

Vermont Legal Aid Proposed Changes to S.262

Section 5: Asset Verification Program

Add language requiring proper notice of the scope and duration of the authorization.

(e) The Department of Vermont Health Access shall give Medicaid beneficiaries and applicants notice written in plain, accessible language explaining the electronic asset verification program. The notice shall explain applicants and beneficiaries are giving DVHA permission to conduct electronic asset verification by signing the authorization for release of this financial information as part of the application for assistance or benefits from Department of Vermont Health Access. The notice shall include an explanation of the scope of the asset verification and the duration of the release to conduct asset verification. Beneficiaries shall also be able to obtain a copy of any information gathered during the electronic verification process.

Section 8: Fair Hearing Exhaustion Requirement

Sec. 8a. APPEAL OF MEDICAID COVERED SERVICE DECISIONS; 20 FAIR HEARING; RULEMAKING

The ~~Agency of Human Services~~ ~~Department of Vermont Health Access~~ shall adopt rules pursuant to 3 V.S.A. chapter 25 establishing a process by which the ~~Agency~~ ~~Department~~ shall ensure that a Medicaid beneficiary who files a request for a fair hearing with the Human Services Board prior to exhausting the Department's internal appeals process receives consideration by the Department as if the beneficiary had properly filed an internal appeal ~~appropriate assistance with filing the internal appeal~~ and, if the internal appeal results in an adverse determination, said rules shall ensure that the beneficiary receives appropriate assistance with filing a timely request for a fair hearing with the Human Services Board if the beneficiary wishes to do so.

Sec. 8 of S.262 directly impacts the decision-making process for internal appeals, Human Service Board appeals and ultimately the potential for a secretary reversal. We have serious concerns about secretary reversal in general but suggest this small language clean up at this time.

3 V.S.A. § 3091

(h)(1) Notwithstanding subsections (d) and (f) of this section, the Secretary shall review all Board decisions and orders concerning TANF, TANF-EA, Office of Child Support Cases, Medicaid, and the Vermont Health Benefit Exchange. The Secretary shall:

A) adopt a Board decision or order, except that the Secretary may reverse or modify a Board decision or order if:

(i) the Board's findings of fact lack any support in the record; or

(ii) the decision or order violates ~~implicates the validity or applicability of~~ any Agency policy or rule.

(B) issue a written decision setting forth the legal, factual, or policy basis for reversing or modifying a Board decision or order.

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