

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,877
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) suspending his coverage for vision services under Medicaid from July 29, 2002 through June 30, 2003. The issue is whether the suspension of vision services is in accord with pertinent law and regulations.

FINDINGS OF FACT

1. On July 18, 2002 the Department sent form notices to all Medicaid and VHAP recipients that due to budget constraints mandated by state law effective July 29, 2002 there would no longer be coverage for eyeglasses, contacts, special lenses, repairs, or routine eye exams.

2. In a rambling denunciation of the above policy, but without citing any specific statutory provision or case law, the petitioner, at his hearing on August 1, 2002, maintained that the above law and regulations are a "nullity."

ORDER

The decision of the Department is affirmed.

REASONS

As part of its comprehensive Fiscal Year 2003 Appropriations Act (H. 766) passed in the last session, the Vermont legislature required the Department to suspend all vision services under Medicaid and VHAP for one year, effective July 1, 2002.¹ The Department has adopted the above suspension of vision care in its regulations at W.A.M. § M670.3.

As the Department's action is clearly in accord with its regulation, and with federal and state law, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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¹ Under Federal Medicaid law states have the "option" of providing vision services. See 42 U.S.C. § 1396d(a)(12).