

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,799  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services, (DCF) terminating her eligibility for Medicaid until she meets a spenddown amount of \$2,194.20. The issue is whether the Department's decision is in accord with the pertinent regulations. The following findings of fact are not in dispute.

FINDINGS OF FACT

1. From August 2004 through May 2005 the petitioner received Medicaid on the basis of her participation in the "working disabled" program. During that time she was employed despite her disability.

2. In May the petitioner had medical problems that forced her to leave her job. She recently began receiving unemployment compensation and is looking for another job.

3. On June 27, 2005 the Department notified the petitioner that because she was no longer working, her

eligibility for Medicaid could no longer be determined under the rules for working disabled. Based on the petitioner's income the Department determined that effective July 8, 2005 the petitioner would be ineligible for Medicaid until she incurred medical expenses totaling \$2,194.20 in the period ending December 31, 2005. The petitioner was found eligible for VScript.

4. The petitioner does not dispute the Department's determination of either her income or her present employment status.

ORDER

The Department's decision is affirmed.

REASONS

As noted above, the petitioner does not dispute that due to the fact she has been unemployed since May 2005 she no longer is eligible for consideration under the Medicaid working disabled program.<sup>1</sup> This program has significantly more liberal income limits than regular Medicaid, and while the petitioner was working her income was below the maximum for Medicaid under this program. Unfortunately, even though she now receives less in unemployment compensation than she

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<sup>1</sup> See W.A.M. § M200.24.

made in earnings at her job, because of the much-lower eligibility maximum for regular Medicaid she now must incur a spenddown amount (which is like a deductible) before she can receive Medicaid coverage.

At the hearing in this matter (held on August 10, 2005) the petitioner was advised that she should reapply for Medicaid under working disabled if she becomes employed. For now, however, inasmuch as the Department's decision is in accord with the applicable regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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