



Request #: [Number]

[Consumer address]

[Consumer email]

Re: **NOTICE OF APPEAL DECISION**

Dear [Consumer]:

Thank you for participating in the hearing on the appeal request you filed with Your Health Idaho ("YHI"). Your appeal hearing occurred as scheduled on March 31, 2017 and was heard by an appeal panel consisting of members of YHI's Governance Committee (the "Appeal Panel"). The individuals who made up the Appeal Panel for your appeal hearing were Senator Jim Rice (Appeal Panel Chair), Hyatt Erstad, and Kevin Settles. You appeared in person and testified at the appeal hearing. [YHI Staff] appeared in person at the appeal hearing and testified on behalf of YHI.

The Appeal Panel has reviewed and considered the appeal record without deference to prior decisions in your case. The appeal record includes all information used to determine your eligibility as well as any additional relevant facts and evidence presented during the appeals process, including at the hearing (the "Appeal Record"). Based upon the review of the Appeal Record and considering the arguments of the parties at the appeal hearing, the Appeal Panel hereby issues its appeal decision (the "Appeal Decision") as follows:

#### **ISSUE ON APPEAL**

The issue on appeal is a request to retroactively apply your Advanced Premium Tax Credit (APTC) to your enrollment effective January 1, 2017.

#### **FINDINGS OF FACT**

1. Your Health Idaho("YHI") sent a notice of renewal to the consumer on October 20, 2016.
2. YHI auto renewed the consumer in a policy effective January 1, 2017 with Mountain Health Co-op without the Advanced Premium Tax Credit applied to the enrollment on October 20, 2016.
3. The Idaho Department of Health and Welfare ("IDHW") sent a notice to the consumer via US mail on December 20, 2016 requesting additional verifying documentation no later than December 31, 2016 in order to complete their renewal for 2017.

4. Notice of Action from IDHW was sent via US Mail on December 30, 2016, to the consumer, notifying them that their Health Coverage Assistance would be discontinued as of January 1, 2017 for failure to complete the re-evaluation process.
5. IDHW sent a notice of approval and tax credit amount to the consumer via US mail on January 19, 2017 indicating that the amount would begin January 1, 2017.
6. IDHW application of financial eligibility was received by YHI and applied to the consumer's enrollment effective February 1, 2017.

### CONCLUSIONS OF LAW

- The Appeal Panel concludes that the notice sent to the consumer by IDHW on January 19, 2017 was misleading as it informed the consumer that the APTC was effective as of January 1, 2017.
- The Appeal Panel concludes that the consumer's APTC is to applied to the consumer's enrollment effective as of January 1, 2017 as indicated on the notice from IDHW.
- The Code of Federal Regulation (CFR) requires that if a consumer's enrollment or non-enrollment in a QHP is based on erroneous information or communication by an officer, employee or agent of the Exchange, the consumer is entitled to adjust said enrollment
  - 45 C.F.R. § 155.420 (d) (4)
- Because of this error in communication, the consumer is entitled to a reinstatement as of January 1, 2017 in his original plan effective immediately, with the obligation of completing all required payments to the carrier to bring the account to current.
- This decision is effective as of 01/01/2017, and is approved as of 03/31/2017 (45 C.F.R 155.545 (a)(5))

If you are satisfied with this Appeal Decision, you do not need to do anything. If you are dissatisfied with this Appeal Decision, you may appeal to the United States Department of Health and Human Services ("HHS") under 42 U.S.C. § 18081(f) and 45 C.F.R. § 155.520(c). An appeal request to HHS may be made by calling the Marketplace Call Center at 1-800-318-2596 (TTY 855-889-4325), or by downloading and submitting the appeals form as instructed for Idaho from the appeals page on [www.healthcare.gov](http://www.healthcare.gov). **An appeal request to HHS must be made within thirty (30) days of the date of this Appeal Decision.**

Sincerely yours,

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Senator Jim Rice  
Appeal Panel Chair  
Your Health Idaho

cc: Your Health Idaho