

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-03/12-145
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Vermont Health Access that her daughter's income be included in determining petitioner's premium for the Vermont Health Access Program (VHAP).

The material facts are not in dispute. The issue is whether the Department's determination of household composition and income is correct under the regulations.

FINDINGS OF FACT

1. The petitioner lives with her daughter. The petitioner and her daughter reside in another person's home. They reside rent-free. The roommate is not part of petitioner's household for health care programs.

2. The petitioner submitted a review application on or about February 15, 2012. Petitioner appended a letter to her application explaining that her daughter is nineteen years old (DOB: December 3, 1992), employed, and a college student. Her daughter has medical insurance through her employment.

Petitioner indicated she had surgery during February 2012 to remedy left arm ulnar nerve entrapment and that she is applying for Social Security Administration benefits.¹

3. The petitioner has no income. The Department has advised the petitioner that she can apply for General Assistance.

4. According to petitioner, she supplied the Department with her daughter's paystubs and has been told to pay a premium of \$33.00 per month. Petitioner stated that she is borrowing money to pay the premium.

5. The petitioner disagrees with the Department regulations that mandate inclusion of her daughter as part of the health care household.

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature enacted Act 14 during 1995 to extend health care coverage to uninsured low-income Vermonters who are not eligible for Medicaid benefits. W.A.M. § 5300. Act 14 established the VHAP program. The

¹ Petitioner can apply for Medicaid based on disability.

maximum income limit for an adult without minor child(ren) is 150 percent of the Federal Poverty Level (FPL) based on household size. W.A.M. § 5324, Procedures P-2420B.

The Department looks at all the earned and unearned income less any allowable deductions in determining financial eligibility. W.A.M. §§ 5320 and 5321. Financial need is based upon the countable income of the VHAP group or household.

W.A.M. § 5320 states, in part:

An individual must be a member of a VHAP group with countable income under the applicable income test to meet this requirement.

A VHAP group **includes all of the following individuals if living in the same home:**

B. **children under age 21 of the applicant or spouse;**

(emphasis added)

See Fair Hearing Nos. A-07/11-436, B-02/11-73, and 21,073.

The petitioner raises the question of her daughter's responsibility to her mother. The regulations do not allow any exclusion in this case and the Board has no authority to create an exclusion. As long as her daughter resides in the same household as petitioner, the daughter and petitioner will be considered a single VHAP household.

The Department properly determined that the petitioner and her nineteen-year-old daughter constitute a VHAP household. As a result, the daughter's income must be considered for both eligibility and the determination of any premium. W.A.M. §§ 5320 and 5331.

As a result, the Department's decision to include petitioner's daughter as part of the VHAP household is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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