

bills were ever submitted prior to the hearing. The petitioner could not remember when they were submitted but believes it was some time after June of 1989. She admitted on cross-examination that she probably did not submit the bills for the mammograms to her worker. Because the petitioner was vague and inconsistent in her testimony regarding these bills, it is found that the petitioner did not submit the bills until the day of her hearing October 26, 1989.

4. On or about July 11, 1989, the petitioner submitted to the department a request for diagnostic laboratory and X-ray tests which had been strongly recommended by her physician. The total reported cost of these tests is over \$500.00.

5. On July 11, 1989, the petitioner was given a written notice denying her request for medical care based on the fact that she did not prove that she has an "emergency need".

ORDER

The Department's decision is affirmed.

REASONS

The regulations for the General Assistance program provide:

General Assistance shall be granted to eligible individuals and families to meet emergency needs only, according to Department standards, when such need cannot be met under any other Department program.
W.A.M. § 2600A.

The regulations state further that:

Except as specifically provided in 2602 (catastrophic situations) General Assistance shall be granted to those applicants who have minor dependents [or who have no minor dependents and the provisions of W.A.M. § 2600B are met] included in their application only if they:

. . .

4. Have an emergency need.

W.A.M. § 2600C.(4).

The regulations governing "Catastrophic Situations" further provide:

Any applicant who has exhausted all available income and resources and who has an emergency need caused by one of the following catastrophic situations may have that need which is indeed caused by the catastrophe met within General Assistance standards disregarding other eligibility criteria. Subsequent applications must be evaluated in relation to the individual applicant's potential for having resolved the need within the time which has elapsed since the catastrophe to determine whether the need is now caused by the catastrophe or is a result of failure on the part of the applicant to explore potential resolution of the problem:

. . .

d. An emergency medical need. Actions which may be evaluated as emergency in nature include but are not limited to, the following:

1. Repair of accidental injury;
2. Diagnosis and relief of acute pain;
3. Institution of treatment of acute infection;
4. Protection of public health; or
5. Amelioration of illness, which if not immediately diagnosed and treated could lead to disability or death.

W.A.M. § 2602.

It cannot be concluded as a matter of law that the five bills brought in by the petitioner fall under the rubric

"emergency medical need" in either the regular or catastrophic General Assistance programs. The petitioner presented no evidence that her ability to obtain essential medical care or services was in any way compromised by her failure to pay these bills which were incurred some seven to ten months before she submitted them. (The petitioner had in fact already paid for her prescription.) The general assistance program does not provide medical insurance or reimbursement for bills which cannot be paid by the applicant. Only if the petitioner could show that non-payment of the bills would result in an emergency medical need, could they be considered for payment. She has made no such showing.

With reference to the lab and X-ray exams, it cannot be found that at the time she submitted the request in July that the petitioner presented any evidence that the tests were needed for the diagnosis and relief of acute pain. The evidence presented at hearing now makes it clear that those tests are essential to diagnosing and relieving acute pain.

However, as the Board has adopted recommendation #9394 reversing the petitioner's Medicaid denial, she has had her need met by another Department program and, as such, she will not be eligible to have this need met through the General Assistance program (see W.A.M. 9 2600, above). Therefore, the Department's decision is upheld.

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