

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-04/13-298  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals the determination of the Vermont Department for Children and Families ("Department"), through its Health Access Eligibility Unit, that his daughter is not eligible for the Vermont Health Access Plan (VHAP). The following facts are adduced from documents and testimony entered into the record during hearings held May 23 and June 20, 2013.<sup>1</sup>

FINDINGS OF FACT

1. Petitioner lives with his daughter and fiancé, and his fiancé's minor daughter and adult son. Petitioner's daughter was covered by Dr. Dynasaur until recently, when she turned eighteen.<sup>2</sup>

2. Upon his daughter turning eighteen, and aging out of Dr. Dynasaur coverage, petitioner applied for continuing

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<sup>1</sup> Petitioner was represented at the hearing by his fiancé, who is actively involved in the care of petitioner's daughter. The initial hearing on May 23 was continued to June 20 to allow the parties time to explore alternative ways of resolving the matter.

<sup>2</sup> Petitioner's daughter remains covered by Dr. Dynasaur pending the outcome of this appeal.

health insurance for her through Green Mountain Care. His household was treated as a household of two, which in total is comprised of himself and his daughter.

3. Petitioner's daughter was found eligible for Vermont's premium assistance program (CHAP), but was found over-income for VHAP.

4. Petitioner's average weekly income for the relevant period at issue is \$567, which the Department multiplies by 4.3 to arrive at a monthly income of \$2,438. Petitioner is allowed a standard deduction of \$90 which brings the household's countable income to \$2348.

5. The maximum income for VHAP eligibility for a household of two, based on 150 percent of the Federal Poverty Level, is \$1,939.

6. Because petitioner's household income is above the maximum allowed for VHAP eligibility, VHAP coverage for petitioner's daughter was denied.<sup>3</sup>

7. Petitioner's daughter suffers from anxiety, depression, and Post-Traumatic Stress Disorder. She has been in treatment with a therapist that accepts VHAP, but will not accept Blue Cross Blue Shield (BCBS), which is the insurer

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<sup>3</sup> Petitioner remains eligible for VHAP under a rule that allows for 185 percent of the Federal Poverty Level to be used as the maximum income for eligibility, but that was not applicable to the daughter.

through CHAP. The daughter's doctor opines that it would be very difficult and contraindicated for her to stop treatment with her current therapist.

8. The daughter's therapeutic provider has informed petitioner that they do not wish to accept BCBS. Despite time allowed during the hearing process to resolve this issue, and despite the Department's offers of assistance to work with the provider to try to resolve any issues with accepting BCBS, it is not known why the provider is reluctant to do so.

ORDER

The Department's decision is affirmed.

REASONS

For the purposes of determining VHAP eligibility, the VHAP "group" is comprised of:

- A. the VHAP applicant and his or her spouse;
- B. children under age 21 of the applicant or spouse;
- C. siblings under age 21, including halfsiblings and stepsiblings, of B.;
- D. parents, including a stepparent and adoptive parents of C., and
- E. children of any children in B. and C., and
- F. unborn children of any of the above.

W.A.M. § 5320.

Under the regulations, petitioner and his daughter constitute a household of two for the purposes of calculating VHAP eligibility. The rules do not include petitioner's fiancé or her minor daughter in the VHAP group. There is no dispute regarding petitioner's income or the fact that it exceeds the applicable monthly income for his daughter's VHAP eligibility. The unwillingness of his daughter's therapeutic provider to accept BCBS, which is available to the daughter through CHAP, is out of the Department's control.

The Department's decision is otherwise 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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