

1
2
3
4
5
6
7
8
9

10
11

12
13
14
15

16
17
18
19

H.37

Introduced by Representative Donahue of Northfield

Referred to Committee on

Date:

Subject: Human services; health care; public assistance; Agency of Human
Services; Human Services Board

Statement of purpose of bill as introduced: This bill proposes to eliminate the
authority of the Secretary of Human Services to reverse or modify a decision
or order of the Human Services Board.

An act relating to eliminating the Secretary of Human Services' authority to
reverse or modify a decision or order of the Human Services Board

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 3091 is amended to read:

§ 3091. HEARINGS

* * *

~~(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:~~

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

3 ~~(i) the Board's findings of fact lack any support in the record; or~~
4 ~~(ii) the decision or order misinterprets or misapplies State or~~
5 ~~federal policy or rule; and~~

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

8 ~~(2) Notwithstanding subsections (d) and (f) of this section, a Board~~
9 ~~decision and order concerning TANF, TANF-EA, Office of Child Support,~~
10 ~~Medicaid, and the Vermont Health Benefit Exchange shall become the final~~
11 ~~and binding decision of the Agency upon its approval by the Secretary. The~~
12 ~~Secretary shall either approve, modify, or reverse the Board's decision and~~
13 ~~order within 15 days of the date of the Board decision and order. If the~~
14 ~~Secretary fails to issue a written decision within 15 days as required by this~~
15 ~~subdivision, the Board's decision and order shall be deemed to have been~~
16 ~~approved by the Secretary.~~

17 ~~(3) Notwithstanding subsection (f) of this section, only the claimant may~~
18 ~~appeal a decision of the Secretary to the Supreme Court. Such appeals shall be~~
19 ~~pursuant to Rule 13 of the Vermont Rules of Appellate Procedure. The~~
20 ~~Supreme Court may stay the Secretary's decision upon the claimant's showing~~
21 ~~of a fair ground for litigation on the merits. The Supreme Court shall not stay~~

1 ~~the Secretary's order insofar as it relates to a denial of retroactive benefits.~~

2 [Repealed.]

3 * * *

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2019 and shall apply to all decisions and
6 orders issued by the Human Services Board on and after that date.