

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,226 &

) 14,410

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare not to reimburse him through Medicaid for out-of-pocket medical transportation costs the petitioner incurred from October, 1994 through August, 1996. The issue is whether these costs would have affected the petitioner's eligibility for Medicaid during the periods in question.<sup>(1)</sup>

FINDINGS OF FACT

The petitioner has been a recipient of Medicaid since October, 1994. Since that time, his eligibility has been determined on a continuing six-month basis based on the petitioner's income and medical expenses. In some of the six-month periods (including the most recent, which ran from March through August, 1996) the petitioner was determined to have had income in excess of the program maximum; and, as a result, he was subject to an "applied income", or "spenddown", which could be met by the petitioner incurring medical expenses within each six-month period.

Throughout the periods in question, the petitioner was apparently unaware that transportation expenses that he incurred getting to and from medical appointments could be counted toward his spenddown. In July, 1996, pursuant to this fair hearing, the Department agreed to review the petitioner's claimed medical transportation expenses going back to October, 1994, and to determine whether it would reimburse the petitioner from Medicaid for any of those expenses.

In a letter to the petitioner dated September 5, 1996, the Department informed the petitioner and the hearing officer that its review of the petitioner's case records indicated that even if the petitioner had made a timely claim of his alleged transportation expenses, his medicaid eligibility would not have been affected in any of the six-month periods in question.

Beginning with the period October, 1994 through March, 1995, the Department's records indicate that the petitioner was eligible for Medicaid without any spenddown because any income he had at that time was below the program maximum. Thus, any non-Medicaid-covered medical costs (including transportation) that the petitioner incurred during this period would not have affected his eligibility. The petitioner, in fact, received the maximum medicaid benefits he could have during this period.

For the period March through August, 1995, the Department's records show that the petitioner was assessed a spenddown of \$636.00 and submitted only \$522.00 in medical expenses for that period--resulting in no Medicaid eligibility during this period. The petitioner now claims that he also incurred medical transportation expenses of \$88.00 for this period. But, even if this amount is added to the petitioner's prior claimed expenses, the total (\$610.00) does not meet his spenddown amount for that period. Thus, the petitioner would not have been eligible for Medicaid during this time even if he had submitted his transportation expenses in a timely manner.

For the period September, 1995 through February, 1996, the Department's records again indicate that the petitioner was eligible for Medicaid without a spenddown for the entire period. Thus, again, no loss of benefits occurred due to the petitioner not claiming his medical transportation expenses during this period.

As for the period March through August, 1996, although the Department assessed a spenddown, the petitioner's Medicaid continued uninterrupted through this period because his original request for fair hearing was filed in time to receive continuing benefits. As a policy, the Department does not recoup Medicaid benefits paid pending a fair hearing. Thus, again, no loss of benefits resulted from the Department not considering the petitioner's medical transportation expenses during this period.

Although the petitioner remains unsatisfied with the Department's alleged failure to previously inform him that medical transportation expenses could be applied to meeting his spenddown, the petitioner does not dispute that the Department's records show that even if he had claimed all of these expenses in a timely manner his Medicaid would not have been affected. Thus, the petitioner has failed to demonstrate that he received any less benefits than he would have had he been informed of the applicability of medical transportation expenses toward his Medicaid spenddown.

#### ORDER

The Department's decision is affirmed.

#### REASONS

Inasmuch as the Department's records show that the petitioner received all the Medicaid benefits he would have even if his medical transportation expenses had received timely consideration, there is no basis to award the petitioner any additional benefits or reimbursement at this time.

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1. The petitioner had initially appealed a Department decision regarding his Food Stamps and another issue related to his Medicaid (F.H. No. 14,226). While that appeal was pending, the petitioner filed an additional request for hearing regarding reimbursement from Medicaid of medical transportation expenses (F.H. No. 14,410). The hearings were consolidated. Subsequently, the other Medicaid issue and the issue regarding the petitioner's Food Stamps were resolved to the petitioner's satisfaction; and the petitioner advised the hearing officer that he no longer wished to pursue these claims, leaving only the issue of Medicaid reimbursement to be decided at this time.