

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/12-102
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Vermont Health Access (DVHA) denying coverage for tubal ligation reversal under the Vermont Health Access Program (VHAP). The facts are not in dispute. The issue is whether the regulations foreclose coverage of the particular procedure.

DISCUSSION

The Vermont Legislature enacted Act 14 during 1995 to provide health care coverage to uninsured and underinsured low-income Vermonters who are not eligible for Medicaid benefits. 33 V.S.A. § 1973(b), W.A.M. § 5300. Act 14 established the VHAP program.

DVHA has adopted regulations through the Vermont Administrative Procedures Act that set out the extent of covered services for the medical programs administered by DVHA.

W.A.M. 7309 addresses sterilizations and related procedures and states, in part:

Operations or procedures performed for the purpose or reversing or attempting to reverse the effects of any sterilization procedure are not covered.

The exception policy found at W.A.M. § 7104 only applies to Medicaid, not to the VHAP or CHAP programs.

Based on the regulations, DVHA correctly informed petitioner of the limits of its policies and regulations covering reversal of sterilizations.

ORDER

DVHA's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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