

ADMINISTRATIVE RULES

MINUTES

June 26, 2014

The Joint Legislative Committee on Administrative Rules met on Thursday, June 26, 2014, beginning at 10:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

The following members were present:

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

Kathleen Pickens, Assistant  
Sen. Mark MacDonald, Chair  
Sen. Margaret Flory  
Sen. Diane Snelling

Staff present:

Aaron Adler  
Katie Pickens

Committee Counsel  
Committee Assistant

The minutes of the meeting of June 12, 2014 were approved, with Rep. French abstaining from the vote.

The committee reviewed the following rules:

**14-P14 – Agency of Human Services, Department for Children and Families/Health Benefits Eligibility and Enrollment (HBEE).** Mark Larson, Commissioner of the Department of Vermont Health Access, testified by phone and discussed the history of the rule and the preceding emergency rules. Commissioner Larson referred to a memo from him to Sen. MacDonald dated June 26, 2014 that was distributed to the committee just before the meeting. The memo addresses several issues raised during the comment period and provisions included in the proposed rules.

Devon Green, Health Policy Analyst for the Agency of Administration, discussed various aspects of the rule, including open enrollments, rolling eligibility and enrollment procedures for small businesses, and the long-term care provisions. She, Commissioner Larson,

Robin Chapman, Health Policy Analyst for the Department for Children and Families, Economic Services Division, and Leslie Wisdom, General Counsel for the Department for Children and Families, responded to questions from the committee. They distributed the following documents to committee members:

1. A memo from Devon Green to Sen. MacDonald dated June 26, 2014, entitled "Amendments to Part Six, Health Benefits Eligibility and Enrollment Final Proposed Rule Filing (14-P014)", and referred to as Amendment 1.
2. A two-page document entitled "Changes to Final Proposed Rule Agreed Upon with Vermont Legal Aid (VLA)", undated, and referred to as Amendment 2.

Christine Speidel, Staff Attorney for Vermont Legal Aid, distributed a document entitled "B14-04FP Health Benefits Eligibility and Enrollment Rule," undated, from Vermont Legal Aid, Inc. She testified that VLA believes that Sec. 8.05(k) of the rule reduces eligibility for Choices for Care, and asked the committee to object to this portion of the rule. Ms. Speidel responded to questions from the committee.

Ginny Milkey, Executive Director for the Community of Vermont Elders (COVE), distributed a letter from Michael Benvenuto, Project Director for Vermont Legal Aid, to Sen. MacDonald dated June 21, 2014. She stated that COVE supports the positions stated in Mr. Benvenuto's letter, and that the second item on Medicaid application processing problems has been resolved. The first item in the letter is the issue raised by Ms. Speidel regarding Choices for Care. Ms. Milkey responded to questions from the committee.

Rebecca Heintz, General Counsel for Blue Cross Blue Shield of Vermont, indicated that, while Blue Cross supports approval of the proposed rules, there are concerns about the process for small businesses having to enroll through Vermont Health Connect that require further discussion.

Susan Gretkowski, Senior Government Affairs Strategist, MVP Health Care, stated the rule is much improved since the first rule and supports the rule.

A multi-page packet of e-mail memos and documents, starting with an e-mail memo dated June 25, 2014 from Ms. Wisdom to Aaron Adler, Committee Counsel, were distributed to the committee.

On a motion by Rep. French the committee deferred action on the rule to the next meeting to allow an opportunity to review the new information provided at the meeting.

Rep. Krebs requested that all proposed amendments to the rule as filed with LCAR be submitted as one document and that, on remaining issues in dispute, parties submit a short

narrative on why the proposed rules do or do not meet the grounds under which LCAR may object to a rule pursuant to 3 V.S.A. § 842.

The next meeting of the committee is scheduled for July 10, 2014, beginning at 10:00 a.m. in the Ethan Allen Room of the State House in Montpelier, Vermont.

Respectfully submitted,

Aaron Adler  
Committee Counsel