

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,770
)
Appeal of)
)

INTRODUCTION

The petitioner and his wife appeal a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) increasing their premium coverage under the Vermont Health Access Program (VHAP).

FINDINGS OF FACT

1. The petitioner and his wife are VHAP recipients. In November 2003 they received a notice that their VHAP premiums would increase on January 1, 2004 to \$45.00 per month each.

2. The petitioner and his wife have countable income of \$1,477 per month. Previously, they paid \$160 per year in VHAP premiums. They maintain that \$90 per month is too much for them to pay for health insurance. Although the petitioner might be able to increase his work hours to offset this increased cost, if he did so he would become ineligible for the program altogether.

ORDER

The decision of PATH is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain the public health care assistance programs, PATH adopted regulations establishing monthly "premiums" to be paid prospectively by VHAP recipients beginning on January 1, 2004. VHAP 4001.91, Bulletin No. 03-17F. The regulations were adopted by an expedited rulemaking process authorized by the legislature at section 152a of the above cited Act. An individual with a household income of the petitioner and his wife are now required to pay \$45.00 per month for VHAP coverage. VHAP 4001.91.

For this family the cost of their annual VHAP health insurance has gone from \$160 to \$1,080 under this new premium schedule. Although this change is drastic, PATH appears to have acted correctly within the directive of the legislature and pursuant to its own regulation in making the change. As such, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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