

not disagree that this was her family's income at the time of reassessment.

4. The family was notified by letter dated December 20, 2004 that the children would all be covered by the regular Medicaid program due to disability or by the Dr. Dynasaur program based on their income. However, the petitioner and her husband were told that they were no longer eligible for Medicaid themselves based on excess income. They were found eligible for the VHAP program. DCF based this determination on a four person household size, excluding the two children (and their income) who were then on SSI as separate households. DCF also notified the petitioners that each of them could become eligible again for Medicaid if they incurred \$1,104 in medical expenses in the coming six months.

5. The petitioner and her husband appealed this decision because they do not feel VHAP coverage is as comprehensive as Medicaid coverage, citing lack of dental coverage as an example. Their limited income makes it difficult for them to pay any of their own medical expenses.

ORDER

The decision of DCF is affirmed.

REASONS

To be eligible for Medicaid, a family cannot have income in excess of adopted maximums. M300. A family of four cannot exceed \$1,041 per month (\$1,091 as of January 1, 2005) and be eligible for Medicaid.² P2420B(1). The petitioner's countable income of \$1,802 per month is well in excess of this amount. However, even with a family of just three, that income is within the limit for VHAP eligibility (\$2,005 per month). P2420B(1). Because the family has now been reduced to three, DCF has indicated that it will recalculate the family's Medicaid spend down.³ The petitioner should understand that the spend down is equal to the difference between the countable income and the maximum allowed income multiplied by 6 months. M400. If the petitioner is dissatisfied with the new spend down, she can appeal that calculation. As DCF's decision with regard to her ineligibility for Medicaid based on excess income is correct,

² With the exclusion of the third child from the household due to his receipt of SSI, the family would now be a household of three for which the maximum limit is even lower, \$966 per month. The children still receive Medicaid under the Dr. Dynasaur program which has income limits of \$4,010 for a family of three and \$4,825 for a family of four. P2420B(1).

³ The regulations require the exclusion of children receiving SSI benefits as well as their income from the household unit. M332.1. The exclusion of these children's income to the family is to their advantage in calculating benefits. For example, a family of six is held to a maximum of \$1,325 per month for eligibility. P-2420B(1). If the SSI recipient children were included in the household, all of their income would go into the household making it more difficult for the parents to become eligible and increasing their spend down considerably. The petitioner does not dispute this method of calculation.

the Board must affirm the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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