellant reported a projected household income of \$49,128 and that he is a tax filer. *Id.* Appellant is the only household member seeking coverage on the application. *Id.*

3. MNsure offered a special enrollment period for persons who faced a 2014 tax penalty. *Exhibit 1*. On April 15, 2015, Appellant called MNsure and attested that he faced a 2014 tax penalty. *Id.* MNsure completed Appellant's attestation and authorized his special enrollment. *Id.*

4. The health care notice dated April 14, 2015 states that Appellant's was ineligible for medical assistance and MinnesotaCare. *Exhibit 1*. Appellant's status for advanced premium tax credits and cost sharing reductions was pending. *Id.*

5. MNsure records show Appellant was informed via telephone that his QHP was effective May 1, 2015. *Exhibit 1*.

6. Appellant was found to be over income for the MinnesotaCare and medical assistance (MA) standards. *Exhibit 2*.

7. On May 26, 2015, Appellant received an invoice from UCare stating that coverage would begin once the premium was paid. *Testimony of* [REDACTED]. Appellant did not receive a card from UCare until June 12, 2015. *Id.*

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<sup>1</sup> Exhibit 1: State Agency Appeals Summary – MNsure; Exhibit 2: State Agency Appeals Summary – DHS; Exhibit 3: Appeal to State Agency.

8. Appellant contacted UCare and was informed that he had to pay his premium for May 2015. *Testimony of* [REDACTED].

9. Appellant states that they should not have to pay the premium for May 2015. *Testimony of* [REDACTED]. Appellant relied upon the letter from UCare stating that they would not be covered until the first premium was paid. *Id.* Appellant did not receive a bill from UCare until the end of May 2015. *Id.* Appellant also did not receive an insurance card from UCare until mid-June 2015. *Id.*

10. MNSure's position is that they cannot change Appellant's effective date of his QHP because he enrolled on April 14, 2015. *Exhibit 1.* Because he enrolled April 14, 2015, his effective date must be May 1, 2015. *Id.*

### CONCLUSIONS OF LAW

1. Pursuant to 45 C.F.R. § 155.520(b)(1) and Minn. R. 7700.0105, subp. 2(D) an appeal must be received within 90 days from the date of the notice of eligibility determination. In this case, the appeal was timely filed.

2. The MNSure Board has the legal authority to review and decide issues in this appeal regarding Appellant'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. The Commissioner of the Minnesota Department of Human Services has the legal authority to review and decide issues in this appeal regarding Appellant's eligibility for Medical Assistance and MinnesotaCare. *Minn. Stat. § 256.045, subd. 3.* Appeals of premium assistance shall also include a determination regarding medical assistance and MinnesotaCare. *45 C.F.R. § 155.510(b).*

3. The income limit for MA for a household of two is \$21,186<sup>2</sup>. Appellant's attested income is more than the income limit, therefore he is ineligible for medical assistance.

4. The income limit for MinnesotaCare for a household of two is \$31,460<sup>3</sup>. Appellant's attested income is more than the income limit, therefore he is ineligible for MinnesotaCare.

5. According to 45 C.F.R. § 155.420(b)(2)(iv), if a QHP is selected after the date of the triggering event, in this case the 2014 tax penalty, MNSure must ensure that

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2 <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-3461A-ENG>

3 <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-3461A-ENG>

coverage is effective:

- a. On the first day of the following month, or
- b. In accordance with 45 C.F.R. 155.420(b)(1):
  - i. If enrolled between the 1<sup>st</sup> and 15<sup>th</sup> of the month, the effective date is the first day of the following month
  - ii. If enrolled between the 16<sup>th</sup> and the end of the month, the effective date is the first day of second following month.

MNsire determines which option it chooses to engage. *45 C.F.R. § 155.420(b)(2)(iv)*.

6. In this case, MNsure determined that Appellant would be eligible for coverage the month following his enrollment in a QHP. Because Appellant enrolled in a QHP between the 1<sup>st</sup> and the 15<sup>th</sup> of April, MNsure properly determined that his effective date of coverage was May 1, 2015. It appears that the issue lies with the QHP, UCare, who did not effectively communicate with Appellant once he was enrolled. Appellant should contact his provider regarding the billing process and effective dates. MNsure properly determined Appellant's effective date of coverage based on his date of enrollment. MNsure's action should be affirmed.

### RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

- The MNsure Board AFFIRM MNsure's determination that Appellant's effective date of coverage was May 1, 2015 as provided in the Affordable Care Act.
- The Commissioner of Minnesota Department of Human Services AFFIRM the Agency's finding of Appellant's ineligibility for MA and MinnesotaCare.

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Mariam Mokri  
Appeals Examiner

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Date

ORDER

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

FOR THE MNSURE BOARD as to any effect the decision has on Appellant's eligibility through MNsure for Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program.

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Date

cc: [REDACTED], Appellant  
Michael Turpin, MNsure  
Teresa Saybe, Minnesota Department of Human Services - 0838

**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).

- **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 written copy of a notice of appeal upon MNsure and any other adverse party of record, and filing the original notice and proof of service with the court administrator of the county district court. The law that describes this process is Minnesota Statute § 62V.05, subdivision 6(e)-(i).

If you disagree with the effect this decision has on your eligibility for **Medical Assistance and/or MinnesotaCare** benefits, 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*. You may also fax the request to (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 written copy of a notice of appeal upon the Commissioner and any other adverse party of record, and filing the original notice and proof of service with the court administrator of the county district court. The law that describes this process is Minnesota Statute § 256.045, subdivision 7.