



**“Health Insurance for the Uninsured”**  
**Healthy NY Toll Free: 1-866-HEALTHY NY (1-866-432-5849)**

## **Healthy NY Program Guidance**

- 1. Employer Eligibility for Healthy NY coverage issued or renewed on or after January 1, 2016.**
- 2. New Healthy NY Recertification Form.**
- 3. Loss of Eligibility for Healthy NY Coverage**

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- 1. Employer Eligibility for Healthy NY coverage issued or renewed on or after January 1, 2016**

Due to changes necessitated by the Patient Protection and Affordable Care Act (ACA), New York will adopt the federal counting methodology for determining an employer’s group size. The new counting methodology is referred to as the “Full-Time Equivalent” (FTE) methodology and is the same method used to determine whether an employer is subject to the “Shared Responsibility for Employers” penalty (i.e. “employer mandate”) under the ACA and Internal Revenue Code (26 U.S.C. 4980H(c)(2)).

The adoption of the FTE counting methodology may result in some employers currently enrolled in Healthy NY no longer being eligible for Healthy NY coverage on renewal. Previously, employers were able to offer Healthy NY coverage to certain “classes of employees” based on conditions pertaining to employment such as geographic location, work duties, compensation methods (hourly v. salary), etc... so long as the class did not have more than 50 employees. For coverage issued or renewed on or after January 1, 2016, group size will no longer be determined based on the number of employees in a “class.” Instead, group size will be

determined using the FTE counting methodology which counts all the employees of the employer. This change in counting methodology will result in some employers who were offering Healthy NY to a “class of employees” of less than 50 employees to no longer be eligible for Healthy NY because the employers have more than 50 total employees when the FTE counting methodology is applied.

It is important to note that while the definition of “small employer” is increasing from an employer with 50 or fewer employees to an employer with 50 to 100 employees as of January 1, 2016, only employers with 50 or fewer employees will be eligible for Healthy NY.

For more information on the FTE counting methodology and its applicability to employers, please see the Department FAQ numbers 12 through 22 available at [http://www.dfs.ny.gov/insurance/health/faqs\\_sm\\_grp\\_expansion\\_1to100.htm](http://www.dfs.ny.gov/insurance/health/faqs_sm_grp_expansion_1to100.htm).

## **2. Healthy NY Recertification Form**

The Department has revised the model Healthy NY annual recertification form to address the application of the new employer size requirements. It is attached for your use.

## **3. Loss of Eligibility for Healthy NY Coverage**

In instances where an employer currently enrolled in Healthy NY is no longer eligible for Healthy NY because they have more than 50 FTE employees, or are otherwise no longer eligible for Healthy NY, the employer should be notified and provided with information on other coverage options.

An employer that is no longer eligible for Healthy NY coverage can keep its coverage until the end of the contract or policy period (contract year).

Thank you for your continued support and cooperation.