

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,945
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her Medicaid benefits but finding her eligible for Vermont Health Access Plan (VHAP). The issue is whether the petitioner's income is in excess of the Medicaid maximum.

FINDINGS OF FACT

1. The petitioner lives with her daughter, who receives Dr. Dynasaur benefits. The petitioner was receiving Medicaid but her eligibility was reviewed in July 2002.

2. The Department calculated the petitioner's eligibility for Medicaid and VHAP based on her income, which the petitioner does not dispute is \$1,154.95 a month. Her income was subjected to a \$90.00 per month disregard for a countable total of \$1,064.95. The petitioner was sent notices dated July 30 and August 22, 2002 that her Medicaid benefits would end at the end of August because her income was in excess of the maximum of \$816 for a household of two.

3. The petitioner does not dispute any of the figures used by the Department. Although she was found eligible for VHAP, as of October 1, 2002 this program has a 50 percent copayment requirement for prescription medications. See W.A.M. § 4001.92. Unfortunately, this is a considerable hardship in that the petitioner has high pharmaceutical expenses.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Medicaid regulations, all earned and unearned income is included as countable income for eligibility. W.A.M. § M350. The only deduction for which the petitioner is eligible is a standard employment expenses deduction of \$90.00 per month. W.A.M. § M352.3. Although she is eligible for VHAP, there are no deductions under that program for present or anticipated medical expenses.

The Department is correct that the petitioner now has countable income of \$1,064.95 per month. The maximum for eligibility under the Medicaid program for a two-person household is \$816 per month. P-2420 B. If the petitioner has

income above that figure, she cannot be found eligible for Medicaid. W.A.M. § M300. As the Department's decision is in accord with its regulation, the Board is bound to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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