

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. N-12/19-842  
 )  
Appeal of )  
 )

INTRODUCTION

Petitioner appeals the denial of Medicaid eligibility as determined by the Department of Vermont Health Access ("Department"). The following facts are adduced from a telephone hearing held January 30, 2020 and documents submitted by the Department.

FINDINGS OF FACT

1. Petitioner applied for Medicaid (Dr. Dynasaur) in or around December 2019, in connection with reporting a change in circumstances to Vermont Health Connect ("VHC").

2. Petitioner's spouse is included in her household. In addition, and also relevant to her application for Medicaid, petitioner is pregnant.

3. On her application, petitioner listed what amounted to monthly income from employment of \$2,825.15, along with monthly self-employment income of \$2,400 for her spouse.

Petitioner also listed applicable deductions from income amounting to \$210 per month.

4. Based on petitioner's application, the Department calculated her household income as \$5,015.15 and compared it to the applicable Medicaid standard for a household of three (3). The highest applicable income standard is 208 percent (plus a 5 percent disregard) of the Federal Poverty Level, which is the standard for the Dr. Dynasaur/Medicaid category of pregnant women.

5. As this threshold in petitioner's case amounts to monthly income of \$3,786.90, the Department denied petitioner's application for Medicaid eligibility.<sup>1</sup>

6. At hearing, petitioner acknowledged the accuracy of the Department's calculations based on the income information she had submitted (which she had based on her most recent tax returns). However, petitioner indicated that her spouse's self-employment income is subject to significant fluctuation, and that her deductions also varied greatly from month-to-month. Petitioner believes that she may have been eligible for Medicaid based on her actual income and deductions in

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<sup>1</sup> Petitioner and her spouse are eligible for an enrolled in a plan through Vermont's health insurance exchange (VHC). That enrollment is not at issue in this case.

December 2019, and potentially other months going forward in 2020.

7. The Department is willing to consider any other information and verification petitioner provides regarding her income in December 2019 as well as anticipated income going forward. At hearing, petitioner indicated that she would contact the fair hearing specialist assigned to her case to provide additional information. If petitioner provides new information and is again denied Medicaid, she is free to appeal that decision within 90 days of the date of the decision.<sup>2</sup>

ORDER

The Department's decision 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.

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<sup>2</sup> The hearing officer requested that the parties contact the Board if the matter is resolved for any reason; thus far, the Board has received no contact from either party indicating a resolution. It is noted that the Department has provided, by email, additional information to petitioner about reporting self-employment income and about the eligibility rules for Dr. Dynasaur/Medicaid for pregnant women, to assist her in updating her income information.

Based on petitioner's December 2019 application, the Department accurately (and without dispute) calculated her applicable household income at \$5,015.25 per month. This is above the applicable income threshold for a household of three (3), of \$3,786.90, for pregnant women, which is the highest possible Medicaid-based income threshold for an applicant in petitioner's circumstances. See Health Benefits Eligibility and Enrollment Rules, § 7.03(a)(2).<sup>3</sup>

As such, the Department's denial of Medicaid eligibility is consistent with the rules and must be affirmed by the Board. See 3 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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<sup>3</sup>Specific income thresholds may be found online at:  
<https://info.healthconnect.vermont.gov/thresholds2020#Medicaid>.