

ADMINISTRATIVE RULES

MINUTES

January 23, 2014

The Joint Legislative Committee on Administrative Rules met on Thursday, January 23, 2014, beginning at 8:00 a.m. in 11 of the State House in Montpelier, Vermont.

The following members were present:

Rep. Richard Marek, Vice Chair
Rep. Patsy French
Rep. Linda Myers

Sen. Mark Macdonald, Chair
Sen. Robert Hartwell
Sen. Diane Snelling

Staff present:

Aaron Adler
Katie Pickens

Committee Counsel
Committee Assistant

The minutes of the meeting of December 19, 2013 and January 16, 2014 were approved.

The committee reviewed the following rules:

14-E01 – 2nd Emergency Rule – Agency of Human Services, Department for Children & Families/Health Benefits Eligibility and Enrollment. Mark Larson, Commissioner of the Department of Vermont Health Access, summarized the revisions in the rule. As a result of public comments, the agency changed the provisions in the rule on review by the Secretary's and included an expedited appeals process. Mr. Larson responded to questions from the committee.

Christine Speidel, Staff Attorney for the Office of Health Care Advocate, Vermont Legal Aid, stated concerns related to whether the rules conforms to federal regulations regarding the expedited appeals process and what the beneficiary rights would be in the appeals process. .

Rebecca Heintz, attorney for Blue Cross/Blue Shield of Vermont, indicated that her client did not object to the emergency rule but may object to the permanent rule because the rule is not consistent with the realities of the relevant market and information technology systems.

Commissioner Mark Larson responded to the testimony that he and his staff are working with advocates and will continue to do that.

On a motion by Rep. French, the committee unanimously approved the rule as submitted.

13-P41 – Agency of Human Services, Rate Setting Division/Methods, Standards and Principles for Establishing Payment Rates for Private Nonmedical Institutions Providing Residential Child Care Services (PNMI). Leslie Wisdom, Counsel for the Division of Rate Setting, introduced Kathleen Denette, Director of Rate Setting. Ms. Wisdom presented the rule to the committee. In response to legislative direction, the rule changes the rate setting methodology for private nonmedical institutions providing residential child care services (PNMI) from a budget based system to a prospective rate setting system based on allowable actual costs in a base year. Ms. Wisdom responded to questions from the committee.

On a motion by Sen. Snelling, the committee unanimously approved the rule as submitted.

The next meeting of the committee is scheduled for February 6, 2014, beginning at 8:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

Respectfully submitted,

Aaron Adler
Committee Counsel