

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 262 entitled “An act relating to miscellaneous changes to the Medicaid
4 program and the Department of Vermont Health Access” respectfully reports
5 that it has considered the same and recommends that the bill be amended as
6 follows:

7 First: In Sec. 3, 33 V.S.A. § 1958, in subdivision (a), in the fourth sentence,
8 by striking out the number “10” and inserting in lieu thereof the number 30

9 Second: By striking out Sec. 8, 3 V.S.A. § 3091, and its reader assistance
10 heading in their entirety and inserting in lieu thereof a new Sec. 8 and reader
11 assistance heading to read as follows:

12 * * * Human Services Board; Fair Hearings * * *

13 Sec. 8. 3 V.S.A. § 3091 is amended to read:

14 § 3091. HEARINGS

15 * * *

16 (e)(1) The Board shall give written notice of its decision to the person
17 applying for fair hearing and to the Agency.

18 (2) Unless a continuance is requested or consented to by an aggrieved
19 person, decisions and orders concerning Temporary Assistance to Needy
20 Families (TANF) under 33 V.S.A. chapter 11, TANF-Emergency Assistance
21 (TANF-EA) under Title IV of the Social Security Act, and medical assistance

1 (Medicaid) under 33 V.S.A. chapter 19 shall be issued by the Board within
2 75 days ~~of~~ after the request for hearing.

3 (3) Notwithstanding any provision of subsection (c) or (d) or
4 subdivision (1) of this subsection (e) to the contrary, in the case of an
5 expedited Medicaid fair hearing, the Board shall delegate both its fact-finding
6 and final decision-making authority to a hearing officer, and the hearing
7 officer's written findings and order shall constitute the Board's decision and
8 order in accordance with timelines set forth in federal law.

9 * * *

10 (i) In the case of an appeal of a Medicaid covered service decision made by
11 the Department of Vermont Health Access or any entity with which the
12 Department of Vermont Health Access enters into an agreement to perform
13 service authorizations that may result in an adverse benefit determination, the
14 right to a fair hearing granted by subsection (a) of this section shall be
15 available to an aggrieved beneficiary only after that individual has exhausted,
16 or is deemed to have exhausted, the Department of Vermont Health Access's
17 internal appeals process and has received a notice that the adverse benefit
18 determination was upheld.

1 Third: By adding a section to be Sec. 8a to read as follows:

2 Sec. 8a. APPEAL OF MEDICAID COVERED SERVICE DECISIONS;

3 FAIR HEARING; RULEMAKING

4 The Department of Vermont Health Access shall adopt rules pursuant to
5 3 V.S.A. chapter 25 establishing a process by which the Department shall
6 ensure that a Medicaid beneficiary who files a request for a fair hearing with
7 the Human Services Board prior to exhausting the Department’s internal
8 appeals process receives appropriate assistance with filing the internal appeal
9 and, if the internal appeal results in an adverse determination, with filing a
10 timely request for a fair hearing with the Human Services Board if the
11 beneficiary wishes to do so.

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14 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE