

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,075  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying him reimbursement for care he provided to his father who is currently a Medicaid long-term care recipient.

FINDINGS OF FACT

1. The petitioner is the son of an elderly man for whom he has cared since 1996. In order to care for him, the petitioner had to rent a larger home. He estimates that he spent approximately \$63,600 caring for his father prior to his application for Medicaid, including paying taxes for him.

2. The petitioner applied for Medicaid on June 3, 2002 to pay for his care in a long-term care facility. The petitioner was found eligible on August 20, 2002 for Medicaid retroactive to June 1, 2002. The petitioner does not dispute the accuracy of that determination.

3. The petitioner did not apply for Medicaid prior to June of 2002 because his father had a \$100,000 annuity. Indeed, the petitioner admits that he sought no assistance

from PATH for the six years prior to June of 2002 and now considers himself a creditor of his father for all of the expenditures made on his behalf. He asks PATH to reimburse him for his expenses because, in his view, PATH would have been liable for them if his father had applied for assistance. The petitioner is, at present, the legal guardian of his father who is mentally disabled.

4. PATH has declined to reimburse the petitioner saying that it has no obligation to furnish reimbursement for care and services provided by an immediate relative.

ORDER

The decision of PATH is affirmed.

REASONS

In support of its denial, PATH has cited its Medicaid regulation at M152.1 which prohibits payments for "care and services furnished by an immediate relative of the recipient." PATH is correct that the above regulation would prohibit it from paying a relative for care and services while the relative was a Medicaid recipient. Therefore, even if the petitioner's father had been a Medicaid recipient during all of the six years at issue, PATH would not pay the petitioner for care and services provided by him to his father under that program.

The petitioner's father, however, did not even seek the assistance of PATH until June of this year. For all the time prior to this the petitioner was neither a recipient of nor applicant for any kind of services from PATH. PATH has absolutely no obligation to furnish assistance or reimbursement to anyone who has not filed an application for medical assistance. See M102. Furthermore, the Medicaid program's purpose is to help with the cost of medical care through payment to contracted health care providers. See M100. It is not a program which provides past debt relief for persons found eligible for assistance through its medical programs. If the petitioner feels that his father is indebted to him, he should consult his attorney about what methods might be available to collect the debt from his father, not from PATH. As PATH has no legal liability for this past debt, its denial of reimbursement to the petitioner must be upheld.

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