



Request #: [Number]

[Consumer]
[Consumer address]
[Consumer email]

Re: **NOTICE OF APPEAL DECISION**

Dear [Consumer]:

Thank you for participating in the hearing on the appeal request with Your Health Idaho ("YHI"). The appeal hearing occurred as scheduled on November 14, 2019, and was heard by an appeal panel consisting of YHI Governance Committee members (the "Appeal Panel"). The Appeal Panel members present at your appeal hearing were Senator Jim Rice (Appeal Panel Chair), Hyatt Erstad, and Kevin Settles. You participated in person, and you 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 terminate 2018 coverage effective February 28, 2018, as well as retroactively cancel 2019 coverage, effective January 1, 2019.

FINDINGS OF FACT

1. As of January 1, 2018, the consumer was eligible for and received a subsidy, in the form of Advanced Premium Tax Credits ("APTC") to assist with the payment of the consumers' health insurance premium.
2. As of January 1, 2018, the consumers selected and enrolled in a Select Health plan.
3. As of June 2018, the consumer contacted the carrier to terminate coverage and was told by the carrier that no further action was required. The consumer was not referred to contact YHI.

4. As of August 2018, the consumer contacted the carrier to request termination and was told by the carrier that no further action was required. The consumer was not referred to contact YHI.
5. As of January 1, 2019, the consumers were renewed into the crosswalked Select Health plan for 2019, per federal requirements for guaranteed renewability of coverage (45 CFR 155.335).
6. On August 5, 2019, the consumer contacted Your Health Idaho (YHI) to request termination of the 2018 enrollment, effective February 28, 2018, and cancellation of the 2019 enrollment, due to the gain of employer coverage on March 1, 2018.
7. YHI records indicate the consumer did not log into their account to complete the disenrollment during 2018 or 2019.
8. YHI records indicate that the consumer did not have a call history logged with the Idaho Department of Health and Welfare ("DHW") prior to August 2019.
9. YHI records obtained from Select Health indicate that the consumer did not have a call history logged with the carrier prior to August 2019.
10. On August 30, 2019, the consumer appealed to YHI to request a retroactive termination, effective February 28, 2018 and cancellation effective January 1, 2019, based on the gain of employer coverage effective March 1, 2018.
11. On September 17, 2019, YHI determined the request *Upheld*, as the consumer reported the gain of coverage more than 14 days from the gain of employer coverage and outside required reporting deadlines per YHI and federal policy.
12. On September 23, 2019, the consumer requested an appeal hearing with YHI.
13. On October 3, 2019, YHI conducted a second review of the consumers' request, per standard operating procedure.
14. On October 14, 2019, YHI maintained the request as *Upheld*, as no history of prior communication with either the carrier or DHW was demonstrated.
15. On October 14, 2019, the consumers requested an appeal hearing with YHI.

CONCLUSIONS OF LAW

- The Appeal Panel concludes that based on the Appellant's testimony, the Appellant made a credible attempt to contact the carrier in June 2018 to terminate coverage retroactively. Per the consumer attestation, the Appellant was not appropriately referred to YHI to disenroll from coverage.

- The Appeal Panel also concludes that the Appellant was made aware of their active coverage with Select Health in July or early August 2019, when the Appellant received an IRS notice informing the Appellant of an audit. At this time, the Appellant made a second attempt to contact the carrier to terminate their coverage. The Appellant was then referred to YHI to complete the disenrollment process.
- Pursuant to the Code of Federal Regulation (CFR) the Appellants' attempt to terminate coverage failed because the carrier did not refer the consumer to YHI to complete the termination process on the call made in June 2018.
 - 45 C.F.R. § 155.420 (d)(4)
 - 45 C.F.R. § 155.430 (b)(iv)(A)
- The Appellants' request for a retroactive termination is *Overtured* because the panel found that the Appellant made a valid attempt to terminate coverage within 60 days of discovery of each technical error that resulted the continuation of coverage.
- The appeal panel concludes that the Appellants are entitled to a June 30, 2018 termination date for 2018 coverage, and that the 2019 coverage should be retroactively terminated in its' entirety.
- This decision is effective as of 11/14/2019 and is approved as of 11/15/2019 (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. **An appeal request to HHS must be made within thirty (30) days of the date of this Appeal Decision.**

Sincerely yours,

Senator Jim Rice
Appeal Panel Chair
Your Health Idaho

cc: Your Health Idaho