

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,517
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) imposing an increase in Medicaid co-payments effective state wide as of July 1, 2003. The facts are not in dispute.

FINDINGS OF FACT

1. On June 17, 2003 the Department mailed the petitioner and her husband, along with all other recipients of the Department's various health benefit programs, a form notice announcing program-wide increases in quarterly fees and co-payments in many of those programs.

2. The increases are the result of legislative enactments in H. 464, an appropriations bill that became effective July 1, 2003.¹

¹ The increase in quarterly program fees was contained in Sections 147(d)(3) and (f) of the bill. The increase in co-payments was in Section 147(j).

3. The Department implemented these changes in its regulations M102.1 (program fees) and M150.1 (co-payments), both effective July 1, 2003.

4. The petitioner in this matter appealed the increases in her and her husband's hospital (to \$75 per visit) and outpatient (to \$3 per visit) co-payments under the Medicaid program. The petitioner does not dispute that the Department correctly determined the applicable co-payments based on the above regulations.

ORDER

The Department's decision is affirmed.

REASONS

As noted above, there is no dispute in this matter that the Department correctly determined the petitioner's Medicaid co-payments for hospital and outpatient services based on validly enacted regulations in response to a statutory mandate. Thus, the Board is bound by law to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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