

Date: June 4, 2021

Re: Response to comment received from the public for GCR 20-004: Health Benefits Eligibility & Enrollment (HBEE) Rule Update – HBEE Part Seven – Eligibility and Enrollment Procedures

A summary of the comment received on the proposed rule and the Agency of Human Services' response to that comment is included below. The comment was received from Vermont Legal Aid, Inc.

71.03 Special enrollment periods (SEP)

Comment:

We propose a modification to Rule HBEE 71.03 (E)(3)(ii). This section defines when employees are eligible for a special enrollment period outside the Annual Open Enrollment.... We propose eliminating the COBRA exclusion. By changing the phrase, “**that is not COBRA continuation coverage,**” to “**including COBRA continuation coverage,**” it will expand this special enrollment period to individuals who are enrolled on COBRA and whose former employer terminates its contributions. The Health Care Advocate’s office has worked with Vermonters whose former employer suddenly stopped contributing to COBRA coverage, which meant that they could not afford the COBRA premiums and lost their coverage. Under the current HBEE rules, they do not have a special enrollment period to get on Vermont Health Connect, which meant they often ended up with no coverage for the rest of the year. This change would also make Vermont’s HBEE rules consistent with the Federal marketplace, which currently allows for a special enrollment period in this scenario.

Response:

The State agrees with this comment and is revising the rule at 71.03 to include a special enrollment period for loss of assistance paying for COBRA. This will allow an enrollment opportunity for the situation where a qualified individual or his or her dependent is enrolled in COBRA continuation coverage and employer contributions to or government subsidies of this coverage completely cease. The State is drafting this provision to align with the special enrollment period recently codified by the federal government at 45 CFR 155.420(d)(15).

