

Social Security number", which the petitioner claims are over \$700,000. The petitioner also stated that he cannot afford the premium, although his income (\$963 a month from Social Security) appears sufficient to meet his essential needs.

4. It appears that the petitioner is diminished in his capacity to act in his self interest in regard to the decision whether or not to pay his premium. An individual representing the petitioner in another matter currently pending before the Board has informed the Board that the petitioner refuses the idea of allowing a representative payee to be appointed for his Social Security benefits. The Department represents that it will continue to consider alternative means to collect the petitioner's premium so that he does not ill-advisedly cut himself off from benefits he appears to need. However, given the petitioner's refusals to pay his premium and to allow anyone else to manage his finances, at this time there does not appear to be any means of resolving this matter short of unilaterally granting the petitioner an exemption from the requirement that he pay a premium to maintain his pharmacy coverage.

ORDER

The Department's decision is affirmed.

REASONS

There is no question that premiums are required under the regulations for continuing coverage of VPharm based on recipients' income. W.A.M. §§ 3505.1, 3002.6, & M143. There is no dispute in this matter that the Department correctly assessed the petitioner's premium based on his income. Although the petitioner appears to be handicapped in his ability to recognize the advisability of paying his premium, given his refusal to consider any means by which his premium can get paid, it cannot be concluded that the Department is "discriminating" against the petitioner by not waiving the premium requirement, which applies to everyone in the VPharm program.¹ Inasmuch as the Department's decision is 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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¹ In an interim Order, dated March 24, 2006, the Board ruled that *continuing* VPharm benefits were required by federal antidiscrimination provisions pending an attempt by the Department to find an alternative means of having the petitioner pay his premium. The Secretary reversed this ruling in a decision dated April 10, 2006.