STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	20,140
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) not to provide Medicaid coverage for the dental services of a dentist who is not a Vermont Medicaid provider.

FINDINGS OF FACT

1. The petitioner's son receives Medicaid under the Dr. Dynasaur program. The dentist of her choosing does not accept Medicaid and is not enrolled as a Medicaid provider.

2. The petitioner represents that there are very few dentists in her area who accept Medicaid and that it is difficult to get appointments with them.¹

ORDER

The Department's decision is affirmed.

 $^{^{\}rm 1}$ The petitioner does not allege that her son presently has an emergency need for dental services.

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. Although the lack of Medicaid providers in her area appears to be a serious problem, the petitioner is advised of the availability of transportation services and/or reimbursement under Medicaid if she has to travel to obtain dental services for her son.

However, inasmuch as the Department's decision not to cover the services of a non-Medicaid provider is required by the regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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