

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-04/13-254  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals the determination of the Vermont Department for Children and Families ("Department"), through its Health Access Eligibility Unit, closing her Medicaid eligibility under the Working People With Disabilities program. The following facts were adduced from hearings held on May 16 and June 20, 2013.

FINDINGS OF FACT

1. Petitioner recently left her job after a hospitalization and outpatient treatment for depression. Since leaving her job, she has not actively sought new employment or applied for unemployment compensation.

2. Petitioner is undergoing treatment for severe depression. She wants to find a new job but states she is not ready to return to work because of her depression.

3. Petitioner receives Social Security Disability Income of \$1,319 monthly.

4. While she was working, petitioner was eligible for Medicaid under the Working People With Disabilities (WPWD) provision of the Medicaid regulations, which allows for eligibility at a higher resource and income level than traditional Medicaid when certain other criteria are met.

5. Because petitioner is no longer employed or actively seeking employment, the Department determined that she is ineligible for WPWD and screened her for traditional Medicaid eligibility.

6. Under that screening process, the Department determined that petitioner must meet a \$954 spend-down (applied over a six month period) to receive Medicaid coverage.

7. Petitioner does not dispute the spend-down amount. She testified that she cannot afford to pay this amount when considering her other living expenses against the amount of her fixed income.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute that petitioner meets categorical eligibility for Medicaid due to her disability. There is

further no dispute regarding the spend-down she must meet in order to be eligible for traditional Medicaid. The question here is whether the Department's determination that she is ineligible for the Working People With Disabilities program is appropriate under the applicable rules.

As much as it may also be self-evident, the WPWD program specifically requires that the individual be "working" in order to qualify. See W.A.M. § 4202.4(B) (program is for those "[i]ndividuals with disabilities who are working and otherwise eligible for SSI-related Medicaid" and who meet other criteria).

In addition, the Department's procedures allow for an individual who is receiving workers' compensation or unemployment compensation and will be returning to the same employer to be considered employed for the purposes of WPWD eligibility. See Medicaid Procedure P-2421E(3)(c).

Petitioner is not receiving workers' compensation or unemployment compensation and it is undisputed that she will not be returning to work. The Department's decision is consistent with the applicable regulations. Therefore, the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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