

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,877

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding him ineligible for Medicaid until he incurs \$510.00 in medical expenses for the six-month period beginning June 1, 1994. The issue is whether the Department has accurately calculated the petitioner's income and applied the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. When the petitioner was last certified eligible for medicaid--for the six-month period December 1, 1993 through May 30, 1994--his "applied income" (or "spenddown") was \$34.00. In January, 1994, the petitioner received an increase in his Social Security, which is his only income. In February, the Department's regulations were changed lowering the "protected income level" of all medicaid recipients. When the petitioner was next certified for medicaid (for six months beginning June

1, 1994) these changes combined to raise his applied income to \$510.00 for the period.⁽¹⁾

At the fair hearing in this matter, held on June 29, 1994, the Department carefully explained the above provisions to the petitioner and provided him with copies of the pertinent regulations. The petitioner took no issue either with the Department's calculation of his income or with its application of the regulations.

It was also explained to the petitioner at that time that only medical bills incurred between June 1 and November 30, 1994, could be used to meet the petitioner's applied income for that period. The petitioner was advised to make the Department aware of the bills he incurs and was also advised that he need not pay these bills--he only need incur them.

ORDER

The Department's decision is affirmed.

REASONS

The petitioner does not dispute that the Department accurately computed his applied income based on his income and the allowable "protected income levels" under the regulations. Medicaid Manual (MM) § M402. Nor does the petitioner dispute that the regulations require that only medicaid bills incurred during the current six-month period of eligibility can be counted toward his "applied income". MM § M430.

Inasmuch as the Department's decision is in accord with the facts and the pertinent regulations, the board is bound to law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. Based on medical bills the petitioner has already incurred since June 1, 1994, his remaining applied income is down to \$220.00.