



**DECISION OF
MNSURE BOARD
ON APPEAL**

In the Appeal of: [REDACTED]
For: Qualified Health Plan
Agency: MNSure
Docket: 173291

On March 23, 2016 Appeals Examiner Victoria M. Lemberger held an evidentiary hearing under 42 U.S.C. §18081(f) and Minn. Stat. §62V.05, Subd. 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 (“MNsure Agency”) properly terminate appellant’s daughter’s enrollment in a Qualified Health Plan.

FINDINGS OF FACT

1. On January 6, 2016, the appellant requested that MNsure terminate her daughter, Marly from a qualified health plan (QHP) because she had employer sponsored health coverage as of January 26, 2016. *Appellant testimony and Exhibit 2*. MNsure terminated the Marly’s QHP coverage effective February 29, 2016. *Exhibit 3*. The appellant challenged this action by filing an appeal with the MNsure Agency on February 9, 2016. *Exhibit 1*. On October 27, 2015, Appeals Examiner Victoria M. Lemberger held an evidentiary hearing by telephone conference. The Appeals Examiner closed the record, consisting of four exhibits, on that date.¹

2. On December 11, 2015, the appellant enrolled herself and her two daughter’s in a QHP with an effective date of January 1, 2016. *Exhibit 4*.

3. On February 8, 2016 the appellant contacted MNsure to verify the cancellation of her daughter’s coverage. *Appellant testimony and Exhibit 3*. MNsure reviewed the case and learned that the termination had not happened. *Exhibit 3*.

4. Upon receiving appellant’s appeal, MNsure reviewed the action further and was able to move the termination date to January 20, 2016. *Exhibit 3*.

5. The appellant is seeking a refund of her January 2016 and February 2016 premiums. *Exhibit 2*.

CONCLUSIONS OF LAW

1. For Medical Assistance and MinnesotaCare appeals, a person may request a state fair hearing by filing an appeal either: 1) within 30 days of receiving written notice of the action; or 2) within 90 days of such notice if the Appellant can show good cause why the request for an appeal was not submitted within the 30 day time limit. *Minn. Stat. § 256.045, subd. 3(h); Minn. Stat. § 256L.10*. 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. 7700.0105, subp. 2(D)*.

¹Exhibit 1 – Appeal; Exhibit 2 – E-Mail Appeal; Exhibit 3 – MNsure Memorandum; Exhibit 4 – Notice of Agency Action dated January 6, 2016.

2. This appeal is timely under Minn. Stat. § 256.045, subd. 3(h) and 45 C.F.R §155.520(b), and the MNsure Board has jurisdiction.

3. MNsure must permit an enrollee to terminate her coverage or enrollment in a QHP when the enrollee obtains other minimum essential coverage. 45 C.F.R. § 155.430(b)(1)(i).

4. When an enrollee initiates the termination of coverage, the effective date of termination is the date specified by the enrollee, if she provides MNsure with reasonable notice. If the enrollee does not provide MNsure with reasonable notice, the enrollee's coverage termination is effective fourteen days after the termination is requested by the enrollee. 45 C.F.R. § 155.430(d)(2)(i). "Reasonable notice" means at least fourteen days before the requested effective date of the termination. 45 C.F.R. § 155.430(d)(1)(i).

5. In this case, the correct termination date should be January 26, 2016; the day when the appellant obtained other minimum essential coverage. In fact, a straightforward reading of the federal rules shows that MNsure was correct to terminate her enrollment effective January 20, 2016, but there is no impediment to allowing more than 14 days to permit the appellant to have no gap in coverage. For these reasons, the MNsure decision should be affirmed in general but alter the termination date to January 26, 2016.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT the MNsure Board AFFIRM MNsure's termination of appellant's QHP but AMEND the effective date to be January 26, 2016.

Victoria M. Lemberger
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], 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 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.