

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,045
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his and his wife's applications for Medicaid. The issue is whether the petitioner's resources are in excess of the program maximum. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with his wife and their three children. The petitioner was laid off by IBM earlier this year. His health insurance through his employer remained in effect for several months after his layoff. On August 23, 2002, after this coverage had expired, the petitioner applied for Medicaid.

2. The petitioner has assets in a pension plan that total about \$65,500. There does not appear to be any dispute that a substantial part of those assets is available to him if he chooses to access them.

3. In decisions dated September 11, 2002 the Department found the petitioner's children to be eligible for Medicaid under the Dr. Dynasaur program and the petitioner and his wife to be eligible for VHAP, which does not have a resource test.

The Department denied the petitioner's wife's application for Medicaid because she is not a U.S. citizen or a qualified alien. The Department denied the petitioner's application for Medicaid because his resources were determined to be over the program maximum of \$3,450.

4. In early August 2002, before he applied for Medicaid, the petitioner incurred a pharmacy bill of about \$153 that he thought would be covered by his previous insurance. Unfortunately, the petitioner later learned that his insurance had lapsed. The petitioner seeks retroactive coverage of this expense either through Medicaid or VHAP.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this matter that the petitioner has assets available to him that are far in excess of the resource limit for the Medicaid program. See Medicaid Manual (MM) § M340. Even if his wife were eligible for Medicaid as a citizen or qualified alien (see MM § M311) she would also be well over the resource limit.

Fortunately, the petitioner's children qualify under the Dr. Dynasaur program. It is also fortunate that the petitioner and his wife qualify for VHAP, a program that does not have citizenship or resource requirements. However,

unlike Medicaid, which has a 90-day retroactive period of eligibility, VHAP eligibility is effective only "the day eligibility is approved". MM § 4002.3. Therefore, there is no provision under VHAP to provide coverage or payment for a medical bill that was incurred before the date that eligibility was determined (or, in this case, even before the application was filed).

Inasmuch as the Department's decision in this matter appears to be in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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