

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,922
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services finding her no longer eligible for Vermont Health Access Plan (VHAP). The issue is whether the fact that the petitioner could have purchased health insurance through the college she is attending renders her ineligible for VHAP.

FINDING OF FACTS

1. The facts are not in dispute. The petitioner is twenty-one years of age and is attending the University of Vermont.

2. Prior to a review by the Department in July 2005 the petitioner received VHAP as a member of her parent's household. Based on information provided by the petitioner at that review regarding her status as a college student, on August 21, 2005 the Department notified the petitioner that her eligibility for VHAP would end as of August 31, 2005.

3. At the hearing in this matter, held by phone on October 6, 2005, the petitioner admitted that her college makes a comprehensive health insurance policy available to its students. However, according to the petitioner, the

policy is too costly for her to afford.

4. The petitioner also alleges that someone at the college told her she could still be eligible for VHAP. The petitioner does not allege, however, that anyone affiliated with the Department ever gave her false or misleading information in this regard.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP regulations include a provision that "students under the age of 23 enrolled in a program of an institution of higher education are not eligible for coverage if they have elected not to purchase health insurance covering both hospital and physician services offered by their educational institution. . ." W.A.M. § 4001.2. Unfortunately, the regulations make no reference at all to the cost or affordability of any college-sponsored health insurance program. The Board has specifically upheld the provision that college students with access to insurance through their schools are ineligible for VHAP, regardless of its cost. See Fair Hearing Nos. 18,927 and 15,255. Inasmuch as the Department's decision in this matter is in accord with the

pertinent regulations the board is bound by law to affirm. 3
V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#