

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-11/21-672
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Appeal of)
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INTRODUCTION

Petitioner appeals the decision by the Department of Vermont Health Access (DVHA) that she and her husband are over income for Medicaid. The following facts are adduced from a telephone hearing held on December 10, 2021, and documents submitted by the Department.

FINDINGS OF FACT

1. Petitioner was enrolled in Medicaid for Children and Families prior to 2021.
2. On September 13, 2021, petitioner reported that she married in January 2021; for purposes of health coverage, they became a household of two (HH2). Petitioner also reported that she switched employment in August 2021 and that that she had enrolled in her new employer's sponsored insurance (ESI). Petitioner's husband was also enrolled in

her ESI¹. Petitioner submitted income information for her household in applications filed on October 4, 2021, and November 5, 2021.

3. By Notice of Decision dated November 5, 2022, the Department notified petitioner that both she and her husband were over income for MCA based on their reported household income of \$3,720.83/month. Petitioner's income was calculated as follows: \$550 every two weeks or \$1,178.57/month minus a deduction of \$29.16 for her retirement contribution for a countable income of \$1,149.41/month. Petitioner's spouse's income was \$20/hour for 30/hours/week or \$2,571.42/month. The MCA threshold for eligibility for a HH2 is \$2,003.60. Therefore, both petitioner and her husband are over income for MCA.

4. However, during the COVID pandemic the Department is not terminating currently covered individuals from MCA coverage even if they are now over income. Therefore, petitioner continues to have MCA coverage. However, because her husband was not enrolled in MCA at the time of this application, he remains ineligible due to being over income.

¹While not the matter under appeal, the Department notified petitioner during phone conversations between the parties that her ESI was expensive as it cost over half her paycheck and so did not trigger the Minimum Essential Coverage (MEC) standards of the Vermont Health Benefit Eligibility and Enrollment (HBEE) Rules.

5. Petitioner was advised by the Department that she could voluntarily terminate her ESI and remain on MCA and post-pandemic emergency, when the Department does make a decision to begin terminating MCA coverage for individuals who are over income, petitioner would be notified of such and would have the opportunity to re-enroll in ESI or a qualified health plan (QHP) coverage at her option. At least at the time of hearing, petitioner has declined to terminate either her ESI or Medicaid coverage.

6. At hearing, petitioner expressed general frustration with the complexities of selecting health care and the expense. She stated that she is enrolled in a nursing program and also working in an emergency room and feels that she needs to keep her ESI but objects to the cost and feels that both she and her husband should be covered by Medicaid.

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.O.4.

To be eligible for Medicaid, an individual must meet income eligibility limits, for the applicable family size, that is at or below 133 percent of the Federal Poverty Limit. HBEE Rules §7.03(a)(5). Petitioner's reported household income of \$3,720.83/month exceeds the MCA threshold of 138 percent (133% with a 5% disregard) of the Federal Poverty Level for a HH2, which is \$2,033.60/month. See <https://info.healthconnect.vermont.gov/thresholds2021>.

Therefore, petitioner and her husband are now over income for MCA based on their reported household income. As noted above, petitioner will remain covered by MCA, despite being over income, until she receives notice from the Department that it has terminated its extended MCA coverage.

As the Department's decision is consistent with the rules, its decision must be affirmed. See 3 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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