



**DECISION
OF AGENCY
ON APPEAL**

In the Appeal of: [REDACTED]
For: Qualified Health Plan
Agency: MNSure Board
Docket: 170300

On January 19, 2016, Appeals Examiner Kelly A. Vargo 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.

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 MNsure properly terminated Appellant's enrollment in a Qualified Health Plan effective September 16, 2015.

FINDINGS OF FACT

1. On December 13, 2014, Appellant applied as a family of six for a Qualified Health Plan (QHP) through the MNsure online system. *Exhibit 3*. MNsure determined Appellant and his household were eligible to enroll in a Qualified Health Plan with tax credits. *Id.* Appellant selected a QHP for himself and his wife on December 16, 2014. *Id.* Appellant's QHP coverage start was January 1, 2015. *Id.* On September 2, 2015, Appellant called MNsure to cancel/terminate his and his family's QHP because Appellant and his household became eligible for employer-sponsored insurance coverage on September 1, 2015. *Id.* MNsure originally terminated Appellant and his family's QHP coverage effective October 1, 2015 but then amended the termination date to September 16, 2015. *Id.* On December 16, 2015, Appellant filed an appeal. *Exhibit 1*.

2. On January 19, 2016 Appeals Examiner Kelly A. Vargo held an evidentiary hearing by telephone conference. The record, consisting of the hearing testimony and three exhibits¹, was closed on January 19, 2016.

3. Appellant contends that he is a certified MNsure agent and has been trained on how to handle MNsure applications and issues. *Testimony of Appellant*. However, Appellant contends that he was never trained or made aware of the 14 day requirement cited to by MNsure in the appeal summary and therefore should be held liable to that requirement. *Id.* Appellant contends that he was aware of his and his family's eligibility for employer-sponsored insurance coverage before September 1, 2015 but waited to contact MNsure until he received the health insurance cards. *Id.* Appellant contends that he is able to terminate his and his family's QHP effective Sept. 1, 2015 in accordance with *45 C.F.R. §155.430(d)(2)(iii)* because he claims that his QHP is fine with the termination date of September 1, 2015.

APPLICABLE LAW

1. 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. 7700.0105, subp. 2(D)*.

¹ Exhibit 1 – Appeal Request; Exhibit 2 – DHS Agency's Appeal Summary; Exhibit 3- MNsure Agency's Appeal Summary.

2. 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.

3. When a person who has enrolled in a Qualified Health Plan elects to terminate coverage, the termination date is the date specified by the enrollee, if the enrollee provides reasonable notice. *45 C.F.R. §155.430(d)(2)*. "Reasonable notice" is defined as at least fourteen days before the requested effective date of termination. *45 C.F.R. §155.430(d)(1)(i)*. If reasonable notice is not provided, then the termination date is fourteen days after termination is requested by the enrollee. *45 C.F.R. §155.430(d)(2)(ii)*.

4. Appellant contends that he is able to retroactive terminate is QHP in accordance with *45 C.F.R. §155.430(d)(2)(iii)*.

CONCLUSIONS OF LAW

1. This appeal was started within the allowed time limits under Minnesota Statute § 256.045, subdivision 3(h) and 45 C.F.R §155.520(b). The MNsure Board has legal authority to review Appellant's challenge of its determination of the effective date of termination of his QHP under Minnesota Statute § 62V.05, subdivision 6.

2. Appellant enrolled in a QHP on December 16, 2014 for coverage beginning January 1, 2015.

3. On September 2, 2015 Appellant requested that MNsure terminate his and his family's QHP retroactive to September 1, 2015. MNsure correctly determined the termination date of September 16, 2015 giving Appellant fourteen days after he requested termination. While Appellant contends he received approval from his QHP to retroactively terminate his coverage, no evidence was provided to corroborate Appellant's contention that his QHP agreed to effectuate a retroactive termination date. Further, Appellant's contention that he was unaware of the 14 day rule and therefore should not be held liable is unreasonable as Appellant is held to the same standard and federal rules as all other individuals who have applied for insurance through the exchange. Thus, I conclude that MNsure's determination that Appellant's QHP coverage was terminated effective September 16, 2015 should be affirmed.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

- The MNsure Board AFFIRM the determination that the termination date was September 16, 2015.

Kelly A. Vargo
Appeals Examiner

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.

Date

cc: [REDACTED] Appellant
MNsure General Counsel
Teressa Saybe, DHS 0838