

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,624

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Appeal of)

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INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare terminating her Medicaid benefits and establishing a spend-down amount of \$558 for six months.

FINDINGS OF FACT

1. The petitioner is a sixty-one-year-old disabled woman who receives \$462 per month in Social Security Disability payments and \$334 in a widow's pension for a total of \$796 per month.
2. The Department calculated the petitioner's eligibility for Medicaid by deducting \$20 from the petitioner's total income representing an SSI/AABD related allowance and comparing the remainder, \$776 per month, to the protected income level (PIL) for one person of \$683 per month. As she was over that amount, the Department subtracted the PIL from her income and used the difference to establish a monthly spend-down amount of \$93 per month which it then multiplied by the six month accounting period to obtain a final spend-down figure of \$558 per month.
3. The petitioner was notified on October 18, 1996 that her benefits would cease as of October 28, 1996 and was notified of the final spend-down amount by a corrective notice mailed November 5, 1996.
4. The petitioner disagrees with the Department's determination because she has medical expenses of over \$300 per month which she cannot pay out of her income. Her other ordinary living expenses--rent, utilities, food and clothing--consume most of her monthly income. She has a home health care worker every day. She has no car and cannot afford to go anywhere nor can she buy new clothes.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Department's regulations, the protected income level for a household of one is \$683 per month. P-2420B. As the petitioner's income is above that amount, she may qualify for Medicaid only if she can "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". M402. A six month accounting period is used to determine the amount of incurred medical expense required. P2424A(1). The difference between the petitioner's countable income of \$776 per month and the protected income level of \$683 is \$93 per month. When multiplied by the six month accounting period, a spend-down figure of \$558 is reached. There is nothing in the regulations which would entitle the petitioner to any further deductions under the above facts. Regular household expenses are not individually taken into consideration nor are excessive medical expenses although they can certainly be counted towards meeting the spend-down. The petitioner's relatively low spend-down and high expenses mean that she should soon be eligible for Medicaid again if she documents and presents these expenses to the Department. As the spend-down amount calculated by the Department is in accord with its regulations, the Board is bound to uphold the decision. 3 V.S.A. 3031(d), Fair Hearing Rule 17.

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