

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/12-192
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, that her income is too high for Vermont Health Access Program (VHAP) benefits. Petitioner would like to be switched from the Catamount Health Access Program (CHAP) to VHAP.

The material facts are not in dispute and are based on the representations of the parties on April 12, 2012.

The issue is whether the petitioner is over the income limit for the VHAP program.

FINDINGS OF FACT

1. The petitioner is a single person household. Petitioner has received CHAP for many years.

2. The petitioner's last eligibility review occurred late November 2011. Petitioner needs medications for two chronic health problems and is concerned about the premium and co-pay costs under CHAP.

3. Petitioner receives monthly income of \$1,200.00 alimony and \$539.00 from an annuity for a total of \$1,739 per month.

4. Petitioner's monthly income is more than the monthly VHAP maximum of \$1,397.00 for a household of one.

ORDER

The Department's decision is affirmed.

REASONS

The Vermont Legislature enacted Act 14 during 1995 to extend health care coverage to uninsured low-income Vermonters who are not eligible for Medicaid benefits. W.A.M. § 5300. Act 14 established the VHAP program. The maximum income limit for an adult without minor child(ren) in the household is 150 percent of the Federal Poverty Level (FPL) based on household size. W.A.M. § 5324, Procedures P-2420B.

Petitioner's income is considered unearned income. Petitioner does not qualify for any deductions under the rules. W.A.M. § 5321.

The eligibility limit for a household of one without minor children in the household to qualify for VHAP is

\$1,397.00 per month. P-2420B. Petitioner's countable income of \$1,739.00 per month is greater than the VHAP income limit.

The Vermont Legislature further expanded health care coverage in 2006 by adopting Act 191. Act 191 expanded health care coverage to eligible adult Vermonters whose countable income is no more than 300 percent of the FPL based on household size. W.A.M. §§ 5900 and 5913, P-2420B.

Petitioner continues to be eligible for CHAP.

Because the Department correctly determined petitioner is not eligible for VHAP, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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