



# Washington Health Benefit Exchange

*First Friday Forum*

Appeals Refresher  
March 2, 2018

# *Appeals*

Customer Disputes How WAHBE Applied the Regulations

# What can be appealed?



- ✓ Eligibility to enroll using WA Healthplanfinder
- ✓ Eligibility for and/or amount of advanced premium tax credits
- ✓ Eligibility for a Special Enrollment Period
- ✓ Employers may appeal an employee's tax credit eligibility when the employer offered employer sponsored insurance (ESI) that meets the requirements of the ACA.
  - ✓ IRS is threatening to and has authority to penalize **employers** when employee didn't answer ESI questions on WA Healthplanfinder correctly!



# Presiding Officers May Not Rule

- Enrollment Start Date or End Date

*aka Zendesk ticket requests for retroactive enrollment or termination*

- 1095 Correction

- *Usually grace period issue*

- WA Apple Health Termination

- Carrier Decision

- Denial of Special Enrollment Period

- Billing or Payment Issue



# Legal Stuff about Appeals

- Burden of proof is upon the appellant to show that WA Health Benefit Exchange (WAHBE) did not apply the federal regulations appropriately
- Appeals filed by 3<sup>rd</sup> party: Appellant must designate legal representative in writing and submit it with the appeal. A legal representative is not the same as the authorized representative.
- Invalid Appeals
  - Filed for a matter for which the Presiding Officers have not authority to rule;
  - Filed for eligibility decisions more than 90 days old
  - Filed with WAHBE for a dispute regarding a Carrier or HCA decision



# Informal Resolution is Best

- Appeals are an expensive way to resolve a customer's complaint or get an explanation.
- Use the appeals process when appropriate.
- Appeals are time-consuming for all parties.
  - *After a customer files an appeal, WAHBE must complete each step outlined in the federal regulations. No shortcuts allowed – even if the appellant changes their mind about wanting a hearing.*
- Use resources you have to find the answers and explanations your client needs. When you believe WAHBE has violated a federal regulation, encourage your client to file an appeal.
- Appeal Request Forms: <https://www.wahbexchange.org/new-customers/appeals/>





# Got a Tough Question about CEV or Appeals?

- ✓ Use available resources: “in-house” experts, co-workers, newsletters, and training materials.
- ✓ Clients can always contact Customer Support have lots of answers – and if they don’t know the answer they will create a Zendesk ticket.

Still confused? Feel free to contact us at:

WA Health Benefit Exchange (WAHBE)  
Appeals & Conditional Eligibility Verifications  
Legal Services Division  
1-855-859-2512  
[appeals@wahbexchange.org](mailto:appeals@wahbexchange.org)  
[review@wahbexchange.org](mailto:review@wahbexchange.org)

*Legal Services only has 1 person to answer all phone calls and emails and upload documents sent to us. Be nice to LuAnn.*







washington  
**healthplanfinder**

powered by the **Washington Health Benefit Exchange**