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MEMORANDUM

STATE OF VERMONT

HUMAN SERVICES BOARD
TEL: (802) 828-2536
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TO: Sen. Jane Kitchel, Chair, Senate Committee on Appropriations

FROM: Joseph Reinert, Chief Hearing Officer

DATE: January 17, 2023

RE: Human Services Board (HSB) Annual Report

CC: Michael Donohue, Chair, HSB

Pursuant to 3 V.S.A. § 3090(e), please find attached summaries of appeals filed with the HSB for calendar years 2020, 2021 and 2022. In addition, we report the following general information:

Year	Total Appeals Received
2020	852
2021	765
2022	776
TOTAL	2393

While the attached information is only partially responsive to the requirements of the statute, this represents the limits of our reporting capability based on a legacy database we had been using since around 1990. However, with the support of the Agency of Human Services and Agency of Digital Services, we transitioned to a new case management system as of October 23, 2020, and have provided more detailed reporting for CY2021 and CY 2022.

Please note that the numbers for 2021 and 2022 include 3SquaresVT "Intentional Program Violation" hearing requests from the Department for Children and Families, cases that the Board's

hearing officers hear by arrangement with the Department and that are not covered by the Board's jurisdictional statute. In addition, the outcomes reported for CY2021 and CY2022 include only what we would consider "substantive" outcomes, typically either a Board order or some other resolution (short of a Board order) which was understood to be in favor of one of the parties.¹

Please do not hesitate to contact me if you have questions or need more information. Thank you.

¹ The number of fair hearings requested each year does not represent how many appeals result in a Board order, as many cases are resolved or settled without the need for a final Board order.

Dept-program-category 2022

Filtered By

Show: All appeals

Received Date greater or equal 1/1/2022 12:00 AM

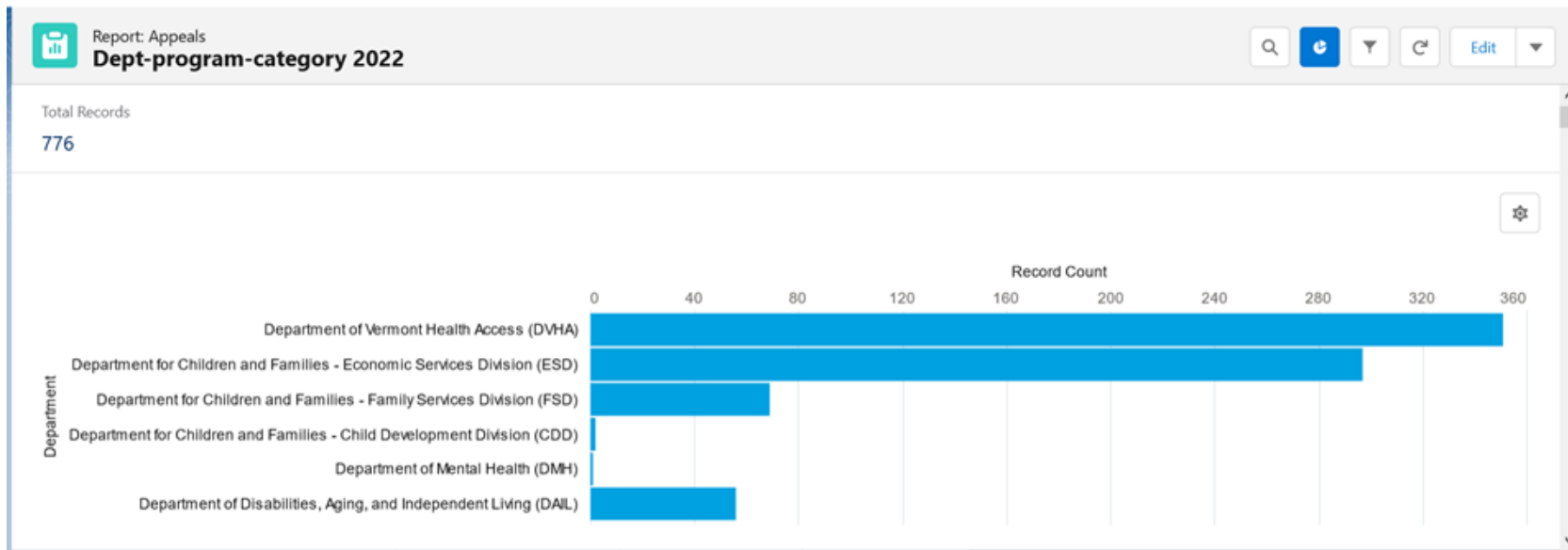
Received Date less or equal 12/31/2022 4:30 PM

Department ↑	Program ↑	Appeal Category ↑	Count
Department of Vermont Health Access (DVHA)	VT Health Exchange/QHP	Eligibility	
		Subtotal	Count 129
		Benefits	
		Subtotal	Count 36
		Coverage	
		Subtotal	Count 12
		Financial Assistance	
		Subtotal	Count 1
		Other Categories of Appeals	
		Subtotal	Count 26
	Subtotal	Count 204	
	DDS ("Disability Determination Services")	Eligibility	
		Subtotal	Count 3
	Subtotal	Count 3	
	Medicaid-MCA ("Medicaid for Children and Adults")*	Eligibility	
		Subtotal	Count 38
		Benefits	
		Subtotal	Count 14
		Coverage	
		Subtotal	Count 2
	Other Categories of Appeals		
	Subtotal	Count 8	
	Subtotal	Count 62	
	MCA Dr. Dynasaur	Eligibility	
		Subtotal	Count 18
		Benefits	
		Subtotal	Count 3
Coverage			
Subtotal		Count 1	
Other Categories of Appeals			
Subtotal	Count 2		
Subtotal	Count 24		
Medicaid-LTC ("Long Term Care")* Eligibility	Eligibility		
	Subtotal	Count 29	
	Benefits		
	Subtotal	Count 6	
Other Categories of Appeals			
Subtotal	Count 1		
Subtotal	Count 36		
M-LTC Patient Share	Benefits		

		Subtotal	Count	1
		Other Categories of Appeals		
		Subtotal	Count	2
		Subtotal	Count	3
	Medicaid-MABD ("Medicaid for the Aged, Blind and Disabled")*	Eligibility		
		Subtotal	Count	2
		Other Categories of Appeals		
		Subtotal	Count	1
		Subtotal	Count	3
	MABD-Spenddown	Eligibility		
		Subtotal	Count	1
		Subtotal	Count	1
	Medicaid-Katie Beckett*	Eligibility		
		Subtotal	Count	5
		Benefits		
		Subtotal	Count	1
		Subtotal	Count	6
	Medicaid-Non-Covered Services	Eligibility		
		Subtotal	Count	1
		Benefits		
		Subtotal	Count	2
		Subtotal	Count	3
	Medicare Savings Program	Eligibility		
		Subtotal	Count	1
		Other Categories of Appeals		
		Subtotal	Count	4
		Subtotal	Count	5
	VPharm	Other Categories of Appeals		
		Subtotal	Count	1
		Subtotal	Count	1
		Subtotal	Count	351
Subtotal				
Department for Children and Families - Economic Services Division (ESD)	3SquaresVT	Eligibility		
		Subtotal	Count	25
		Benefits		
		Subtotal	Count	27
		Other Categories of Appeals		
		Subtotal	Count	4
		Subtotal	Count	56
	ADH	Benefits		
		Subtotal	Count	38
		Other Categories of Appeals		
		Subtotal	Count	1
		Subtotal	Count	39
	Fuel Assistance	Eligibility		
		Subtotal	Count	9
		Benefits		
		Subtotal	Count	2
		Other Categories of Appeals		
		Subtotal	Count	2
		Subtotal	Count	13
	RUFA ("Reach Up Financial Assistance")	Eligibility		
		Subtotal	Count	7

		Benefits	
		Subtotal	Count 12
		Other Categories of Appeals	
		Subtotal	Count 3
	Subtotal		Count 22
	General Assistance*	Eligibility	
		Subtotal	Count 123
		Benefits	
		Subtotal	Count 2
		Other Categories of Appeals	
		Subtotal	Count 36
	Subtotal		Count 161
	AABD-EP (Aid to Aged, Blind or Disabled or Essential Person)	Eligibility	
		Subtotal	Count 3
	Subtotal		Count 3
	Other	Eligibility	
		Subtotal	Count 2
		Child Support	
		Subtotal	Count 1
	Subtotal		Count 3
Subtotal			Count 297
Department for Children and Families - Family Services Division (FSD)	Substantiation	Other Categories of Appeals	
		Subtotal	Count 58
	Subtotal		Count 58
	Expungement	Other Categories of Appeals	
		Subtotal	Count 2
	Subtotal		Count 2
	Licensing-Foster	Eligibility	
		Subtotal	Count 1
		Other Categories of Appeals	
		Subtotal	Count 8
	Subtotal		Count 9
Subtotal			Count 69
Department for Children and Families - Child Development Division (CDD)	Licensing-Childcare	Other Categories of Appeals	
		Subtotal	Count 2
	Subtotal		Count 2
Subtotal			Count 2
Department of Mental Health (DMH)	Other	Other Categories of Appeals	
		Subtotal	Count 1
	Subtotal		Count 1
Subtotal			Count 1
Department of Disabilities, Aging, and Independent Living (DAIL)	Choices for Care - Clinical eligibility	Eligibility	
		Subtotal	Count 19
		Other Categories of Appeals	
		Subtotal	Count 1
	Subtotal		Count 20
	CFC - Level of Services	Eligibility	
		Subtotal	Count 1
		Subtotal	Count 1
		Other Categories of Appeals	
		Subtotal	Count 2
	Subtotal		Count 4

Developmental Services - Eligibility	Eligibility		
	Subtotal	Count	12
Subtotal		Count	12
Developmental Services - Services	Eligibility		
	Subtotal	Count	4
	Benefits		
	Subtotal	Count	2
	Coverage		
	Subtotal	Count	2
	Other Categories of Appeals		
	Subtotal	Count	1
Subtotal		Count	9
NH-RCH Discharge ("Nursing Home-Residential Care Home")	Benefits		
	Subtotal	Count	1
	Other Categories of Appeals		
	Subtotal	Count	2
Subtotal		Count	3
Licensing-NH/RCH	Other Categories of Appeals		
	Subtotal	Count	1
Subtotal		Count	1
Adult Protective Services-Substantiation	Other Categories of Appeals		
	Subtotal	Count	6
Subtotal		Count	6
Other	Other Categories of Appeals		
	Subtotal	Count	1
Subtotal		Count	1
Subtotal		Count	56
Total		Count	776



2022 outcomes

Filtered By

Show: All appeals

Final Outcome Date greater or equal 1/1/2022

Final Outcome Date less or equal 12/31/2022

Department ↑	Final Appeal Outcome ↑	Record Count
Department of Vermont Health Access (DVHA)	Affirmed	35
	Dismissed by the Clerk	1
	Dismissed for lack of Jurisdiction	3
	Dismissed - Other	1
	Reversed	2
	Vermont Supreme Court Decision	1
	Withdrawn in Departments Favor	68
	Withdrawn in Petitioners Favor	44
Subtotal		155
Department for Children and Families - Economic Services Division (ESD)	Affirmed	30
	Dismissed for lack of Jurisdiction	4
	Dismissed - Other	2
	Withdrawn in Departments Favor	56
	Withdrawn in Petitioners Favor	65
Subtotal		157
Department for Children and Families - Family Services Division (FSD)	Affirmed	8
	Dismissed for lack of Jurisdiction	3
	Reversed	5
	Vermont Supreme Court Appeal	2
	Withdrawn in Departments Favor	7
	Withdrawn in Petitioners Favor	30
	Subtotal	
Department for Children and Families - Child Development Division (CDD)	Withdrawn in Departments Favor	2
	Withdrawn in Petitioners Favor	2
Subtotal		4
Department of Mental Health (DMH)	Dismissed for lack of Jurisdiction	1
Subtotal		1
Department of Disabilities, Aging, and Independent Living (DAIL)	Affirmed	6
	Motion to reopen - Denied	1
	Vermont Supreme Court Decision	1
	Withdrawn in Departments Favor	11
	Withdrawn in Petitioners Favor	17
Subtotal		36
Total		408

Dept-program-category 2021

Filtered By

Show: All appeals

Received Date less or equal 12/31/2021 4:30 PM

Fair Hearing Number greater or equal 001

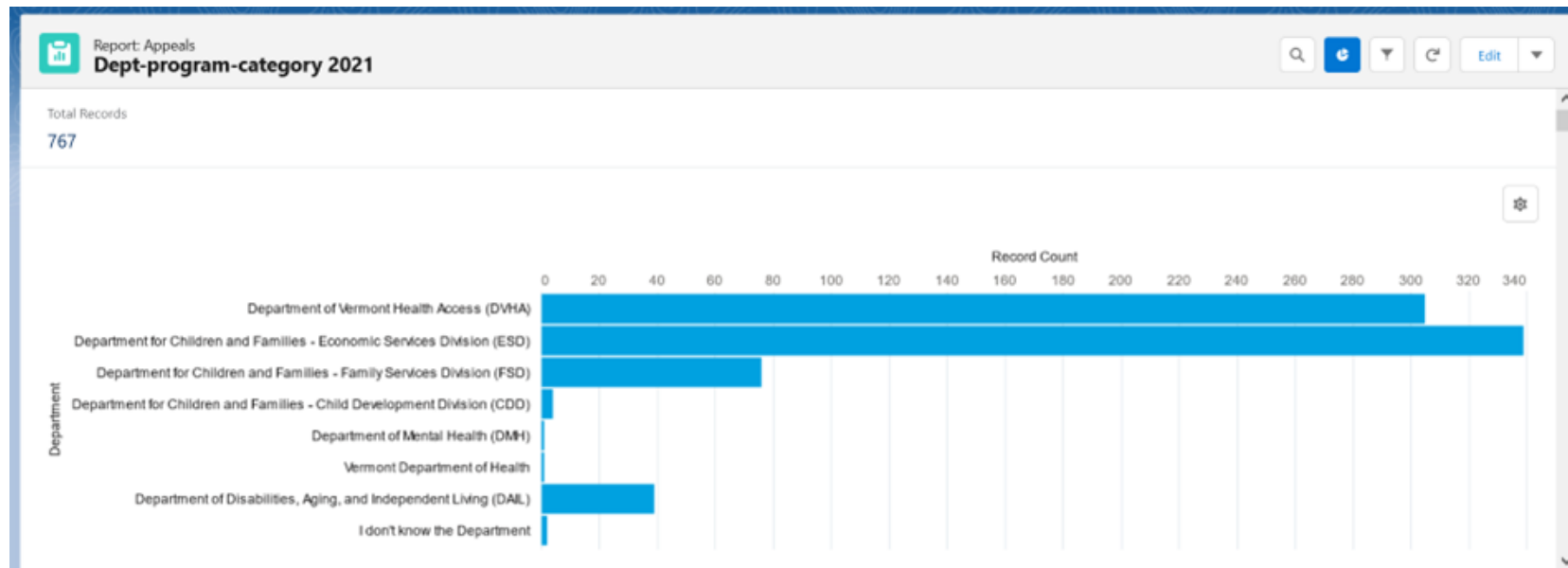
Received Date greater or equal 12/31/2020 4:31 PM

Department ↑	Program ↑	Appeal Category ↑	Appeal: ID
Department of Vermont Health Access (DVHA)	VT Health Exchange/QHP	Eligibility	
		Subtotal	Count 118
		Benefits	
		Subtotal	Count 23
		Coverage	
		Subtotal	Count 18
		Other Categories of Appeals	
		Subtotal	Count 16
		Subtotal	Count 175
		DDS ("Disability Determination Services")	Eligibility
	Subtotal		Count 1
	Benefits		
	Subtotal		Count 2
	Subtotal		Count 3
	Medicaid-MCA ("Medicaid for Children and Adults")*	Eligibility	
		Subtotal	Count 42
		Benefits	
		Subtotal	Count 4
		Coverage	
		Subtotal	Count 1
		Other Categories of Appeals	
	Subtotal	Count 6	
	Subtotal		Count 53
	MCA Dr. Dynasaur	Eligibility	
		Subtotal	Count 18
Other Categories of Appeals			
Subtotal		Count 1	
Subtotal		Count 19	
Medicaid-LTC ("Long Term Care")* Eligibility	Eligibility		
	Subtotal	Count 17	
	Benefits		
	Subtotal	Count 3	
	Financial Assistance		
	Subtotal	Count 1	
	Other Categories of Appeals		
	Subtotal	Count 1	
Subtotal		Count 22	
M-LTC Patient Share	Benefits		
	Subtotal	Count 1	
	Coverage		

		Subtotal	Count	2
		Other Categories of Appeals		
		Subtotal	Count	1
		Subtotal	Count	4
	Medicaid-MABD ("Medicaid for the Aged, Blind and Disabled")*	Eligibility		
		Subtotal	Count	8
		Subtotal	Count	8
	Medicaid-Katie Beckett*	Eligibility		
		Subtotal	Count	2
		Subtotal	Count	2
	Medicaid-Covered Services*	Eligibility		
		Subtotal	Count	3
		Subtotal	Count	3
	Medicaid-Non-Covered Services	Eligibility		
		Subtotal	Count	4
		Subtotal	Count	4
	Medicare Savings Program	Eligibility		
		Subtotal	Count	6
		Benefits		
		Subtotal	Count	1
		Coverage		
		Subtotal	Count	1
		Subtotal	Count	8
	Other	Eligibility		
		Subtotal	Count	1
		Benefits		
		Subtotal	Count	1
		Other Categories of Appeals		
		Subtotal	Count	2
		Subtotal	Count	4
		Subtotal	Count	305
Subtotal				
Department for Children and Families - Economic Services Division (ESD)	3SquaresVT	Eligibility		
		Subtotal	Count	17
		Benefits		
		Subtotal	Count	30
		Other Categories of Appeals		
		Subtotal	Count	2
		Subtotal	Count	49
	ADH	Eligibility		
		Subtotal	Count	1
		Benefits		
		Subtotal	Count	24
		Subtotal	Count	25
	Fuel Assistance	Eligibility		
		Subtotal	Count	3
		Benefits		
		Subtotal	Count	2
		Subtotal	Count	5
	RUFA ("Reach Up Financial Assistance")	Benefits		
		Subtotal	Count	6
		Subtotal	Count	6
	General Assistance*	Eligibility		

		Subtotal	Count	219
		Benefits		
		Subtotal	Count	15
		Other Categories of Appeals		
		Subtotal	Count	16
		Subtotal	Count	250
	AABD-EP (Aid to Aged, Blind or Disabled or Essential Person)	Eligibility		
		Subtotal	Count	3
		Benefits		
		Subtotal	Count	1
		Subtotal	Count	4
Subtotal			Count	339
Department for Children and Families - Family Services Division (FSD)	Substantiation	Other Categories of Appeals		
		Subtotal	Count	61
	Subtotal		Count	61
	Expungement	Other Categories of Appeals		
		Subtotal	Count	8
	Subtotal		Count	8
	Licensing-Foster	Other Categories of Appeals		
		Subtotal	Count	6
	Subtotal		Count	6
	Other	Other Categories of Appeals		
		Subtotal	Count	1
	Subtotal		Count	1
Subtotal			Count	76
Department for Children and Families - Child Development Division (CDD)	Licensing-Childcare	Other Categories of Appeals		
		Subtotal	Count	4
	Subtotal		Count	4
Subtotal			Count	4
Department of Mental Health (DMH)	Other	Other Categories of Appeals		
		Subtotal	Count	1
	Subtotal		Count	1
Subtotal			Count	1
Vermont Department of Health	Other	Other Categories of Appeals		
		Subtotal	Count	1
	Subtotal		Count	1
Subtotal			Count	1
Department of Disabilities, Aging, and Independent Living (DAIL)	Choices for Care - Clinical eligibility	Eligibility		
		Subtotal	Count	15
		Benefits		
		Subtotal	Count	1
		Other Categories of Appeals		
		Subtotal	Count	2
	Subtotal		Count	18
	CFC - Level of Services	Eligibility		
		Subtotal	Count	2
		Other Categories of Appeals		
		Subtotal	Count	2
	Subtotal		Count	4
	Developmental Services - Eligibility	Eligibility		
		Subtotal	Count	2
	Subtotal		Count	2

	Developmental Services - Services	Eligibility	
		Subtotal	Count 1
		Other Categories of Appeals	
		Subtotal	Count 1
	Subtotal		Count 2
	NH-RCH Discharge ("Nursing Home-Residential Care Home")	Other Categories of Appeals	
		Subtotal	Count 2
	Subtotal		Count 2
	Adult Protective Services-Substantiation	Other Categories of Appeals	
		Subtotal	Count 9
Subtotal		Count 9	
Other	Eligibility		
	Subtotal	Count 1	
	Other Categories of Appeals		
	Subtotal	Count 1	
Subtotal		Count 2	
Subtotal		Count 39	
I don't know the Department		Child Support	
		Subtotal	Count 1
	Subtotal		Count 1
	Other		
	Subtotal	Count 1	
Subtotal		Count 1	
Subtotal		Count 2	
Total		Count	767



2021 Human Services Board outcomes

Filtered By

Show: All appeals

Final Outcome Date greater or equal 1/1/2021

Final Outcome Date less or equal 12/31/2021

Department ↑	Final Appeal Outcome ↑	Record Count
Department of Vermont Health Access (DVHA)	Affirmed	35
	AHS Secretary Decision	1
	Dismissed for lack of Jurisdiction	2
	Dismissed - Other	3
	Motion to reopen - Denied	2
	Remanded to the Department	1
	Reversed	13
	Withdrawn in Departments Favor	87
	Withdrawn in Petitioners Favor	41
Subtotal		185
Department for Children and Families - Economic Services Division (ESD)	Affirmed	68
	Reversed	1
	Vermont Supreme Court Decision	1
	Withdrawn in Departments Favor	82
	Withdrawn in Petitioners Favor	72
	Withdrawn - Outcome Unknown	1
Subtotal		225
Department for Children and Families - Family Services Division (FSD)	Affirmed	5
	Dismissed for lack of Jurisdiction	4
	Motion to reopen - Denied	1
	Reversed	1
	Vermont Supreme Court Decision	2
	Withdrawn in Departments Favor	12
	Withdrawn in Petitioners Favor	29
Subtotal		54
Department for Children and Families - Child Development Division (CDD)	Dismissed for lack of Jurisdiction	1
Subtotal		1
Department of Disabilities, Aging, and Independent Living (DAIL)	Affirmed	3
	Dismissed - Other	1
	Motion to reopen - Denied	2
	Reversed	2
	Withdrawn in Departments Favor	9
	Withdrawn in Petitioners Favor	10
Subtotal		27
Total		492

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**Department Summary Report. HSB Cases from 01/01/2020 to 12/31/2020
(total cases: 685)**

Department	Cases	percent of all cases
DAIL	24	3.5
DCF/CDD	4	0.6
DCF/ESD	594	86.7
DCF/FS	61	8.9
DCF/OCS	1	0.1
Mental Health	1	0.1

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**Program Summary Report. HSB Cases from 01/01/2020 to 12/31/2020
(total cases: 685)**

DAIL

Program	Cases
Adult Protective Services	7
Choices for Care	11
DEVELOPMENTAL SER.	1
Discharge from Residential Home	2
OTHER	3
Total Department	24

DCF/CDD

Program	Cases
Child Care	1
DCF/CDD-ARCC	1
Family Day Care License	2
Total Department	4

DCF/ESD

Program	Cases
ANFC/RUFA	2
DDS-MEDICAID	2
Dr. Dynasaur	1
Essential Person	1
Expedited Medicaid	1
Foodstamps	48
Fuel	5
GA - TEMP HOUSING	152
Katie Beckett DCHC	2
LONG TERM CARE MEDICAID	22
Medicaid	152
Medicaid-Medicare-Byin	1
Other dcf/esd	1
Reachup	8
RUFA	1
Vermont Health Access Program (VHAP)	1
Vermont Health Connect	365
Total Department	765

DCF/FS

Program	Cases
Expungement	5
Foster Care License	3
OTHER	1
Substantiation	52
Total Department	61

DCF/OCS

Program	Cases
Child Support	1
Total Department	1

Mental Health

Program	Cases
Children's Personal Care Services	1
Total Department	1

HUMAN SERVICES BOARD OCT-DEC 2020

Filtered By

Show: All appeals

Received Date greater or equal 10/23/2020 12:00 AM

Received Date less or equal 12/31/2020 4:30 PM

Department ↑	Program ↑	Appeal Category ↑	Record Count
Department of Vermont Health Access (DVHA)	VT Health Exchange/QHP	Eligibility	22
		Benefits	7
		Coverage	9
		Other Categories of Appeals	4
		Subtotal	42
	DDS ("Disability Determination Services")	Eligibility	2
	Subtotal	2	
	Medicaid-MCA ("Medicaid for Children and Adults")*	Eligibility	10
	Subtotal	10	
	MCA Dr. Dynasaur	Eligibility	1
	Subtotal	1	
	Medicaid-LTC ("Long Term Care")* Eligibility	Eligibility	2
	Subtotal	2	
	Medicaid-MABD ("Medicaid for the Aged, Blind and Disabled")*	Eligibility	1
	Subtotal	1	
	Medicaid-Katie Beckett*	Eligibility	1
	Subtotal	1	
	Medicaid-Covered Services*	Eligibility	1
	Coverage	1	
	Subtotal	2	
	Medicare Savings Program	Eligibility	1
	Other Categories of Appeals	6	
	Subtotal	7	
Other	Coverage	1	
Subtotal	1		
Subtotal		69	
Department for Children and Families - Economic Services Division (ESD)	3SquaresVT	Eligibility	3
		Benefits	4
		Other Categories of Appeals	1
	Subtotal	8	
	Fuel Assistance	Eligibility	2
	Subtotal	2	
	General Assistance*	Eligibility	33
	Benefits	11	
	Coverage	2	
	Other Categories of Appeals	11	
	Subtotal	57	
AABD-EP (Aid to Aged, Blind or Disabled or Essential Person)	Other Categories of Appeals	1	
Subtotal	1		
Subtotal		68	
Department for Children and Families - Family Services Division (FSD)	Substantiation	Other Categories of Appeals	24
	Subtotal	24	
	Expungement	Other Categories of Appeals	1
	Subtotal	1	
	Adoption Assistance	Financial Assistance	1
	Subtotal	1	
	Other	Other Categories of Appeals	1
	Subtotal	1	
Subtotal		27	
Department of Disabilities, Aging, and Independent Living (DAIL)	Choices for Care - Clinical eligibility	Eligibility	2
	Subtotal	2	
	CFC - Level of Services	Benefits	1
	Subtotal	1	
	Developmental Services - Services	Eligibility	1
	Subtotal	1	
	NH-RCH Discharge ("Nursing Home-Residential Care Home")	Other Categories of Appeals	1
	Subtotal	1	
	Adult Protective Services-Substantiation	Other Categories of Appeals	4
	Subtotal	4	
Subtotal		9	
Total		173	