

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-04/10-185  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals decisions by the Department for Children and Families, Health Access Eligibility Unit (HAEU), terminating his eligibility for Medicaid through the Working People with Disabilities program, finding him eligible for disability related Medicaid after meeting a spend-down, and terminating his eligibility for a Medicare buy-in by the Department. The issues are whether the Department correctly determined his eligibility under the Medicaid program and the Medicare buy-in program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is disabled and receives Social Security Disability benefits and unemployment compensation benefits in the amount of \$1,253.20 per month. He is a one-person household.
2. The Department sent petitioner a Notice of Decision dated February 24, 2010 terminating his eligibility under the Medicaid Working People with Disabilities program because

petitioner was no longer employed and his income placed him above the Medicaid income guidelines. The effective date of the termination was March 7, 2010.

3. The Department determined whether petitioner met the eligibility criteria for any of the other medical programs. The Department found that petitioner was over-income for SSI (disability) related Medicaid but that he could qualify for this program after incurring a spend-down of \$1,456.20 for the six period of March 1 through August 31, 2010. The petitioner was not eligible for either VHAP (Vermont Health Access Program) or CHAP (Catamount Health Assistance Program) because he receives Medicare from the Social Security Administration.

4. The Department sent petitioner a Notice of Decision dated March 15, 2010 that the Department would no longer pay his Medicare Part B premium because he was over the applicable income limits.

5. Petitioner filed an appeal on April 12, 2010.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, all earned and unearned income is included in determining financial eligibility. M240. Because the Social Security and Medicaid programs include incentives to encourage disabled individuals to work, the income guidelines are higher for those individuals. M200.24, Procedures P-2420B. Petitioner benefited from these incentives when he was employed by falling under the umbrella of the exceptions for Working People with Disabilities.

When petitioner stopped working, he was no longer eligible for Medicaid under the Working People with Disabilities Program. At that point, the Department needed to determine whether petitioner was eligible for any other medical program. Neither VHAP nor CHAP is available to individuals receiving Medicare.

Petitioner's combined Social Security disability income and Unemployment Compensation benefits of \$1253.20 per month are considered unearned income. The Department applied the unearned income disregard of \$20 leaving \$1,233.20 countable income. The maximum income limit for a household of one is \$991 per month. The Department correctly determined that the petitioner is subject to a six-month spend-down period before he can become eligible for Medicaid.

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.

Because the Department correctly followed the applicable regulations, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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