

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,446

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Appeal of )

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her medicaid benefits until she and/or her husband incur \$2,106.00 in medical expenses in the six month period beginning February 18, 1995. The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The petitioner does not dispute the Department's determination that she and her husband have a combined income from Social Security benefits of \$1,108.10 a month, or that the Department followed the regulations in applying all applicable deductions and disregards from their income and in determining that for the six month period commencing February 18, 1995, the petitioner had a "spenddown" amount of \$2,106.00 that she and her husband would have to incur in medical bills before she became eligible for medicaid. The petitioner's husband indicated, however, that he wished to present a "lecture on the immoral practices of the government", which he agreed to file in written form. In the statement the petitioner's husband later filed he railed against various injustices he perceives have been visited upon him by government agencies and mental health services providers.

ORDER

The Department's decision is affirmed.

REASONS

The regulations provide for medicaid eligibility for persons who have excess income in the following circumstances:

A person who passes all eligibility tests, except that his or her Medicaid group's monthly income is more

than any of the income tests for which he/she may be eligible (see P-2420 B<sup>(1)</sup>) may qualify for Medicaid coverage. To do so, he or she must show that his or her Medicaid group has paid or incurred medical expenses . . . at least equal to the difference between its countable income and its Protected Income Level. This difference is called the "spend-down" requirement. Note that a person who does not pass any of the other applicable income tests must spend down to the

Protected Income level and is not permitted to spend down to any of the higher income tests.

Medicaid Manual § M402.

In this case there is no dispute that the Department correctly calculated the petitioner's income and deductions and correctly applied the above regulation to the petitioner's situation. Therefore, 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 "Protected Income Level" for a two-person family is \$691.00 a month.