



Vermont Legal Aid
Testimony in House Appropriations
February 2, 2026

Good Afternoon, my name is Bessie Weiss and I am the interim executive director of Vermont Legal Aid. Thank you for giving us this time. I am here today with Mike Fisher – Chief Health Care Advocate and Kaili Kuiper the State Long-Term Care Ombudsman. Both of these programs are part of Vermont Legal Aid. Their responsibilities are defined in statute – and therefore they will present separate budget requests.

Vermont Legal Aid as a whole, with its sister organization Legal Services Vermont, provides the core of this state’s free civil legal assistance efforts, and has served that role for almost 60 years.

I am here today to speak to our budget request for SFY2027 and to the proposed elimination of the appropriation that funds the Medicare Advocacy Project known as MAP. The MAP program has been at Vermont Legal Aid since it was established by statute in 1989. Since then, VLA has been awarded long term contracts by DVHA to operate the program.

The purpose of MAP is to ensure that dual eligible individuals (those eligible for both Medicare and Medicaid) receive the Medicare coverage to which they are entitled. *33 V.S.A. section 6702*. When MAP finds a provider who is billing Medicaid for a service when instead it should be rightfully billed to Medicare, MAP works to recover those healthcare costs to the state. With the massive federal cuts to Medicaid in the H.R. 1 aka the Big Beautiful Bill, securing federal Medicare dollars for Vermonters’ critical health care is now more important than ever.

I would like to tell you about MAP’s accomplishments

Since 2000, recovery for the state has exceeded what VLA has received from the state for this work by roughly 3.4 million dollars.



A couple of other significant accomplishments for MAP –

- was the success of a class action lawsuit MAP helped to win with the Center for Medicare Advocacy in CT. The named plaintiff – Glenda Jimmo was a resident of Lincoln, VT. In a 2013 settlement Medicare agreed that it would cover maintenance nursing and therapies for people with conditions that would not improve – e.g. people with ALS or Parkinson’s - expanding Medicare coverage for millions of people across the country. [*Jimmo v. Sebelius*]

Cost Avoidance

- MAP appeals have been critical in getting Vermonters access to better health care in facilities, and critical home health care, paid for by Medicare. Over the years that VLA has done this work, there has been a large shift to Medicare billing for home health care resulting in a reduction of Medicaid billing from home health of 2 million dollars from 10 years ago. Home health care avoids expensive longer stays - or even readmission - to skilled nursing facilities.

We were therefore very surprised when we learned last week that the Governor’s budget proposes to eliminate MAP. Especially because we were awarded a new 5-year contract in November after a competitive bid.

While it is true that the contract price has exceeded recovery in recent years – there are multiple reasons for this.

- At the onset of COVID we were directed by DVHA to cease recovery efforts for several months.
- Recovery from skilled nursing facilities remained difficult with the ongoing disruption of COVID in the years following the pandemic.
- The Genesis bankruptcy (July 2025) that affected 9 facilities resulted in MAPs freezing over \$200,000 in potential claims.

- Medicare Part C plans added a whole additional layer to billing appeals. The first appeal was to the Part C plan; the second was to Medicare. Both appeal processes had multiple levels, making it nearly impossible to successfully appeal wrongly denied claims. As you know they are no longer a part of Vermont's healthcare landscape.

Which brings me to what MAP is working on right now with DVHA to improve recovery.

In our bid last fall, we acknowledged the challenging landscape of declining Medicare reimbursements, and proposed solutions. These strategies are currently being implemented, such as:

- Meeting with DVHA staff to discuss ways to improve data collection and provider education.
- Holding a training last month for DVHA's provider relations staff to train on Medicare coverage standards.
- Plans for multiple training sessions with healthcare providers on the importance of proper Medicare documentation requirements for successful appeals.
- Plans for quarterly meetings with DVHA to review data quality and progress.
- And between cases opened in 2025 and last month MAP is currently pursuing over 1.1 million in Medicaid recoupment.

Finally, we do not believe the State has complied with the statutory criteria for ending MAP. The statute requires two criteria be met before the Commissioner of DVHA is permitted to end the contract for this work. Those criteria are:

- The amount of the State's share of recoveries during the preceding year did not exceed payments.
- **And** the Commissioner determines based upon information from VLA, providers, areas agencies on aging (AAAs) and others affected by the program that it is not accomplishing its goal of protecting dual eligible



individuals from improper denials of Medicare coverage. 33 V.S.A. § 6703 - Contract for services

In addition, it seems unlikely that plans currently exist to bring this work in-house, given the newly awarded contract, the lack of a commissioner's determination, and the level of expertise that is needed to do the work. The team of attorneys and paralegals assigned to MAP at VLA are experts in Medicare and Medicaid law.

By losing MAP Vermont would lose its billing watchdog. It is easier to bill Medicaid and there is every reason to believe providers will increasingly do so.

By losing MAP, Vermont Legal Aid would lose \$528,815 in SFY2027. Such a hole in our budget would have ripple effects beyond the loss of MAP. It would require further staff layoffs. It is important for the Committee to be aware that the attorneys in MAP also do vital work for our Elder Law Project.

We therefore ask this committee to keep the funds in the budget necessary to continue MAP. We would be happy to report back to the committee next January on our progress.

Budget Request

I will now move on to our other appropriation requests. As I stated, VLA with LSV are the only providers of a range of core legal services throughout the State.

- We offer free legal advice and representation to low-income Vermonters from 4 offices located across the state.
- We operate a statewide legal helpline providing quick legal advice, information, and referral;
- We maintain a website that guides Vermonters on how to solve their legal problems on their own that gets **over 600,000** hits per year.
- We field **26,000 requests for legal assistance** every year and last year **we directly assisted 18,000 Vermonters**.



- We provided full representation in approximately **2600 to 3000 cases per year**.

Despite the overwhelming need and increasing demand for legal services, this will be our third straight year that we have not received an increase in our appropriation from the Agency of Human Services. Level funding is hitting us especially hard because of significant federal funding cuts and annual increases to our costs, especially in health insurance premiums.

In SFY2025, Vermont Legal Aid lost \$4,526,000 dollars in federal funding (\$1,275,000 funds from HUD that for 19 years funded our Housing Discrimination Project, and \$3,251,000 funds from ERAP that funded our Housing for Everyone and Homeowner Legal Assistance Projects). These losses and level funding meant the painful loss of a total of 11 staff – 9 attorneys and 2 paralegals.

An increase in our SFY27 appropriation would compensate us for inflation, restore 2 staff attorney positions in our Poverty Law Project and provide more funding for our Helpline.

The Poverty Law Project provides general legal services and is being squeezed, as a greater percentage of our appropriation goes to mandatory legal services such as involuntary mental health treatment cases, protective services, and Act 248 cases. Specifically, we are asking for \$535,620 - an amount that will compensate for inflation and fund 2 staff attorney positions.

At a time when we are pouring resources into housing stability and healthcare Vermonters need advocates to help them navigate these systems. Vermont Legal Aid provides legal guidance and representation to individual Vermonters, to keep them housed and accessing the healthcare and benefits that are meant for them.

We appreciate the Committee's time and thoughtful engagement today. We do have additional testimony and a further budget request we were prepared to present, but we ran out of time during this hearing. We welcome the opportunity to return and share this information with the Committee at a later date, and we



look forward to continuing the conversation. Thank you again for your consideration.

For more information or questions please contact:

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