



State of Vermont  
Agency of Human Services  
280 State Drive, Center Building  
Waterbury, VT 05671-1000

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# Global Commitment Register

December 4, 2024

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GCR 25-009  
PROPOSED

## **Health Care Administrative Rules Proposed Rule Filing #25**

### **Policy Summary:**

The Agency of Human Services (AHS) has filed proposed rules with the Office of the Secretary of State for the following Health Care Administrative Rules.

### **Proposed Rules:**

#### **HCAR 8.103 Person-Centered Planning – Home and Community-Based Services**

- This proposed rulemaking aligns with federal regulation for person-centered planning in delivering home and community-based services under Vermont's Global Commitment to Health Waiver, approved by the Center for Medicare and Medicaid Services (CMS). The proposed rule establishes the requirements for the planning process, service plans, annual reviews, and the required documentation for modifications to the additional qualities of a home and community-based setting.

#### **HCAR 9.101 Critical Incident Management System – Home and Community-Based Services**

- The proposed rulemaking outlines Vermont Medicaid's obligations according to federal law in establishing, managing, and upholding an incident management system designed to safeguard the well-being of individuals enrolled in home and community-based services sanctioned under Vermont's Global Commitment to Health Waiver. The proposed rulemaking aligns with the federal law stipulating the essential components of such a system, which includes the identification, reporting, prioritization, investigation, resolution, tracking, and analysis of critical incidents.

### **Effective Date:**

The proposed rules were filed with the Secretary of State on 11/27/2024. The rules will not become effective until the administrative rulemaking process is complete.

### **Authority/Legal Basis:**

Critical Incident Requirements: [42 CFR 441.302\(a\)\(6\)](#)

Person-Centered Planning Requirements: [42 CFR 441.301\(c\)](#)

[Global Commitment to Health Waiver](#): Waiver authority #5 [Section 1902(a)(13), 1902(a)(30)]; Special Term and Condition #6.8.

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

**Population Affected:**

HCBS Medicaid

**Fiscal Impact:**

HCAR 8.103 Person-Centered Planning – Home and Community-Based Services: There is a one-time investment of \$200,000 for training on HCBS. A portion of the investment will be used to train on person-centered planning best practices and standards.

HCAR 9.101 Critical Incident Management System – Home and Community-Based Services: There is a one-time investment of \$500,000 to enhance the state’s critical incident reporting management system.

**Public Comment Period:**

The public comment period is open until January 17, 2025.

Send comments to:

Medicaid Policy Unit  
280 State Drive, Center Building  
Waterbury, VT 05671-1000

Or submit via e-mail to [AHS.MedicaidPolicy@vermont.gov](mailto:AHS.MedicaidPolicy@vermont.gov).

**Public Hearing:**

January 10, 2025, 11:00 a.m.

[Microsoft Teams Meeting](#)

Meeting ID: 280 570 096 366

Passcode: SmHpbZ

To dial in by phone +1 802-828-7667, 97680834#

**Additional Information:**

The [HCAR proposed rules](#) are available on the AHS website at this link.

The proposed rules on the [Secretary of State’s website](#) are referred to as:

24P048 Person-Centered Planning – Home and Community-Based Services

24P049 Critical Incident Management System- Home and Community-Based Services

The [HCAR adopted rules](#) that are currently in effect can be found at this link.

The [Medicaid Covered Services Rules](#) that are currently in effect can be found at this link.

More information about the rulemaking process is available on the [Office of the Secretary of State's website](#) at this link.

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