

Healthy NY Program



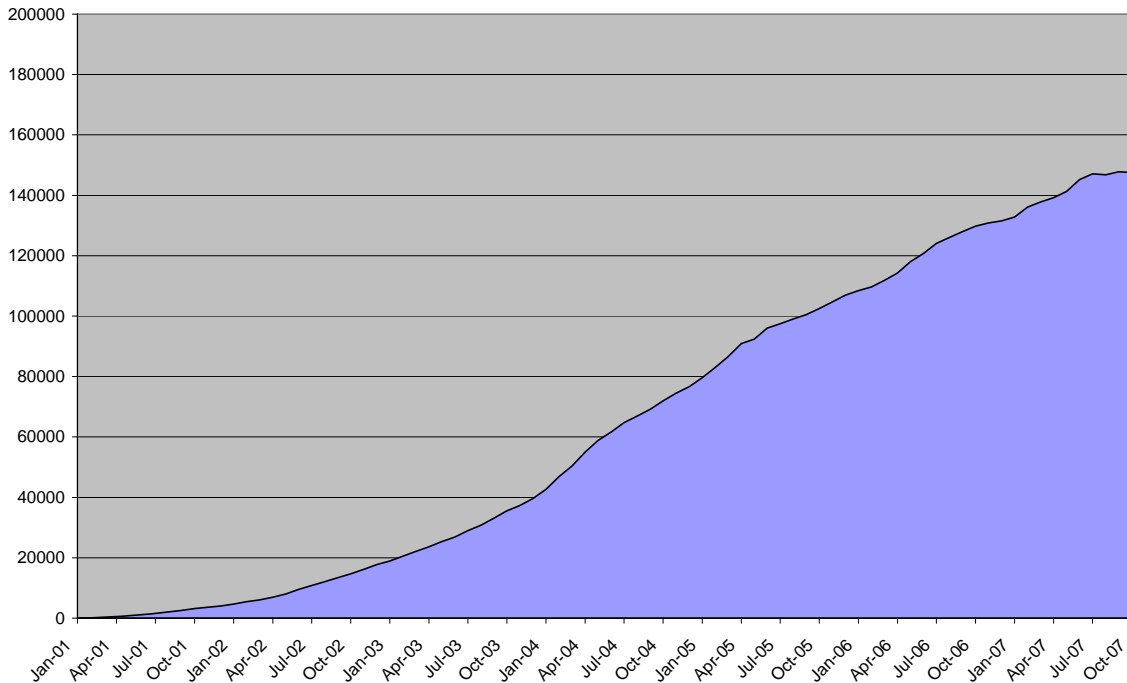
“Health Insurance for the Uninsured”

Healthy NY Toll Free Phone No: 1-866-HEALTHY NY (1-866-432-5849)

Healthy NY Program Guidance

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Overall Active Enrollment



1. The Annual Recertification Process

a. Recertification for Individuals and Sole Proprietors

Please remember that the requirements at the time of application are different from those at the time of recertification. When individuals or sole proprietors recertify as to their continued eligibility in the program, they must attest that they 1) meet the household income guidelines, 2) are not eligible for Medicare, and 3) are New York state residents. They do not have to attach documentation, and they are not required to have worked within the last 12 months in order to continue in the program. For members recertifying now to continue their coverage in 2008, health plans should use 2007 income levels for individuals and sole proprietors until the Department releases the 2008 levels.

b. Recertification Time Frames

11 NYCRR 362-2.5 states that health plans must send recertification forms to members at least 90 days prior to the annual renewal date and provide any necessary recertification forms. Within two weeks of receipt of the recertification, health plans must determine whether the small employer, individual or sole proprietor meets the requirements of the program. They must give at least 45 days written notice of non-renewal to the contract holder and any covered employees and must explain the basis for non-renewal and conversion rights.

c. Handling Incomplete Recertification Forms

If a member or employer returns an incomplete recertification form, the health plan should contact the member or employer for the missing information.

d. Reapplying after Termination

If a health plan terminates a member or small employer for failure to recertify timely, the member or small employer may immediately reapply to Healthy NY. There is no waiting period that a terminated Healthy NY member must meet until reapplying to the program. The Department encourages health plans to work with their members to ensure a successful recertification process.

2. Healthy NY Broker Commissions

The Department has recently received multiple complaints indicating that several health plans offering broker and general agent commissions for Healthy NY are not offering them consistently for sales to small employers and sole proprietors. Please note that **health plans offering commissions in the small group market must offer commissions for Healthy NY contracts sold to small employers and sole proprietors.** 11 NYCRR 360.11(k) requires all commissions in the small group market to be “uniformly applied to all size cases,” and sole proprietors are issued a small group contract. Please ensure that your health plan is complying with section 360.11(k), and please contact the Department should you have any questions.

3. Pregnancy as a Pre-Existing Condition

We frequently receive questions from health plans and consumers about pregnancy. A pregnancy diagnosed within the six months immediately preceding application is a pre-existing condition for up to 10 months in *individual* contracts. Pregnancy cannot be considered a pre-existing condition in group contracts. In Healthy NY, group contracts are issued to sole proprietors as well as small employers.

4. Final Adoption of the Third Amendment to Regulation 171

The Third Amendment to Regulation 171, which establishes the high deductible health plan (HDHP) and adds prostate screening and limited post-surgical or post-hospital home health care and physical therapy benefits, is now final. It was published in the State Register on November 7, following a public comment period. No comments were received during the comment period.

5. More Healthy NY Web Site Changes

The Healthy NY Web site is soon to have a major addition: online eligibility screening tools! The Department will release the online screening tools within the next few weeks. The screening tools will allow users to assess their eligibility for the Healthy NY program before submitting an application. We will update you when this happens.

Earlier this year, we posted new Healthy NY applications on the Healthy NY Web site. These new applications allow an applicant to complete the application form online. An applicant

can also save a copy of the application. Applicants will then print the application and mail it to the health plan they choose.

6. Obtaining Publications

New and completely revised Healthy NY tri-fold brochures and applications are available. These have updated income levels and also include information about the HDHP.

The Department will also be releasing entirely new publications within the next few weeks: guidebooks combined with applications in one booklet. There will now be two versions of the guidebook/application booklets: one for small employers, and one for individuals and sole proprietors. We will notify you as soon as they are available.

All publications are free and available in large quantities. Please call (518) 473-7594 to order publications.

7. 2008 Income Levels

We will notify the health plans as soon as we receive the 2008 income levels for individuals and sole proprietors, which will change for January 2008. Health plans should continue to use 2007 income levels until the Department releases the new ones.

Each July, the wage levels for small employers are updated as well.

8. Recently Asked Questions

Q: *Can you please explain how the high deductible health plan (HDHP) works with the prescription drug deductible?*

A: If a person elects the HDHP and drug coverage, then the prescription drug deductible is eliminated. Before meeting the HDHP deductible, the member must pay for prescription costs out-of-pocket. Once the member meets the HDHP deductible, he can access covered prescription medications for a co-payment. Only costs toward *covered* medications counts towards the deductible. In other words, costs for mental health drugs (not covered under Healthy NY) would not count towards the deductible.

If a person elects the HDHP without drug coverage, then money spent towards medication does not count towards the deductible. This is because drugs would not be a covered benefit, and only out-of-pocket costs for covered benefits count towards the deductible.

Q: *Can a sole proprietor have employees?*

A: No. The Healthy NY legislation defines a sole proprietor as someone who is the only owner and employee of a business. Those with employees may apply as small employers.

Q: *Is it acceptable for a small employer with Healthy NY coverage that is located in New York to have some employees who reside in other states?*

A: Yes. When considering small employer eligibility, the business must be located in New York State. As long as the business is located in New York State, the employees can live in other states. However, the employees would have to stay in the health plan's network.

Q: *A member was terminated for failure to timely pay premiums and then reapplied. Can a health plan deny coverage?*

A: If the applicant is eligible for Healthy NY at the time of application, then the plan cannot deny coverage due to a prior failure to timely pay premiums. However, there would be no coverage for any months for which premiums are unpaid.

As always, thank you for your feedback, questions, and suggestions. Please do not hesitate to contact the Health Bureau at (518) 486-7815 with any questions or concerns.