

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,927
)
Appeal of)
)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his application for Vermont Health Access Program (VHAP). The issue is whether the fact that the petitioner could have purchased health insurance through the college he is attending renders him ineligible for VHAP.

FINDING OF FACTS

1. The facts are not in dispute. The petitioner is under twenty-three years of age and started attending college in Burlington, Vermont three-quarters time in early January 2004.

2. On January 22, 2004 the petitioner applied for VHAP. In a notice dated February 9, 2004 the Department denied the application because the petitioner had health insurance available through his school.

3. At the hearing in this matter, held on March 31, 2004, the petitioner admitted that his college makes a comprehensive health insurance policy available to its

students. However, according to the petitioner, the policy is costly and must be paid in full in advance.

4. The petitioner also alleges that this insurance is no longer available to him because between the time of his application for VHAP and the time he was notified of his denial he missed the college's deadline to apply for it. The petitioner maintains that when he applied for VHAP the Department should have informed him of the provisions that apply to college students. The petitioner does not allege, however, that he made the Department aware (or that he, himself, knew) of the college's deadline for purchasing insurance.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP regulations include a provision that "students under the age of twenty-three enrolled in a program of an institution of higher education are not eligible for coverage if they have elected not to purchase health insurance covering both hospital and physician services offered by their educational institution . . ." W.A.M. § 4001.2. There is no exception in the above regulation for students enrolled in college less than full time. In this case, the petitioner agrees that the health insurance offered by his college was initially available to him and that it covers hospital and

physician services. He argues, however, that he should not be excluded from VHAP because the health coverage offered by the college would be prohibitively expensive for him and because he has now missed the deadline to purchase it.

Unfortunately, the regulations make no reference at all to the cost of any college-sponsored health insurance program. The Board has specifically upheld the provision that college students with access to insurance through their schools are ineligible for VHAP, regardless of its cost. Fair Hearing No. 15,255. As the Board has observed, there are no provisions in the VHAP regulations that can be construed as encouraging college attendance. To the contrary, other programs like Food Stamps place considerably more burdensome eligibility requirements on college students. Similarly, the VHAP regulations assume that college students as a group, compared to other low-income individuals, are less needy in terms of their access to health insurance.

As for the petitioner missing the deadline to enroll in his college's health insurance program, there has been no showing that the Department, at the time of the petitioner's application, knew or should have known that such a deadline even existed, much less was imminent. The Department acted on the petitioner's application within 18 days, well within the 30-day requirement set forth in the regulations. See W.A.M. § 4002.2. Under these circumstances it cannot be concluded that the petitioner must be found eligible for VHAP on this basis.

For all the above reasons the Department's decision must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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