



**DECISION OF
MNSURE BOARD
ON APPEAL**

In the Appeal of: [REDACTED]
For: Qualified Health Plan (QHP)
Agency: MNSure Board
Docket: 168098

On November 12, 2015, Appeals Examiner James A. Watchke-Koranne 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 August 1, 2015 as the effective date of Appellant's QHP coverage.

FINDINGS OF FACT

1. On July 24, 2015, the Agency determined that the Appellant and his spouse were eligible to enroll in a QHP, eligible to receive \$516.06 in monthly tax credits, and eligible for cost-sharing reductions. *Exhibit 2*. The Appellant enrolled in a QHP on July 30, 2015. *Id.*
2. The Agency enrolled Appellant and his spouse in a QHP effective August 1, 2015. *Id.*
3. On August 18, 2015 the Appellant informed the Agency that he lost his employer-sponsored insurance on June 30, 2015. *Id.* Based on this information, the Agency determined that Appellant was eligible for a special enrollment period beginning June 30, 2015 through August 29, 2015. *Id.*
4. On October 1, 2015 Appellant filed an appeal. *Exhibit 1*.
5. On November 12, 2015, Appeals Examiner James A. Watchke-Koranne held an evidentiary hearing by telephone conference. The record was closed on that date consisting of two exhibits.¹
6. The Agency contends that Appellant and his spouse were properly enrolled in a QHP with an effective date of August 1, 2015, as Appellant selected his QHP on July 30, 2015. *Exhibit 2*.
7. The Appellant acknowledges his selection of a QHP on July 30, 2015, however, he contends that because he did not receive his insurance cards until September 2015, he was unaware of his insurance coverage during the month of August 2015, and therefore did not seek medical services in August 2015 and thus should not be billed for that month. *Exhibit 1*.

¹ Appeal Request, Exhibit 1; Appeals Memorandum, Exhibit 2.

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 eligibility for enrollment in a qualified health plan under Minnesota Statutes, § 62V.05, subdivision 6. The MNsure Board has an agreement with the Minnesota Department of Human Services to hear and decide appeals involving MNsure eligibility decision.

3. 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. §155.400(a)(2)*.

4. Special Effective Dates:

(iv) In a case where a consumer loses coverage as described in paragraph (d)(1) or (d)(6)(iii) of this section, if the plan selection is made before or on the day of the loss of coverage, the Exchange must ensure that the coverage effective date is on the first day of the month following the loss of coverage. If the plan selection is made after the loss of coverage, the Exchange must ensure that coverage is effective in accordance with paragraph (b)(1) of this section or on the first day of the month following plan selection, at the option of the Exchange. *45 C.F.R. § 155.420(b)(2)(iv)*.

5. I conclude that the Appellant's enrollment in a QHP with an effective date of August 1, 2015 is appropriate. The record establishes that the appellant selected this health plan on July 30, 2015. In accordance with 45 C.F.R. § 155.420(b)(2)(iv), the agency correctly ensured that coverage was effective on August 1, 2015, the first day of the second following month.

6. For these reasons, I recommend affirming the Agency's determination of an August 1, 2015 QHP effective date.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

The MNsure Board AFFIRM the Agency's determination that the Appellant is not eligible to enroll in a qualified health plan.

James A. Watchke-Koranne
Appeals Examiner

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

cc: [REDACTED] [REDACTED] Appellant
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:

- **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.
- **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).