

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,312
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for Vermont Health Access Program (VHAP) medical benefits. The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

The facts are not in dispute. The petitioner has three children and gross income of \$1780.00 a month.¹ Although she is "categorically" eligible for regular Medicaid, she is overincome for that program until she meets a "spenddown" of about \$700 a month. However, her children are covered under Medicaid. The petitioner takes issue with the fact that her household's living expenses are not considered in determining her eligibility for VHAP.

RECOMMENDATION

The Department's decision is affirmed.

REASONS

¹A substantial part of the petitioner's income is child support payments, which she does not always receive in full and on time. The petitioner was advised she should reapply for VHAP if she can demonstrate that her monthly income has decreased.

Under the VHAP regulations an individual's gross income is considered in determining eligibility, and the only deductions allowed are for self-employment business expenses, a standard employment expense, and dependent care expenses. W.A.M. § 4001.81(c). The petitioner is not self-employed and apparently has no necessary dependent care expenses.

Under the current regulations (see W.A.M. § 4001.84) the maximum allowable gross income for a three person household is \$1667 a month. Procedures Manual § 2420.

Unlike the Medicaid program, there is no provision in VHAP for a determination of "applied income" or a "spenddown", by which the incurring of a predetermined amount of excess medical expenses within a six-month period can trigger eligibility at that point. There is also no provision in the VHAP regulations for the consideration of any household expenses as a deduction from gross income.

Inasmuch as the Department's determination in this case is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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