

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,796  
 )  
Appeal of )  
 )

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) increasing her premiums in the Vermont Health Access Program (VHAP).

FINDINGS OF FACT

1. The petitioner and her minor child are VHAP recipients. Their total monthly gross income from a combination of earned income and child support is \$1,487.80.

2. The petitioner's program fee in the VHAP program was \$40 every six months. The fee was paid for the petitioner by the Cystic Fibrosis Foundation which also paid her co-payments. As a person with cystic fibrosis, the petitioner's medical expenses run from \$3,000 to \$4,000 per month, all of which is covered by VHAP.

3. Recently, the petitioner was notified that on January 1, 2004, a new monthly premium would be charged for VHAP. The petitioner was notified that her income, minus a

\$90 work expense deduction, placed her between 100 and 150 percent of the federal poverty level. For families in that category, the premium would be \$45 per month.

4. The petitioner says that this increase is too much and also that the Cystic Fibrosis Foundation will not pick up these premiums. She says that it is oppressive for her to make that payment but she is loath to drop the insurance both because she has such high monthly medical bills and because she needs intestinal surgery in the near future.

ORDER

The decision of PATH is affirmed.

REASONS

Pursuant to a directive from the legislature to enact cost saving measures in the medical health plans it administers (see Act 66 of 2003), PATH initiated a monthly premium in the VHAP program. VHAP 4001.91. The amount of the premium depends upon the family's countable income. Families with countable income over 100 percent of the federal poverty level but less than 150 percent are required to pay \$45.00 per month. VHAP 4001.91. For a household of two, 100 percent is \$1,010 per month and 150 percent is \$1,515 per month. The petitioner's countable income (\$1,487.80 minus \$90) is

\$1,397.80 per month. That income puts her in the 100 percent to 150 percent range for which the monthly premium is \$45.00 per month. As PATH's decision is in accord with its regulations, the Board is bound to uphold the decision.

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