

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,087
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying coverage under Vermont Health Access Plan (VHAP) for prescription eyeglasses for his wife. The issue is whether eyeglass coverage has been suspended under the pertinent regulations. The following facts are not in dispute.

FINDINGS OF FACT

1. In January 2002 the petitioner's wife received VHAP coverage for a set of prescription eyeglasses.

2. According to the petitioner the bifocal lenses were not placed properly and his wife had trouble using them. However, they did not seek VHAP coverage for a new pair until after July 1, 2002.

3. On July 1, 2002, as part of deficit reduction measures mandated by the Vermont legislature, the Department imposed a one-year moratorium on eyeglass coverage under Medicaid and VHP, until July 1, 2003.

4. The Department has denied VHAP coverage for the petitioner's wife's glasses due to the moratorium.

ORDER

The Department's decision is affirmed.

REASONS

Effective July 1, 2002, Medicaid Manual § M670.3 was amended as follows: "all frames and lenses for beneficiaries age 21 and older suspended from July 1, 2002 to June 30, 2003." The petitioner in this matter has not made any legal argument challenging the legality of the above provision. The Department represents that, unlike similar cutbacks in coverage for adult dentures and chiropractic services, there has been no legal challenge regarding eyeglass coverage filed in any Vermont court or before the Human Services Board. Inasmuch as the Department's decision in this matter is clearly in accord with the regulation, it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#