



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

Global Commitment Register

July 12, 2022

GCR 22-029 to 22-033
PROPOSED

Health Benefits Eligibility and Enrollment Rules Update

Policy Summary:

The Agency of Human Services (AHS) has filed proposed rules with the Office of the Secretary of State (SOS) to amend Parts 1, 2, 3, 5 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 22-029: HBEE Part 1 – General Provisions and Definitions
- GCR 22-030: HBEE Part 2 – Eligibility Standards
- GCR 22-031: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 22-032: HBEE Part 5 – Financial Methodologies
- GCR 22-033: HBEE Part 7 – Eligibility-and-Enrollment Procedures

These proposed rulemakings are necessary to align HBEE, Parts 1, 2, 3, 5, and 7, with federal and state law and guidance, provide clarification, correct information, improve clarity, and make technical corrections. Substantive revisions include:

- codifying the annual open enrollment period for Qualified Health Plans from November 1 – January 15;
- adding a new income-based special enrollment period for Qualified Health Plans that allows ongoing enrollment for those at or below 200% of the Federal Poverty Level (FPL) (see also [GCR 22-026](#));
- extending the Medicaid postpartum period for pregnant women from 60 days to 12 months;
- adding Compacts of Free Association (COFA) migrants as qualified non-citizens eligible for Medicaid and exempt from the 5-year bar; and
- expanding Medicaid eligibility for former foster care children to include children aging out of foster care in another state.

Effective Date:

The rules will go into effect on January 1, 2023, 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:

Medicaid: C.F.R., Title 42, Chapter IV, Subchapter C, Part 435

Health Benefits Exchange: C.F.R., Title 45, Subtitle A, Subchapter B, Part 155

Adopting and rulemaking: 3 V.S.A. §§ 801(b) (11), 838, 3052, 3053; 33 V.S.A. §§ 105, 1901

Population Affected:

Medicaid and Qualified Health Plan applicants and enrollees

Fiscal Impact:

The estimated gross annualized budget impact is \$2,052,700 attributable to the Medicaid program expansions included in the proposed rule.

Public Comment Period:

The public comment period is open through August 24, 2022.

Send comments to: AHS.MedicaidPolicy@vermont.gov.

Public Hearing Date and Physical/Virtual Location:

August 17, 2022 at 2:00 pm

This public hearing has a **virtual** option via Microsoft Teams as well as **in-person**. Click on the link below to join or call the number below and enter the conference ID to connect.

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If you choose to attend the public hearing in person, please know that identification is required to enter the building.

Conference Room Cherry A
Waterbury State Office Complex
280 State Drive
Waterbury, VT 05671

Additional Information:

The [HBEE proposed rules are available here](#), including annotated and non-annotated versions of HBEE Parts 1, 2, 3, 5, and 7.

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

- HBEE Part 1 – Number 22P014
- HBEE Part 2 – Number 22P015
- HBEE Part 3 – Number 22P016
- HBEE Part 5 – Number 22P017
- HBEE Part 7 – Number 22P018

The 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.