



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

---

# Global Commitment Register

September 5, 2023

---

GCR 23-082 to 23-088  
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, 4, 5, 7 and 8 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 23-082: HBEE Part 1 – General Provisions and Definitions
- GCR 23-083: HBEE Part 2 – Eligibility Standards
- GCR 23-084: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 23-085: HBEE Part 4 – Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility
- GCR 23-086: HBEE Part 5 – Financial Methodologies
- GCR 23-087: HBEE Part 7 – Eligibility-and-Enrollment Procedures
- GCR 23-088: HBEE Part 8 – State Fair Hearings and Expedited Eligibility Appeals

These proposed rulemakings are necessary to align HBEE, Parts 1, 2, 3, 4, 5, 7, and 8, with federal and state law and guidance, provide clarification, correct information, improve clarity, and make technical corrections. Substantive revisions include:

- Implementing 12 months of Medicaid continuous eligibility for children;
- Codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for two consecutive years;
- Allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and
- Codifying two new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).

**Effective Date:**

The rules will go into effect on January 1, 2024, 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:**

The estimated gross annualized budget impact is \$2,800,000 attributable to the implementation of 12 months of Medicaid continuous eligibility for children included in the proposed rule.

**Public Comment Period:**

The public comment period is open through October 13, 2023.

Send comments to: [AHS.MedicaidPolicy@vermont.gov](mailto:AHS.MedicaidPolicy@vermont.gov).

**Public Hearing Date and Virtual Location:**

October 6, 2023 at 1:00 pm

This public hearing will be **virtual** via Microsoft Teams. Click on the link below to join or call the number below and enter the conference ID to connect.

Microsoft Teams meeting

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 212 780 018 243

Passcode: iGPmNH

[Download Teams](#) | [Join on the web](#)

**Or call in (audio only)**

[+1 802-552-8456,700267252#](tel:+18025528456700267252#) United States, Montpelier

Phone Conference ID: 700 267 252#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

*This meeting will be recorded. This recording and all paper and electronic copies of materials presented or shared on the screen will be subject to Vermont's Public Records Act, 1 V.S.A. §§ 315 et seq., and will be made available to the general public upon request. Participants are responsible for ensuring that no confidential or proprietary information is presented or discussed in the meeting and associated materials. This recording may not be deleted or destroyed except as provided under record retention schedule of the Department of Vermont Health Access.*

**Additional Information:**

The [HBEE proposed rules are available here](#), including annotated and non-annotated versions of HBEE Parts 1, 2, 3, 4, 5, 7, and 8.

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

- HBEE Part 1 – Number 23P024
- HBEE Part 2 – Number 23P025
- HBEE Part 3 – Number 23P026
- HBEE Part 4 – Number 23P027
- HBEE Part 5 – Number 23P028
- HBEE Part 7 – Number 23P029
- HBEE Part 8 – Number 23P030

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](mailto:AHS.MedicaidPolicy@vermont.gov).