

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-08/12-543
)
Appeal of)

INTRODUCTION

The petitioner appeals the provisions of his Medicare Part D pharmacy coverage that he pay a co-payment for his prescriptions.

The issue is whether the Human Services Board has jurisdiction to hear petitioner's case.

DISCUSSION

The petitioner participated in a telephone status conference on September 12, 2012. The Department questioned whether the Board has jurisdiction to hear petitioner's complaint.

Petitioner receives Medicare and has a Part D (pharmacy) plan through AARP. Under the AARP plan, petitioner must pay a small co-payment for his prescriptions.

Petitioner does not believe that he should have to pay co-payments for his medications and has filed this appeal.

The jurisdictional limits of the Human Service Board are set out by the Legislature in 3 V.S.A. § 3091(a). The Board hears appeals from applicants or recipients who are aggrieved

by the actions of various departments and offices within the Vermont Agency of Human Services.

The Board does not have jurisdiction over cases disputing the limits of Medicare coverage.

There is a separate appeals process for Medicare cases. The first step in the appeals process is to request reconsideration by the health care plan. If that is not successful, there are other steps to continue the appeal. Medicare appeals have strict timelines and the petitioner should follow through with his insurance company.

In addition, if petitioner finds that he does not have the money to pay a co-payment and is in need of a prescription, he can apply for emergency coverage through the General Assistance program and see if he meets the program criteria. (Applications for emergency General Assistance are done through the local community action program.)

ORDER

The petitioner's appeal is dismissed for lack of jurisdiction.

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