

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,193
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families (DCF) not granting her eligibility for General Assistance (GA) and Vermont Health Access Program (VHAP) benefits prior to the date of her application. The issue is whether the Department correctly determined the petitioner's date of eligibility in accord with the pertinent regulations. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner submitted an application for VHAP and Food Stamp benefits to the Department on May 26, 2004. The Department approved her eligibility on June 2, 2004, and notified her that she was eligible for both programs effective that same date. On June 2, 2004 the Department also found the petitioner eligible for GA, which she has continued to receive since that time.

2. The petitioner maintains that in the month immediately before her application she had incurred medical

bills of around \$50,000. She wants the Department to backdate the effective date of her VHAP and/or GA coverage so that these expenses will be covered by either or both of those programs.

3. The petitioner does not allege that anyone at the Department misled her into believing that GA or VHAP coverage would be granted prior to the date of her applications. The petitioner admits that when she applied for VHAP in May the Department provided her with medical forms and information she needed to fill out if she wanted to apply for Medicaid on the basis of disability. The petitioner further admits that she has delayed in getting these forms filled out and returned to the Department. In fact, at hearings in this matter held on October 20 and November 9, 2004 the petitioner admitted that she still hadn't completed the Medicaid application forms (although on November 9 she stated that she expected to file her application later that same day).

4. In connection with her GA application on June 2, 2004 the petitioner submitted a form signed by her doctor that she would be unable to work until September 11, 2004. To date, however, the petitioner has not been adjudicated disabled for any other state or federal program.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 4002.31 provides that an eligible applicant for VHAP " . . . shall be accepted into the VHAP program effective the day eligibility is approved . . ." Under § 4002.2 the Department has 30 days in which to act on VHAP applications. Similarly, the GA regulations provide for coverage of existing emergency needs only, and there is no provision to cover pre-existing medical bills. § 2600A. There is no showing or allegation by the petitioner in this matter that the Department either did not comply with its regulations in processing the petitioner's applications for these programs or that it in any way misled the petitioner as to when she could become eligible for them.

Under Medicaid, coverage can be granted effective up to 90 days prior to the date of an application. When and if the petitioner completes the application process for that program and receives a decision from the Department regarding her eligibility, she can file an appeal with the Board if she disagrees with any aspect of that decision, including the dates of any retroactive coverage.

As of now, however, inasmuch as the Department's decisions regarding the petitioner's eligibility for VHAP and GA appear to be in accord with the regulations governing the effective dates of coverage for those programs, the Board is bound to affirm the Department's decisions. 3 V.S.A. S 3091(d), Fair Hearing Rule No. 17.

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