

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 15,252  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the determination by the Department of Social Welfare that he cannot receive Medicaid coverage for more than one pair of eyeglasses in a two year period. The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The petitioner recently requested Medicaid coverage for two pairs of eyeglasses, one for reading, the other for driving and outdoor use requiring phototinted lenses. The Department agreed to furnish either pair of the petitioner's choosing (or photograde bifocals), but not both.

At the hearing held on December 17, 1997, the petitioner presented written evidence of his various medical conditions. As best the hearing officer can determine, it appears that the petitioner bases his claim for more than one pair of eyeglasses on what he calls "vocational deficits" in addition to his medical condition ("neuro- deficits"). The petitioner was the subject of a lengthy appeal of a decision by the Division of Vocational

Rehabilitation;<sup>1</sup> and it appears that having lost that appeal he now believes that the Department of Social Welfare is required to provide him with vocational services, including the purchase of glasses he needs to attend and drive to classes.

ORDER

The Department's decision is affirmed.

REASONS

Medicaid Manual § M670 provides as follows:

Eyeglasses And Vision Care Services

Payment will be made to a licensed physician, optometrist, or optician certified to participate in Medicaid for the following services rendered to an eligible Vermont Medicaid recipient. Payment will be at the lower of usual and customary charges or the Medicaid rate on file.

1. A visual analysis including refraction, consulting and prescription every two years.
2. An interim eye exam every two years.
3. Diagnostic visits
4. Dispensing fees
5. Contact lenses, when medically necessary, prior approval required.

Eyeglasses (frames and lenses) and repairs and replacements are covered under the terms of a sole

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<sup>1</sup>See Zingher v. Dept. of Aging and Disabilities, 163 Vt 566 (1995).

source contract with the Department of Social Welfare.

Coverage is limited to one pair of eyeglasses every two years per recipient. . . .

As noted above, the Department allowed coverage for one of the pairs of glasses the petitioner requested. This is consistent with the above regulation. At the hearing the petitioner was advised that the hearing officer does not agree that the decision in his Supreme Court appeal means that he is forever barred from receiving services from the Division of Vocational Rehabilitation, and that he should reapply for Vocational Rehabilitation services if he feels more than one pair of eyeglasses (or any other vocational "service") is essential to his obtaining training or employment. However, inasmuch as the decision by the Department of Social Welfare appears to be in accord with its regulations, that decision must be affirmed. 3

V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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