

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,375

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for medicaid until she and her husband each meet "spenddown" amounts of \$2,850.00. The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and her husband have a total income of \$2,291.00 a month. Determining their income on a pro rata basis,⁽¹⁾ with all the applicable deductions and exclusions, the petitioner and her husband are each \$2,850.00 over income for the requisite six-month computation period.

ORDER

The Department's decision is affirmed.

REASONS

When an individual's income is in excess of the "protected income level" (PIL) set by the regulations⁽²⁾ that individual is not eligible for medicaid until he or she incurs medical expenses over a six-month period that exceed the amount of the "spenddown"--which is computed by subtracting the PIL from net monthly income and multiplying by six. See Medicaid Manual §§ 420-429.⁽³⁾

In this case there is no question that the Department correctly calculated the petitioner's income and

applied the pertinent regulations. Thus, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. The Department demonstrated that this was by far the most advantageous method to the petitioners.
2. See procedures Manual § P-2420B.
3. At the hearing, the hearing officer explained to the petitioner how she should report to the Department medical expenses that can be used to meet her and her husband's spenddown.