STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 11,314
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her Medicaid benefits until such time as the petitioner and her husband meet a "spend-down amount". The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. Prior to July 1, 1992, the petitioner, her husband, and her two children received Medicaid benefits as a household of four members. As of July 1, 1992, the petitioner's household was reduced to three members, the petitioner, her husband, and the petitioner's thirteen-year-old daughter. However, effective July 1, 1992, the Department's Medicaid regulations were substantially amended, including the method by which financial eligibility is determined.

The Department appears to have correctly calculated the spend-down amounts of the petitioner and her family. (The petitioner does not dispute that the Department is using the correct income figures.) The hearing officer and the Board appreciate the Department's succinct explanation of the new regulations--which, though complicated, appear to have substantially liberalized the manner in which families can

"apply" income toward their spend-down amounts. Although the reduction in household size subjected the remaining members of the petitioner's family to a spend-down, it appears that the amount of their spend-down is substantially less than it would have been under the old regulations.

ORDER

The Department's decision is affirmed.

REASONS

Inasmuch as the Department's decision in this matter is in accord with both the facts of the petitioner's case and the pertinent regulations (see Medicaid Manual ∋ M 330) the board is bound to affirm. 3 V.S.A. ∋ 3091(d), Fair Hearing Rule No. 19.

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