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

Global Commitment Register

October 30, 2018

GCR 18-060 through 18-064
FINAL PROPOSED

Health Benefits Eligibility and Enrollment Rules Updates

Policy Summary:
The Agency of Human Services (AHS) has filed final proposed rules with the Office of the Secretary of State (SOS) and the Legislative Committee on Administrative Rules (LCAR), to amend Parts 1-5 and 7 of the Health Benefits Eligibility and Enrollment (HBEE) rules. These final proposed rules are expected to be presented to LCAR for review and approval on November 15, 2018. The LCAR meeting schedule can be viewed here.

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 these rulemakings are:

- GCR 18-060: HBEE Part 1 – General Provisions and Definitions
- GCR 18-061: HBEE Part 2 – Eligibility Standards
- GCR 18-062: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 18-063: HBEE Part 5 – Financial Methodologies
- GCR 18-064: HBEE Part 7 – Eligibility and Enrollment Procedures
- FORMATTING CHANGE ONLY: HBEE Part 4 – Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility

The final proposed rules, if adopted following the full rulemaking process, will supersede HBEE that went into effect on January 1, 2018.

These final proposed rulemakings are necessary to align HBEE, Parts 1-5 and 7, with federal and state law and guidance, provide clarification, correct information, improve clarity, and make technical corrections. In addition, these parts are being reformatted to improve the readability of the HBEE rules and to resolve certain document management issues that were in the prior format. There are no substantive changes to Part 4 which is undergoing rulemaking solely due to a change in the format of the rule. Parts 6 and 8 are not being amended and are not included in this rulemaking.

Substantive revisions in these rulemakings include increasing maximum time for processing health benefits applications from 30 to 45 days, lengthening from 30 to 45 days the time a Qualified Health Plan enrollee who is not getting premium assistance has to request one-time reinstatement for termination due to non-payment of premiums, repealing the entire section on Medicaid co-payments because the Health Care Administrative Rule 6.00 now contains all of this information, revising the "exceptional circumstances" triggering events for a QHP special enrollment period, and updating the effective dates for voluntary termination of QHP coverage to align with the current practice of making terminations effective at the end of the month of request for termination, with an option for a mid-month or retroactive termination effective date under certain circumstances.

Effective Date:
This rule will go into effect after receiving approval from the Legislative Committee on Administrative Rule (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:
AHS anticipates no economic impact to the State's gross annualized budget in fiscal year 2019 as a result of these changes to HBEE.

Public Comment Period:
The public comment period on this rule closed on October 16, 2018. No comments were received.

Two changes were made from the proposed rule: HBEE §§ 28.01(b)(to correct a technical error) and 64.06(b)(1)(ii)(B)(to improve clarity).

Additional Information:
The HBEE final proposed rule webpage is available here. This website has annotated and non-annotated versions of HBEE Part 1, 2, 3, 4, 5, and 7.

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

- HBEE Part 1 – Number 18P043
- HBEE Part 2 – Number 18P044
- HBEE Part 3 – Number 18P045
- HBEE Part 4 – Number 18P046
- HBEE Part 5 – Number 18P047
- HBEE Part 7 – Number 18P048

The posting can be viewed electronically at: https://secure.vermont.gov/SOS/rules/.

To get more information about the rulemaking process, see the website of the Office of the Secretary of State at https://www.sec.state.vt.us/administrative-rules.aspx.

The HBEE adopted rules that are currently in effect are available here.