

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,667
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of PATH denying prior approval for special "progressive" lenses for his eyeglasses.

FINDINGS OF FACT

1. The petitioner is a single, disabled person who receives Medicaid benefits. He has a diagnosis of hyperopic astigmatism caused by diabetes and currently wears bifocal glasses to correct the condition. The bifocal lenses were paid for through the Medicaid program. He gets a new pair every two years due to progressive changes in his eyes.

2. The petitioner takes classes and often works at a computer. When he wears glasses at the computer, he is required to tilt his head back to see. The petitioner believes it would be more comfortable and easier to use a "progressive" or "graduated" lens than a conventional bifocal lens for all of his activities, including computing and driving.

3. The Department considers "progressive" or "graduated" lenses to be "special" lenses which require prior approval. The petitioner submitted a request for prior approval of these lenses but was denied because he did not demonstrate "medical necessity" for their purchase.

4. The petitioner was invited to obtain additional information from his physician that he had a medical need for the "progressive" lenses. He provided a letter from his physician which states that "[petitioner] uses his glasses full-time, for distance, near and mid-distance."

5. In addition, the petitioner contends that at certain stores in the area, "progressive" lenses cost the same as bifocal lenses and that the Department should not be prevented by cost from providing him with the lenses.

6. Based on the above evidence, it cannot be found that the petitioner has met his burden of showing that the "progressive" lenses he seeks are a medical necessity for him.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Medicaid program, a recipient may have a prescription for frames and lenses filled every two years. M 670.3. Contacts and "special" lenses are provided when they are approved before purchase as medically necessary. M670.3, 670.5. A prior authorization request must be filed which will be approved if the evidence shows that the item requested is medically necessary and is the least expensive, appropriate service available to meet the recipient's needs. M 106.3.

There is no question that the petitioner needs corrective lenses to remedy his poor eyesight. Corrective lenses are medically necessary for the petitioner and the Department will pay for bifocal lenses without prior approval. There was no evidence offered that the bifocal lenses do not adequately correct the petitioner's eyesight. The petitioner provided no evidence that his condition needed "progressive" lenses in order to be corrected. The reason he wants the special lenses is because he believes they will be easier to use and more comfortable for him. While ease and comfort are certainly desirable qualities, they go beyond the basic "necessity" required by the statute. Notwithstanding the petitioner's assertion that he can buy "progressive" lenses at a low price through a discount store, the Department's assertion that

bifocals are the least expensive, appropriate alternative under the Medicaid program must be given deference based upon the Department's own knowledge of its operating costs.

It must be concluded that the "progressive" lenses are not "medically necessary" and that the Department was justified under its own regulations in refusing to grant prior approval for their purchase. As the Department's decision is consistent with its regulations, the Board is bound to affirm the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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