



# Global Commitment Register

December 13, 2023

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GCR 23-082 to 23-088  
FINAL

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

### **Policy Summary:**

The Agency of Human Services (AHS) has filed the following adopted rules with the Office of the Secretary of State (SOS) and the Legislative Committee on Administrative Rules (LCAR), referenced as Health Benefits Eligibility and Enrollment (HBEE) rules. Updates are made regularly including to implement changes in federal and state law and guidance.

- 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

The rules are effective as of January 1, 2024 and will supersede HBEE Parts 1, 2, 3, 5 and 7 that went into effect on January 1, 2023 and Part 4 that went into effect on January 15, 2019, and Part 8 that went into effect on October 1, 2021.

The HBEE establishes eligibility and enrollment requirements for Medicaid/Dr. Dynasaur as well as qualified health plan (QHP) insurance coverage. The adopted rules 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:**

January 1, 2024

**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 adopted rule.

**Public Comment Period:**

The public comment period on these rules closed on October 13, 2023. No comments were received.

**History of HBEE:**

- HBEE (GCR 23-082 to 23-088), final rules, are effective January 1, 2024 and will supersede HBEE Part 1, Part 2, Part 3, Part 4, Part 5, Part 7, and Part 8 (GCR 22-029, 22-030, 22-031, 17-046, 22-032, 22-033, and 20-005). While Part 4 was last filed in 2018 (effective January 15, 2019), it underwent rulemaking solely due to a change in the format of the rule and did not have a GCR number.
- HBEE (GCR 22-029 to 22-033), final rules, became effective January 1, 2023 and superseded HBEE Part 1, Part 2, Part 3, Part 5, and Part 7 (GCR 20-001, 18-061, 18-062, 20-002, and 20-004)
- HBEE (GCR 20-001 to 20-005), final rules, became effective October 1, 2021 and superseded HBEE Part 1, Part 5, Part 7, and Part 8 (GCR 18-060, 18-063, 18-064, and 18-126)
- HBEE Part 8 (GCR 18-126), final rule, became effective July 1, 2019 and superseded HBEE Part 8 (17-049)
- HBEE (GCR 18-060 to 064), final rules, became effective January 15, 2019 and superseded HBEE (GCR 17-043 to 045, 047, 048); HBEE Part 6 (GCR 16-099) and Part 8 (GCR 17-049) were not superseded)
- HBEE (GCR 17-043 to 049), final rules, became effective January 1, 2018 and superseded HBEE (GCR 16-094 to 98 and 100 to 101; HBEE Part 6, GCR 16-099, was not superseded)
- HBEE (GCR 16-094 to 101), final rules, became effective January 15, 2017 and superseded HBEE (B16-02F)(HBEE was divided into 8 separate rules)
  - Rulemaking announcements previously made by Department for Children and Families bulletins (which can be viewed at <http://dcf.vermont.gov/esd/laws-rules/proposed-adopted> under “Archived Rules”) now made in Global Commitment Register.
- HBEE (B16-02F), a final rule, became effective August 1, 2016 and superseded HBEE (B16-22E)
- HBEE (B16-22E), an emergency rule, became effective January 11, 2016 and superseded HBEE (B15-02F)
- HBEE (B15-02F), a final rule, became effective July 15, 2015 and superseded HBEE (B14-04F)

- HBEE (B14-04F), a final rule, was effective July 30, 2014 and superseded HBEE Amendment # 3 (B14-02E)
- HBEE Amendment # 3 (B14-02E), an emergency rule, was effective March 31, 2014 and superseded HBEE Amendment # 2 (B13-46E)
- HBEE Amendment # 2 (B13-46E), an emergency rule, was effective January 1, 2014 and superseded HBEE Amendment # 1 (B13-36E)
- HBEE Amendment # 1 (B13-36E), an emergency rule, was effective October 1, 2013 and superseded the original HBEE (B13-12F)
- HBEE (B13-12F), the original final rule, was effective October 1, 2013

**Additional Information:**

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.

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