



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 August 27, 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 via conference call, 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 open a retroactive Special Enrollment Period, effective July 1, 2019.

FINDINGS OF FACT

1. The consumer moved to Idaho on February 7, 2019; at such time, this move constituted a qualifying life event ("QLE"), which would have allowed the consumer to enroll in coverage on or off Exchange through a Special Enrollment Period ("SEP").
2. The consumer had sixty (60) days to enroll in coverage after this event.
3. On June 12, 2019, the consumer contacted the Idaho Department of Health and Welfare ("DHW") to complete an application for 2019 tax credit eligibility.

4. On June 16, 2019, the consumer created an account at Your Health Idaho (“YHI”) and was notified via email that the SEP was closed, as the event was reported outside of the 60-day window to enroll.
5. On June 17, 2019, the consumer appealed to YHI to request a retroactive SEP, effective July 1, 2019, based on the QLE (move into the country) on February 7, 2019.
6. On June 18, 2019, YHI determined the request to be *Upheld*, as the consumer reported the QLE more than 60 days from the event date.
7. On June 27, 2019, the consumer requested an appeal hearing with YHI.
8. On July 3, 2019, YHI conducted a second review of the consumer’s request for a SEP, including a request for additional information regarding a reported change of income on June 19, 2019. This was done as standard operating procedure to review other potential QLEs that could open a SEP for the consumer.
9. On July 3, 2019, the consumer requested an expedited decision due to medical urgency.
10. On July 12, 2019, YHI determined the request to be maintained as *Upheld*, as the consumer did not have a valid QLE reported. The *move to country* QLE was reported more than 60 days after the event and the *change in financial eligibility in a non-Medicaid expansion state* demonstrated that the consumer’s income decreased, as opposed to increased, which is not a valid QLE.
11. On July 15, 2019, the consumer requested an appeal hearing with YHI.

CONCLUSIONS OF LAW

- The Appeal Panel concludes the consumer’s QLE of Move into Idaho on February 7, 2019, was reported on June 12, 2019, more than 60 days after the event.
- The Code of Federal Regulation (CFR) states that if a consumer’s increase of income demonstrates the consumer coming out of the Medicaid gap in a non-expansion state, they are eligible for an SEP.
 - 45 C.F.R. § 155.420 (d) (6)(iv)
 - 45 C.F.R. § 155.420 (d) (6) (v) (C)
- The Appeal Panel concludes that the consumer’s decrease in income does not constitute a QLE, which would open an SEP.
- The consumer’s request for a retroactive SEP is denied because the Appeal Panel did not find a valid QLE in the last 60 days.
- This decision is effective as of 8/27/2019 and is approved as of 8/28/2019 (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