

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,981
)
Appeal of)
)

INTRODUCTION

The petitioner appeals the decisions of the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding him and his wife ineligible for Medicaid, and him, his wife, and their son ineligible for Vermont Health Access Program (VHAP) benefits. The issue is whether the family's income exceeds the program maximums.

FINDINGS OF FACT

1. The petitioner and his wife live with their nineteen-year-old son. Prior to the son turning nineteen, the entire family was categorically eligible for Medicaid based on their son being considered a minor. After the son turned nineteen, he remained categorically eligible for Medicaid as an individual under the age of twenty-one. However, because his income exceeds the program maximum, he has been given a spenddown to meet before he can become income eligible for this program. The petitioner does not dispute any issue regarding his son's eligibility for Medicaid.

2. In January 2004 the Department notified the petitioner that he and his wife were no longer categorically eligible for Medicaid because they no longer had a minor child (under age nineteen) in the household. The petitioner does not dispute this aspect of the Department's decision.¹

3. The petitioner also does not dispute that presently he, his wife, and their son have countable income of \$2,525 a month and that the VHAP maximum for a family of three is \$2,416 a month.

4. The petitioner maintains that the family's income is insufficient to pay their medical expenses without VHAP.²

ORDER

The decisions of the Department is affirmed.

REASONS

As a general matter Medicaid benefits are available only to individuals who are either under twenty-one, caretakers of a child under nineteen, or who are aged (sixty-five or older),

¹ At the hearing in this matter, held on April 7, 2004, the petitioner alleged that his wife was disabled. He was advised at that time that she should reapply for Medicaid for herself based on this "category" of eligibility.

² The entire family has been found eligible for Healthy Vermonters, a program that provides pharmaceutical discounts. At the hearing the petitioner was also advised to apply for General Assistance (GA) benefits should a medical emergency arise due to a family member's inability to afford necessary medical or pharmacy services.

blind, or disabled. See W.A.M. §§ 210 and 300. As noted above, the petitioner in this matter has no specific dispute as to the applicability of these provisions to his family's situation.

Under the VHAP regulations, all combined earned and unearned income of parents and children under the age of twenty-one is included as countable income for household eligibility. W.A.M. §§ 4001.8 *et seq.* For earned income, the only deduction allowed is a \$90 standard deduction. There is no dispute in this matter that the petitioner's family has combined countable income in excess of the maximum for eligibility under the VHAP program for a three-person household, which is \$2,416. P-2420 B (16). If a household has income above this amount, it cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84. As the Department's decisions in this matter are in accord with its regulation, the Board is bound to uphold those decisions. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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