

## HUMAN SERVICES BOARD

## INTRODUCTION

## FINDINGS OF FACT

2. Between March 4 and 22, 2005, the petitioner received physician services from four different doctors at Mass. General. The Department has notified him that none of these services were covered by Medicaid because at the time the services were rendered none of these doctors were enrolled as Vermont Medicaid providers.

3. The petitioner represents that on the days these services were rendered he presented his Medicaid card to these physician's offices, and that they did not tell him that the services would not be covered.

4. The petitioner does not dispute the Department's representation that these doctors had allowed their enrollment in Vermont Medicaid to lapse before March 1, 2005.

5. These doctors have since billed the petitioner for these services.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations specifically preclude payments for "items and services ordered by an individual not enrolled as a Medicaid provider". W.A.M. § M151.1(I). The regulations define providers as those "currently approved to provide medical assistance to a beneficiary pursuant to the Vermont Medicaid Program". Id. § M155.1. In this case, the petitioner does not dispute the Department's representation that the providers in question were not enrolled in Vermont Medicaid when they treated the petitioner in March 2005.

At the hearing, held on March 3, 2006, the petitioner was advised that provisions of Vermont consumer protection laws may preclude the providers from being able to bill the petitioner for services that they did not disclose to him were not covered by Medicaid—something it appears they should have known at the time they rendered the services in question. The petitioner was advised to contact the Vermont Attorney General's Office, Consumer Protection Division if these providers continue to bill him.

However, inasmuch as the Department's decision not to cover the services in question under Medicaid appears supported by the regulations and the pertinent facts, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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