



State of Vermont  
Agency of Human Services  
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Waterbury, VT 05671-1000

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# Global Commitment Register

March 8, 2024

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GCR 23-091  
FINAL

## **Health Care Administrative Rules Update - Filing #11**

### **Policy Summary:**

The Agency of Human Services (AHS) has filed HCAR 4.105, the adopted rule for Medicaid Coverage of Exception Requests, with the Office of the Secretary of State (SOS) and the Legislative Committee on Administrative Rules (LCAR). HCAR is the collection of rules adopted by AHS that govern the administration of Vermont Medicaid.

The following change was made to HCAR 4.105 since the final proposed filing:

- HCAR 4.105.5(B) was stricken in its entirety. The text that was stricken provides, "A reviewing authority may not reverse the Commissioner's or their designee's decision unless it is determined that the decision was an abuse of discretion."

The adopted rule includes the following changes from the current rule, Medicaid Covered Services 7104, that it will replace:

- Clarification that the Medicaid exception request process is not available to enrollees under 21 years old;
- Clarification of eligibility criteria; and
- Change to the frequency that approved exception requests are posted online (from twice a year to once a year).

### **Effective Date:**

March 9, 2024

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

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

**Population Affected:** All Medicaid beneficiaries.

**Fiscal Impact:** No fiscal impact.

**Public Comment Period:**

The public comment period ended on August 16, 2023. [Public comments](#) that were received, and [AHS's responsiveness summary](#) can be found at these links.

**Additional Information:**

The [HCAR adopted rules](#) that are currently in effect can be found at this link and the newly adopted rule, described above, will be available on the AHS website on the effective date of March 9, 2024.

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.

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