



State of Vermont  
Agency of Human Services  
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# Global Commitment Register

December 16, 2024

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GCR 24-075 to 24-077  
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 24-075: HBEE Part 2 – Eligibility Standards
- GCR 24-076: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 24-077: HBEE Part 7 – Eligibility-and-Enrollment Procedures

The rules are effective as of January 1, 2025 and will supersede HBEE Parts 2, 3, and 7 that went into effect on January 1, 2024.

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 2, 3, and 7, with federal and state law and guidance, provide clarification, correct information, improve clarity, and make technical corrections. Substantive revisions include:

- Making beneficiary-friendly changes to Transitional Medical Assistance eligibility;
- Codifying the exclusion of dividend/interest income for purposes of Medicare Savings Program eligibility;
- Repealing the exception of Deferred Action for Childhood Arrivals (DACA) recipients as being “lawfully present” for the purposes of Qualified Health Plan eligibility;
- Repealing the requirement to pursue potential unearned income for purposes of Medicaid eligibility;
- Codifying the automatic enrollment of SSI recipients as Qualified Medicare Beneficiaries;
- Codifying the 90-day post-denial reconsideration period for Medicaid applicants who did not cooperate with the application process; and
- Repealing the interview requirement for purposes of long-term care Medicaid eligibility.

**Effective Date:**

January 1, 2025

**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:**

AHS anticipates no economic impact to the State's gross annualized budget in fiscal year 2025 as a result of these changes to HBEE.

**Public Comment Period:**

The public comment period on these rules closed on October 11, 2024. No comments were received.

**History of HBEE:**

- HBEE (24-075 to 24-077), final rules, are effective January 1, 2025 and will supersede HBEE Part 2, Part 3, and Part 7 (GCR 23-083, 23-084, and 23-087).
- HBEE (GCR 23-082 to 23-088), final rules, became effective January 1, 2024 and superseded 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.

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