



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

Global Commitment Register

July 1, 2016

GCR 16-011
FINAL PROPOSED

Health Benefits Eligibility and Enrollment Rule Update

Policy Summary:

The Agency of Human Services (AHS) has filed final proposed rulemaking with the Office of the Secretary of State (SOS) to amend the Health Benefits Eligibility and Enrollment Rule (HBEE) which sets forth eligibility criteria for Vermont's health benefit programs. The final proposed rule is not in effect, but if it is adopted following the full rulemaking process it will supersede HBEE as amended by emergency rulemaking effective May 11, 2016. HBEE was last adopted, following the full rulemaking process, on July 15, 2015.

HBEE, including changes proposed in this rulemaking, implements health care reform reflected in federal and state law including the Patient Protection and Affordable Care Act. Specifically, these changes are needed in order to align HBEE with federal and state law (including federal regulations published after AHS filed the proposed rule), align with federal guidance, provide clarification, correct information, improve clarity, make technical corrections, and to incorporate revisions effected on May 11, 2016 in emergency rulemaking.

The final proposed rule was approved by the Legislative Committee on Administrative Rule (LCAR) on June 30, 2016.

The Secretary of State proposed rulemaking website and other additional information can be found below.

Effective Date:

AHS will file the adopted rule with SOS on or before July 15, 2016. The permanent rule will be effective on August 1, 2016.

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, 1810

Population Affected:

Medicaid and Qualified Health Plan (with and without financial assistance) applicants and enrollees.

Fiscal Impact:

No fiscal impact.

Public Comment Period:

The public comment period ended on May 6, 2016.

Comments received, responses, and a summary of changes can be found in DCF/ESD Bulletin No. 16-02FP here: <http://dcf.vermont.gov/sites/dcf/files/ESD/Rules/2016/Rules/B16-02FP.pdf>

Additional information:

The SOS references this final proposed rulemaking on its website as Rule 16P009. The posting can be viewed electronically at: <https://secure.vermont.gov/SOS/rules/>.

DCF/ESD Bulletin No. 16-02FP, which describes this final proposed rulemaking and the annotated and non-annotated final proposed rule, can be seen electronically at: <http://dcf.vermont.gov/esd/laws-rules/proposed-adopted>.

HBEE that is currently in effect can be viewed electronically at:

<http://humanservices.vermont.gov/on-line-rules/esd/health-benefits-eligibility-and-enrollment-hbee/view>.

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>.