

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,836

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for general assistance (GA) for reimbursement for a prescription medication the petitioner purchased. The issue is whether the petitioner had an emergency need within the meaning of the pertinent regulations

FINDINGS OF FACT

The facts are not in dispute. The petitioner is a single man who is currently employed, but is behind on several of his bills.

On July 28, 1995 (a Friday) the petitioner underwent some outpatient surgery and was given a prescription to be filled that afternoon. The petitioner went to a pharmacy and was told the prescription would cost \$130. A short time earlier, the petitioner had written out a check to his landlord for the next month's rent. Although this did not leave enough money in the petitioner's checking account to cover the cost of the prescription, the petitioner wrote a check to the pharmacy and obtained the prescription.

The petitioner then called his landlord to explain his predicament, and the landlord agreed not to cash the petitioner's rent check.

On July 31, 1995 (the following Monday) the petitioner went to the Department to apply for GA to "reimburse" him for the cost of the prescription. The Department denied the petitioner's application because of its decision that the petitioner was not faced with an emergency need.

As of the date of the hearing, September 6, 1995, petitioner stated that he was still two weeks behind in his rent. He did not allege, however, that he is facing either an imminent threat of the loss of his present housing or an emergency medical need.

ORDER

The Department's decision is affirmed.

REASONS

Welfare Assistance Manual (W.A.M.) §§ 2620 and 2625 provide that to be eligible for GA payment of pharmacy services the applicant must be facing a "catastrophic situation" defined by W.A.M. § 2602⁽¹⁾ as follows:

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.

In this case, the petitioner had already purchased the prescription before he applied for GA. Although it is possible that he would have been found eligible for GA if he had applied for it before purchasing the prescription, the above regulations clearly require that an applicant be facing an actual emergency at the time of application. It is not the intent of the GA regulations to, in effect, "reimburse" individuals who (albeit, to their credit) have already resolved an emergency on their own--even if they have incurred a debt in doing so. See W.A.M. § 2600A. Inasmuch as the Department's decision is in accord with the regulations it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

1. This provision was amended effective September 1, 1995. However, if anything, the new provision is even stricter. It includes a provision that all alternative means of resolving an emergency, including "credit", must be explored before one qualifies as having a "catastrophic situation".