

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 16-22E

FROM: Sean Brown, Deputy Commissioner
Economic Services Division

DATE: May 11, 2016

SUBJECT: Health Benefits Eligibility and Enrollment (HBEE)

CHANGES ADOPTED EFFECTIVE: 1/11/16

INSTRUCTIONS

Maintain Manual - See instructions below.

Proposed Regulation - Retain bulletin and attachments until you receive manual maintenance information or instructions

MANUAL REFERENCE(S): HBEE

Health Benefits Eligibility and Enrollment (HBEE), referenced as “HBEE (B16-22E)” for purposes of this Bulletin, is an emergency rule is effective May 11, 2016.

This emergency rule replaces HBEE B16-04E, an emergency rule that expired on May 10, 2016. Emergency rule B16-04E amended HBEE (B15-02F) that was adopted after the full rulemaking process on July 15, 2015.

This second emergency rule is necessary because the proposed rulemaking, to make the changes in HBEE16-04E permanent, is ongoing and will not be completed until August 2016. (See Proposed HBEE 16-02.) This emergency rule is necessary to maintain HBEE’s conformance to federal guidance and regulations implementing the Patient Protection and Affordable Care Act (ACA), Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152. Vermont Act 58 of 2015 authorizes emergency rulemaking for these purposes. HBEE 16-04E was necessary to bring HBEE into conformance with these federal statutes; HBEE 16-22E is necessary to maintain that conformance until the proposed rulemaking process is completed.

This emergency rule is continuing the change made by HBEE 16-04E to the reasonable opportunity period for Medicaid applicants and enrollees to provide verification of Medicaid eligibility. The change to the reasonable opportunity period restores the timeframes for this period for verification of Medicaid eligibility to what was in effect when the ACA was enacted. Accordingly, the current 90 day reasonable opportunity periods are reduced to:

- Two periods of ten days each for new applicants
- Ten days for enrollees

All changes to HBEE (B16-22E) are contained in Part Seven of the rule.

Manual Maintenance

Remove HBEE (16-04E) and replace with HBEE (16-22E)

Rulemaking History of HBEE

- HBEE (B16-22E), effective May 11, 2016, replaced HBEE (B16-04) in its entirety.
- HBEE (B16-04E), effective January 11, 2016, replaced HBEE (B15-02F) in its entirety.
- HBEE (B15-02F), effective on July 15, 2015, replaced HBEE (B14-04F) in its entirety.
- HBEE (B14-04F), effective July 30, 2014, replaced HBEE Amendment # 3 (B14-02E) in its entirety.
- HBEE Amendment # 3 (B14-02E), an emergency rule effective March 31, 2014, replaced HBEE Amendment # 2 (B13-46E) in its entirety.
- HBEE Amendment # 2 (B13-46E), an emergency rule effective January 1, 2014, replaced HBEE Amendment # 1 (B13-36E) in its entirety.
- HBEE Amendment # 1 (B13-36E), an emergency rule effective October 1, 2013, replaced the HBEE (B13-12F) in its entirety.
- HBEE (B13-12F), the original final rule, was effective October 1, 2013.

View the Emergency Rule

The clean and annotated versions of HBEE (B16-22E) can be viewed at:

<http://dcf.vermont.gov/esd/laws-rules/proposed-adopted>

Information about the Rulemaking Process

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking, please see the website of the Office of the Secretary of State at:

<https://www.sec.state.vt.us/> and/or call Louise Corliss at 802-828-2863.

To see the Office of the Secretary of State's posting related to this rule, see

<https://www.sec.state.vt.us/administrative-rules/notices-of-rulemaking.aspx>

For information on upcoming hearings before the Legislative Committee on Administrative Rules (LCAR), please see the website of the Vermont Legislature at:

<http://legislature.vermont.gov/committee/detail/2016/39> and/or call 802-828-5760.