

petitioner could receive the same services at a clinic located in Burlington, Vermont.

3. In support of her request to continue to receive treatment in Greenfield the petitioner submitted a letter from her counselor at that clinic, followed up by two letters from her treating RN at a woman's health center in Vermont. (See Revised Recommendation, October 25, 2005).

4. The Department's "evidence" in this matter consists solely of an affidavit from the Woman's Substance Abuse Treatment Coordinator for the Vermont Department of Health. She states that there are at least two methadone clinics in northern Vermont that can offer the same services as those provided by the center in Greenfield, Mass, a point the petitioner does not dispute.

5. The Department offered no evidence even addressing, much less contradicting, the credible assessments by the petitioner's health care providers, *supra*, that the petitioner would be "traumatized" by switching from the Greenfield facility, to the detriment of her health and her ability to achieve success in treatment.

ORDER

The Department's decision is reversed.

REASONS

Medicaid regulations include the following provisions under transportation at W.A.M. § M755:

3. Transportation is to and from necessary medical services.

4. The medical service is generally available to and used by other members of the community or locality in which the recipient is located. A recipient's freedom of access to health care does not require Medicaid to cover transportation at unusual or exceptional cost in order to meet a recipient's personal choice of provider.

5. Payment is made for the least expensive means of transportation and suitable to the medical needs of the recipient.

In this case, uncontroverted medical evidence clearly establishes that due to the petitioner's fragile emotional state the Greenfield, Massachusetts clinic is the only one at this time that is "suitable" to meet her particular ongoing medical need, and that switching to another facility at this juncture would likely be injurious to her health. Inasmuch as the criteria in the above regulation is clearly met, the Department's decision must be reversed.

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