

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-03/09-144
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by Green Mountain Transit Authority denying a request for Medicaid transportation because she has a working vehicle. Green Mountain Transit Authority operates under a contract with the Office of Vermont Health Access (OVHA). The issue is whether the denial of Medicaid transportation is appropriate under the applicable regulations.

FINDINGS OF FACT

1. The petitioner lives with her two minor children and one adult child. The petitioner lives in a remote corner of her county; public transportation is not available.

2. The petitioner is disabled and her sole source of income is Supplemental Security Income (SSI) disability benefits in the amount of \$726 per month.¹ Her funds are managed by a representative payee. After payment for

¹Petitioner was advised to apply for Reach Up Financial Assistance for the two minor children as she is receiving no child support for the children. These monies may offset some of her transportation needs.

housing, utilities and necessary expenses, the representative payee gives petitioner approximately \$100 per month for her use.²

3. The petitioner owns a 1992 Buick Roadmaster station wagon. She received Medicaid transportation for specific medical appointments during the period her vehicle was inoperable.

4. On or about March 5, 2009, petitioner requested Medicaid transportation for a medical appointment on April 2, 2009. Petitioner informed Green Mountain Transport that same day that her car was operational. Petitioner was informed that she would not be approved for Medicaid transportation for the April 2, 2009 appointment. Petitioner requested a fair hearing on March 5, 2009.

5. Petitioner testified she cannot afford the cost of gas for medical appointments for herself and her children and is seeking some type of exception to the rules for Medicaid transportation to specific appointments.

6. The petitioner testified that she wants to continue weekly counseling at the local mental health agency and

² Petitioner receives the maximum amount of Food Stamps for her family and states that her food expenses are covered by the Food Stamps.

continue attending a pain clinic monthly in a neighboring county.

7. Petitioner's fourteen year old child has emotional problems and receives in-school counseling. Petitioner would like to arrange additional counseling for this child but does not have the money for transportation.

8. Petitioner testified that she cancelled recent dental and medical appointments for her children due to lack of gas money.

ORDER

OVHA's decision to deny Medicaid transportation is affirmed.

REASONS

Transportation is a mandatory Medicaid service and the state plan must address how to ensure necessary transportation for recipients to access their medical providers. 42 CFR Part 440, 42 C.F.R. § 431.53(a). As part of the State Medicaid plan, OVHA promulgated M755. The pertinent section of M755 states:

Transportation

Transportation to and from necessary medical services is covered and available to eligible Medicaid recipients on a statewide basis.

The following limitations on coverage shall apply:

1. Prior authorization is required. (Exceptions may be granted in a case of a medical emergency.)
2. Transportation is not otherwise available to the Medicaid recipient.

Individuals need to apply for Medicaid transportation to specific appointments and meet the criteria in M755. In petitioner's case, she was denied Medicaid transportation to a particular appointment because her car was operational. Green Mountain Transit and OVHA determined that she had otherwise available transportation.

Unfortunately, the regulations do not provide for exceptions based on economic hardship. OVHA has followed the regulation and their decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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