

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-02/12-124
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, terminating her assistance under the Medicare buy-in program due to increased income. The facts are not in dispute. The issue is whether the Department correctly terminated petitioner's benefit under the regulations.

FINDINGS OF FACT

1. The petitioner is a single person household. Petitioner's sole source of income is Social Security benefits. This calendar year, the Social Security Administration applied a cost of living increase for all Social Security recipients. Petitioner's monthly income increased to \$1,305.00 per month starting with January 2012 benefits.

2. On or about January 18, 2012, the Department issued petitioner a Notice of Decision that her Medicare buy-in benefits would terminate effective February 1, 2012.

Petitioner timely appealed this decision and is receiving continuing benefits.

3. The Department applied a \$20.00 per month disregard leaving monthly countable income of \$1,285.00. The cut-off limit is \$1,257.00 per month.

ORDER

The Department's decision is affirmed.

REASONS

Department regulations include provisions for payment of Part B Medicare premiums for certain "qualified individuals". W.A.M. § 4204. The pertinent portion of the regulations state:

(4204) Limited Medicaid benefits are available for out-of-pocket Medicare cost sharing expenses for certain Medicare beneficiaries. . .

(4204.3, SLMB) Individuals are eligible for Medicaid payment of their Medicare Part B premiums if:

A. they receive Medicare Part A; and

B. their Medicaid group has countable income greater than 100 percent but no greater than 120 percent of the federal poverty level.

. . .

(4204.4, Q-1)¹ Individuals who receive Medicare Part A and do not receive other federally funded medical

¹There are no resource limitations for the Q-1 group.

assistance, except for coverage for excluded drug classes under Part D when the individual is enrolled in Part D, are eligible for Medicaid payment of their Medicare Part B premium.

The Q-1 coverage group includes individuals in a Medicaid group with income that is at least 120 percent but less than 135 percent of the federal poverty level

The maximum income limit for a household of one for the Q-1 coverage group is \$1,257.00 per month. The maximum income limit for a household of one for the SLMB (specified low income Medicare beneficiaries) group is \$1,117.00 per month. P-2420B. Petitioner's countable income exceeds the income limits for the above programs.

The Department correctly applied the regulations in petitioner's case. As a result, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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