

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 20,145
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services finding him eligible for Vermont Health Access Program (VHAP) benefits effective January 5, 2006. The issue is whether the Department acted on his application in a timely manner. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner filed an application for VHAP sometime in "mid-December" 2005. Within a few days following his application the Department requested verification of the petitioner's income, which the petitioner provided before the end of December.
2. By notice dated January 6, 2006, the Department notified the petitioner that he was eligible for VHAP effective January 5, 2006.
3. In a cruel twist of fate, unbeknownst to the Department, the petitioner, who was otherwise healthy, had broken his leg on January 4, 2006 and had received emergency

hospital services that day and evening. The petitioner maintains that the Department should be required to cover those services under VHAP.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations the Department has "within 30 days" to act on an application for VHAP. W.A.M. § 4002.2. Coverage is "effective the day eligibility is approved". W.A.M. § 4002.31. In this case there is no question that the Department made a decision of eligibility and began the petitioner's effective date of coverage well within the above time limits. Unfortunately, this was a few hours too late to cover the petitioner's emergency treatment on January 4, 2006.

Although such close cases are always difficult, inasmuch as the Department's decision in this matter was fully in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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