



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

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# Global Commitment Register

December 7, 2016

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GCR 16-120  
PROPOSED

## **Health Care Administrative Rules Update**

### **Policy Summary:**

The Agency of Human Services (AHS) has filed proposed rules with the Office of the Secretary of State (SOS) to amend the following administrative rules for Medicaid covered services.

### **4.211 Augmentative and Alternative Communication Devices/Systems** (replaces Medicaid Covered Services Rule 7507)

- This rule defines coverage for augmentative and alternative communication devices/systems. Amendments to the current rule include clarifying requirements and coverage for communication devices.

### **4.202 - Dental Services for Beneficiaries Age 21 and Older** (replaces Medicaid Covered Services Rule 7313)

- This rule defines coverage for dental service for beneficiaries age 21 and older. Amendments to the current rule include clarifying coverage and reimbursement for dental services.

### **4.203 - Dental Services for Beneficiaries Under Age 21, And Pregnant and Postpartum Women** (replaces Medicaid Covered Services Rule 7312)

- This rule defines coverage for dental services for beneficiaries under age 21, and pregnant and postpartum women. Amendments to the current rule include clarifying definitions and coverage for medically necessary dental services.

### **4.204 - Medical and Surgical Services of a Dentist** (replaces Medicaid Covered Services Rule 7311)

- This rule defines coverage for medical and surgical services of a Dentist. Amendments to the current rule include clarifying coverage criteria and definitions.

### **4.205- Orthodontic Treatment** (replaces Medicaid Covered Services Rule 7314)

- This rule defines coverage for orthodontic treatment. Amendments to the current rule include clarifying coverage criteria and additional definitions for orthodontic treatments.

### **4.220- Chiropractic Services** (replaces Medicaid Covered Services Rule 7304)

- This rule defines coverage for chiropractic services. Amendments to the current rule include shortened duration for clinical documentation of x-rays and changes to prior authorization requirements.

**10.100 - Pharmaceutical Manufacturer Fee** (replaces Medicaid Covered Services Rule 7701)

- This rule provides an overview of a fee collected by DVHA from drug manufacturers. Amendments to the current rule include an increase of the annual fee from 0.5% to 1.5% of the manufacturer's previous year Medicaid drug spend pursuant to Act 173 of 2016. There is no impact to the Medicaid budget as the fee is deposited into a fund that supports public health programs in Vermont.

**Effective Date:**

Proposed rules were filed with the Secretary of State on November 30, 2016. The rules will not become effective until the administrative rulemaking process is complete.

**Authority/Legal Basis:**

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

Act 173 of 2016, available online here:

<http://legislature.vermont.gov/assets/Documents/2016/Docs/ACTS/ACT173/ACT173%20As%20Enacted.pdf>

**Population Affected:**

All Medicaid.

**Fiscal Impact:**

No fiscal impact.

**Public Comment Period:**

Open until January 16, 2017

Send comments to: [AHS.MedicaidPolicy@vermont.gov](mailto:AHS.MedicaidPolicy@vermont.gov)

Or mail comments to:

Agency of Human Services  
Medicaid Policy Unit  
280 State Drive, Center Building  
Waterbury, VT 05671-1000

**Public Hearing Date:**

January 9, 2017 1:00PM - 3:00PM

Ash Conference Room  
Waterbury State Office Complex  
280 State Drive  
Waterbury, VT 05671

Identification required to enter building.

**Additional Information:**

- The proposed rules can be viewed electronically at: <http://humanservices.vermont.gov/on-line-rules/health-care-administrative-rules-hcar/hcar-proposed-rule-changes>
- The SOS references the proposed rules on its website as:
  - Rule 16P083 Augmentative and Alternative Communication Devices/Systems
  - Rule 16P078 Dental Services for Beneficiaries Age 21 and Older
  - Rule 16P079 Dental Services for Beneficiaries Under Age 21, And Pregnant and Postpartum Women
  - Rule 16P084 Medical and Surgical Services of a Dentist
  - Rule 16P080 Orthodontic Treatment
  - Rule 16P082 Chiropractic Services
  - Rule 16P081 Pharmaceutical Manufacturer Fee

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

- The DVHA rules that are currently in effect can be viewed electronically at: <http://humanservices.vermont.gov/on-line-rules/dvha>
- 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>.