

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-11/13-825  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals the determination of the Vermont Department for Children and Families ("Department") closing his Vermont Health Access Plan (VHAP) eligibility as of October 31, 2013, for failing to provide requested income information. Petitioner was ultimately granted VHAP coverage commencing November 12, leaving a gap in his healthcare coverage from October 31 through November 11, during which time petitioner incurred healthcare expenses. The following facts are adduced from a hearing held on December 11, 2013, telephone status conference on January 17, 2014, and post-hearing submissions of the parties.

FINDINGS OF FACT

1. Petitioner was covered by the Vermont Health Access Plan (VHAP) until October 31, 2013. By notice dated September 23, petitioner was informed his coverage would end on October 31 because he did not provide updated income information that had been requested.

2. The request for updated information was generated when petitioner informed the Department he had started working on a temporary basis.

3. The September 23 notice included the following message: "[a]lthough you called to let us know you were working you did not call back with wages, if you call before the end of october [sic] you will not need to reapply."

4. Petitioner does not dispute that he received a notice that his VHAP would close because he had failed to provide the updated wage information. He acknowledges that he made a mistake not responding to the notice.

5. Petitioner states that he received another notice or letter from the Department which confused him because it suggested that he received it as a response to a request he had made, of which he was unaware. Petitioner was given an opportunity to produce this notice or letter and was not able to, nor is it present in the Department's records.

6. Petitioner offers no further explanation of his failure to respond to the request for updated income information. He argues that the Department's decision should be reversed because he, in fact, was eligible during the time at issue, whether or not he responded in a timely manner to the Department's request.

7. Petitioner reapplied and was found eligible for VHAP commencing November 12, 2013, leaving a gap in his healthcare coverage during which time he incurred healthcare expenses.

ORDER

The Department's decision is affirmed.

REASONS

VHAP provides health insurance coverage to uninsured low-income Vermonters.<sup>1</sup> See VHAP Rule 5300. Applicants are subject to an income test for eligibility and subsequent requests from the Department for updated income information, as well as obligated to report any changes in income. See VHAP Rules 5340 and 5342B.

Here, the Department became aware that petitioner had become employed and requested that he provide updated income verification. There is no dispute that petitioner was properly notified, as required under the rules, of the proposed termination of his VHAP coverage due to a failure to provide updated wage information. See VHAP Rules 5342B and 5345.

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<sup>1</sup>VHAP is slated to end as a program as of March 31, 2014, in concert with implementation of the federal Affordable Care Act.

Petitioner provided no explanation for his failure to respond to the request for wage information, apart from acknowledging he made a mistake in failing to do so. While he may be correct that he would not have lost eligibility had he complied with the verification request, VHAP rules require that "[i]ndividuals who have been disenrolled from the VHAP program must file a new application for the program before eligibility may be re-established." VHAP Rule 5341; see also Fair Hearing No. M-05/12-277 (failure to respond to verification request properly resulted in closure of VHAP coverage which could only be re-established with a new application, despite gap in coverage).

Therefore, the Department's decision is consistent with the applicable regulations and the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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