

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-10/17-558
)
Appeal of)
)

INTRODUCTION

Petitioner appeals the denial of a full month's refund by the Department of Vermont Health Access ("Department") relating to voluntary termination of his insurance through Vermont Health Connect ("VHC"). The following facts are adduced from a telephone hearing held December 11, 2017, documents submitted therein, and email communication from the Department dated December 22, 2018.

FINDINGS OF FACT

1. Petitioner is over age 18 and was enrolled in health insurance through Vermont Health Connect ("VHC") for calendar year 2017. He received individual coverage which included federal and state subsidies.

2. In or around July of 2017, petitioner's premium obligation was redetermined based on new information VHC received regarding his income. This ultimately resulted in a

higher premium obligation, one without any premium subsidies.¹

3. As a result of the higher premium, on July 28, 2017, petitioner's mother contacted VHC about his account and to cancel his coverage. There is no evidence that, at the time, petitioner's mother was authorized to access information from her son's account or make decisions about his account, on his behalf. Accordingly, and advising her of this, VHC did not provide her with information or cancel petitioner's coverage.

4. Petitioner then contacted VHC on August 1, 2017, to cancel his coverage. He was informed that his coverage would terminate as of August 31, 2017.

5. Based on the above, it is specifically found that the earliest date petitioner requested termination of his insurance is August 1, 2017.

6. Because petitioner had already paid his premium for August of 2017, he seeks termination as of July 31, 2017, and refund of his premium for the entire month of August.

¹ The redetermination of eligibility appears to have effectively been the result of petitioner's failure to respond to verification requests. It should be noted that the mid-year "loss" of a subsidy will be addressed when petitioner files his taxes for calendar year 2017; and petitioner would recover (or need to repay) any differences between the tax credit he received and what he is eligible for based on his actual income.

7. In response to a query from the hearing officer, the Department has agreed to offer petitioner a termination effective August 15, 2017. In this respect, the Department will refund petitioner a prorated amount of his August premium, for the period from August 16 through August 31.

8. However, petitioner maintains his request for a refund for the entire month of August, due to the contact his mother had with VHC on July 28, 2017.

ORDER

The Department's decision to refund petitioner's premium (and retroactively terminate his coverage) for the period between August 16 through August 31, 2017 is affirmed.

REASONS

Review of the Department's determination is de novo. The Department has the burden of proof at hearing if terminating or reducing existing benefits; otherwise the petitioner bears the burden. See Fair Hearing Rule 1000.3.0.4.

Vermont Health Connect rules allow for voluntary termination of a health plan purchased through the exchange. See Health Benefits Eligibility and Enrollment ("HBEE") Rules

§ 76.00(b)(1). "Enrollee-initiated" terminations are permitted with "appropriate notice" to the exchange. *Id.* Under the rules, the effective date of such a termination is no sooner than 14 days after the requested is made. See HBEE Rules § 76.00(d). Under any scenario, there is no basis to grant petitioner's request for a termination effective July 31, 2017. Here, the evidence establishes that the termination request was made on August 1, 2017; accordingly, the Department has agreed to make the termination effective August 15, 2017, entitling petitioner to a refund for the remainder of the month of August.

As such, this decision is consistent with the applicable rules and must be affirmed.² See 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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² It is assumed that the Department will issue a refund check to petitioner consistent with a termination date effective August 15, 2017.