

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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