

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,461
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding that she is ineligible for the VHAP program based on the fact that she had insurance within twelve months of her date of application.

FINDINGS OF FACT

1. The petitioner was a full-time student at a junior college until her graduation in May of 2001. She paid for health insurance coverage offered to her by that college. Her insurance from the junior college ended on August 26, 2001. In the fall, the petitioner continued her education as a student at a college that does not offer health insurance to its students.

2. On November 5, 2001, the petitioner applied for VHAP benefits because she had no insurance. She was denied because she had been covered by a health insurance program at the junior college within twelve months of her application. The

Department does not dispute that she is financially eligible for VHAP.

3. The petitioner appealed because she felt the elimination policy was unjust because she had no control over the loss of her health insurance program since it was only available to students enrolled at the college. It is found that the petitioner's loss of her school-sponsored health insurance was entirely involuntary on her part.

ORDER

The decision of the Department is reversed.

REASONS

PATH's rule excluding persons from VHAP coverage who had health insurance during the prior twelve months and who involuntarily lost such coverage was found to violate the Health and Human Services approved Medicaid waiver application which established the VHAP program by a unanimous decision of the Board dated December 20, 2001. See Fair Hearing No. 16,748. The reasoning in that decision, which is attached hereto and adopted by reference herein, applies equally to the facts of this case because the petitioner involuntarily lost her health coverage. The petitioner should not have been required to

face a waiting period for health care benefits when she applied on November 5, 2001 and the decision of the Department must, therefore, be reversed.

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