

## Medicaid and Exchange Advisory Committee Meeting: 11/22/2021

### Committee Members Present

✓	Jessa Barnard	✓	Yacouba Jacob Bogre	✓	Kelly Dougherty
✓	Lisa Draper	✓	Mike Fisher	✓	Devon Green
✓	Dale Hackett	✓	Rebecca Heintz	✓	Sharon Henault
✓	Zachary Hozid		Gladys Konstantin	✓	Joan Lavoie
✓	Erin Maguire		Mary Kate Mohlman	✓	Kirsten Murphy
✓	Jamie Rainville		John Schultz	✓	Sarah Teel
✓	Julie Tessler			✓	Jason Williams

### Other Attendees Present

✓	Nissa James	✓	Adaline Strumolo	✓	Naomi Wolcott-MacCausland
✓	Danielle Fuoco	✓	Zachary Goss	✓	Sean Sheehan
✓	Leslie Johnson	✓	Bard Hill	✓	Sarah Peterson
✓	Sven Lindholm	✓	Betty Morse	✓	Nancy Hogue
✓	Susan Aranoff	✓	Tim Walker	✓	Brendan Hogan
✓	Erika Wolffing	✓	Shayla Livingston	✓	Molly Sweeney
✓	Elizabeth Boody				

### Agenda

- **Supporting Documents:** Posted to <https://dvha.vermont.gov/advisory-boards/medicaid-and-exchange-advisory-committee/agendas-and-materials>  
 Advisory Committee 11\_22\_21 Agenda.pdf  
 Advisory Committee PPT 11\_22\_21.pdf
- **Convene**  
 Co-chairs Devon Green and Erin Maguire chaired the meeting and called the meeting to order.
- **Roll Call, Approval of Minutes, and Quorum**  
 Zack Goss, Health Care Training and Communication Manager (DVHA), completed the roll call. During the roll call, Members also voted to approve the October 2021 meeting minutes. There was no further discussion, and the October 2021 meeting minutes were approved.

The Committee was reminded that there is no December meeting. The next meeting will be January 24, 2022.

- **Act 48 Overview, Update and Discussion**

Dani Fuoco, Health Care Assistant Administrator (DVHA)

Nissa James, Health Care Director (DVHA)

The Assistant Administrator introduced the administrative rule for the Act 48 of 2021 Immigrant Health Insurance Plan that will provide Dr. Dynasaur-like coverage for pregnant individuals and children under the age of 19 who have an immigration status for which Medicaid coverage is **not** available. The Assistant Administrator provided an overview of the draft rule, the tentative timeline for rulemaking, the implementation plan and implementation timeline. The Immigrant Health Insurance Plan administrative rule will need to be adopted by July 1, 2022, in accordance with the requirements of Act 48 of 2021.

*Please view Advisory Committee PPT 11\_22\_2021.pdf slides 4-14 for more details.*

- **1115 Waiver Renegotiation Update**

Ashley Berliner, Director of Medicaid Policy (DVHA)

The Director Medicaid Policy provided an update on the State's negotiations with the Centers for Medicare and Medicaid Services (CMS) related to the 1115 demonstration waiver renegotiation and reviewed the timeline, submission, and renegotiation process. The Director of Medicaid Policy also reviewed the continuing demonstration features as well as the new demonstration features proposed to be added to advance the State's goals and promote health equity. Committee members had a lot of questions; topic areas included: timing of developmental disabilities services payment reform timing (this isn't a specific aspect of the 1115 waiver negotiation, but the State has asked for flexibility to continue payment reform), impact of budget neutrality on the overall spending cap (CMS has indicated they are working on precedent setting – in process), and the State becoming a risk-bearing publicly managed care organization (discussions in process, working through this topic with CMS). The Committee asked the Director of Medicaid Policy to return with an update as soon as additional progress was made in the negotiation process; the Chairs confirmed their support for this as an upcoming agenda topic item.

*Please view Advisory Committee PPT 11\_22\_2021.pdf slides 15-18 for more details.*

- **Commissioner's Office Update**

Addie Strumolo, Acting Commissioner (DVHA)

Sandi Hoffman, Deputy Commissioner (DVHA)

Nissa James, Health Care Director (DVHA)

The Acting Commissioner acknowledged receipt and thanked the Advisory Committee for their budget recommendation letter. Next, the Acting Commissioner discussed that the Department continues with the 1115 waiver negotiations, as described by the Director of Medicaid Policy, planning for the unwinding of the flexibilities implemented in response to the COVID-19 public health emergency, and management of Open Enrollment (first deadline for enrollment into plans for 1/1/22 is 12/15/21). The Acting Commissioner explained that Department has restarted some programs that were paused during the public health

emergency and that the Department is closely tracking the federal Build Back Better Act's proposed provisions that passed the House, including those that:

- Extend the expanded subsidies available for 2021 and 2022 through the federal American Rescue Plan Act through 2025.
- Extend unemployment insurance benefits created by American Rescue Plan Act through 2022.
- Bring the affordability of employer sponsored insurance percentage to 8.5, making more people eligible for health insurance through Vermont's health insurance marketplace.

The Acting Commissioner also stated that the Department is advocating for the Vermont delegation to address the "family glitch," an oversight in the Affordable Care Act. The Department is monitoring the federal legislation as there are provisions that decouple the 6.2% enhanced federal medical assistance percentage for state Medicaid programs from the federal COVID-19 public health emergency and implement a phase down of the enhanced FMAP before redeterminations impacting increased enrollment into the Medicaid program could be completed. Likewise, there are restrictive provisions around the eligibility changes that can occur.

The Department's Health Care Director provided an update on the Act 48 of 2021 provider grant funding opportunity (for funding that is available to providers during state fiscal year 2022). Phase I and Phase II are now open; more information may be found on the website that was created for this project:

<https://dvha.vermont.gov/information-for-non-citizens/act-48-funding-providers>. The Department's Health Care Director provided an update on the Department's plan for coverage and reimbursement of audio-only telehealth for the period post-public health emergency. The Department confirmed that it has received written confirmation from the Centers for Medicare and Medicaid Services that "States have broad flexibility to deliver covered services via telehealth, such as determining the telehealth modalities to be used, including audio-only" for Medicaid-covered services when medically necessary and clinically appropriate. Following consultation with Medicare's policy staff on the topic of clinically appropriate health care service delivery, the Department will be revising its health care administrative rule on telehealth to include the audio-only modality. This rule will govern Medicaid policy for the period once adopted and the federal COVID-19 public health emergency ends.

- **Public Comment**

No public comment

- **Final Committee Discussion: Next Meeting is January 24, 2022 from 10AM – 12PM.**

The Committee discussed potential future agenda items including: another update on the 1115 Waiver, Home- and Community-Based Services Spending Plan (from the Agency, for the increased FMAP), most recent performance results from the Vermont Medicaid Next Generation program, legislative priorities, benchmark plan analysis findings, and a department leadership update (on hiring of the Commissioner position).

- **Adjournment**

The meeting was adjourned at 12:00pm.



AGENCY OF HUMAN SERVICES  
DEPARTMENT OF VERMONT HEALTH ACCESS

Additional about the Department's response to the COVID-19 public health emergency may be located here: <https://dvha.vermont.gov/covid-19>

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