

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/09-88
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families terminating Medicaid payment for petitioner's Medicare Part B. The issue is whether the Department correctly calculated petitioner's eligibility for the Medicare Buy-In program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a disabled individual who receives Social Security Disability benefits. On or about January 1, 2009, petitioner received a cost of living increase from the Social Security Administration raising his monthly income to \$1,111 from \$1,031.
2. The Department sent petitioner a Notice of Decision dated January 12, 2009 that he was no longer eligible for the Medicare Part B premium buy-in effective February 1, 2009 because his income exceeded program guidelines.
3. The Department applied the unearned income disregard of \$20 per month leaving petitioner with net income

of \$1,091 per month. Petitioner's monthly net income exceeds the program maximum of \$1,087 per month for a one-person household.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay an individual's Medicare Part B premium if certain criteria are met. M200.4. In particular, the individual's income cannot exceed 120 percent of the federal poverty level or \$1,087 per month. M200.43, P-2420B(2).

The petitioner's income, even after the \$20 deduction allowed in the above regulation, was in excess of that amount. Although the result is harsh, the Department was correct in terminating payment for the Medicare Part B premium. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#