



State of Vermont  
Agency of Human Services  
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# Global Commitment Register

November 13, 2024

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GCR 24-075 to 24-077  
FINAL PROPOSED

## **Health Benefits Eligibility and Enrollment Rules Update**

### **Policy Summary:**

The Agency of Human Services (AHS) has filed final proposed rules with the Office of the Secretary of State (SOS) and the Legislative Committee on Administrative Rules (LCAR), to amend Parts 2, 3, and 7 of the Health Benefits Eligibility and Enrollment (HBEE) rules. The HBEE establishes eligibility and enrollment requirements for Medicaid/Dr. Dynasaur as well as Qualified Health Plan (QHP) insurance coverage. Updates are made regularly including to implement changes in federal and state law and guidance. The parts being amended in this proposed rulemaking are:

- GCR 24-075: HBEE Part 2 – Eligibility Standards
- GCR 24-076: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 24-077: HBEE Part 7 – Eligibility-and-Enrollment Procedures

These amendments are necessary to align HBEE, Parts 2, 3, and 7, with federal and state law and guidance, provide clarification, correct information, improve clarity, and make technical corrections. Substantive revisions include:

- Making beneficiary-friendly changes to Transitional Medical Assistance eligibility;
- Codifying the exclusion of dividend/interest income for purposes of Medicare Savings Program eligibility;
- Repealing the exception of Deferred Action for Childhood Arrivals (DACA) recipients as being “lawfully present” for the purposes of Qualified Health Plan eligibility;
- Repealing the requirement to pursue potential unearned income for purposes of Medicaid eligibility;
- Codifying the automatic enrollment of SSI recipients as Qualified Medicare Beneficiaries;
- Codifying the 90-day post-denial reconsideration period for Medicaid applicants who did not cooperate with the application process; and
- Repealing the interview requirement for purposes of long-term care Medicaid eligibility.

**Effective Date:**

The rules will go into effect on January 1, 2025, after receiving approval from the Legislative Committee on Administrative Rules (LCAR) and upon submitting the adopted rules with the Office of the Secretary of State.

**Authority/Legal Basis:**

Adopting and rulemaking: 3 V.S.A. §§ 801(b)(11); 33 V.S.A. §§ 1810, 1901(a)(1)

**Population Affected:**

Medicaid and Qualified Health Plan applicants and enrollees

**Fiscal Impact:**

This rulemaking is expected to be budget neutral.

**Public Comment Period:**

The public comment period on these rules closed on October 11, 2024. No comments were received.

The following technical changes were made to HBEE Part Two and Part Seven since the proposed filing:

- Sections 6.00(b)(6), 7.02(f), 8.02(f), and 9.02(f) were deleted to remove references to the requirement to pursue potential unearned income for purposes of Medicaid eligibility, as this requirement has been repealed.
- Footnote 55 at section 57.00(c)(5)(ii) was added to reference federal regulation.
- Footnote 90 at section 62.00 was added to reference federal regulation.

Changes are indicated in red and highlighted in grey in the annotated copy of the final proposed rule for HBEE Part Two and Part Seven. No changes were made from the proposed rule in HBEE Part Three.

**Additional Information:**

The [HBEE final proposed rules are available here](#), including annotated and non-annotated versions of HBEE Parts 2, 3, and 7.

The Office of the Secretary of State references the final proposed rules on its website as follows:

- HBEE Part 2 – Number 24P031
- HBEE Part 3 – Number 24P032
- HBEE Part 7 – Number 24P033

The final proposed rule postings can be viewed electronically on the [Secretary of State's proposed rules website](#).

To get more information about the [rulemaking process](#), see the website of the Office of the Secretary of State.

The [HBEE adopted rules](#) that are currently in effect are available here.

To be added to the GCR email list, send an email to [AHS.MedicaidPolicy@vermont.gov](mailto:AHS.MedicaidPolicy@vermont.gov).