



State of Vermont
Department of Financial Regulation
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December 8, 2021

Re: Health Care Stop Loss Insurance (H-2009-02) (Revised); Request for Extension of Adoption Date Under 8 V.S.A. § 843(c)

To whom it may concern:

The Department of Financial Regulation respectfully requests that the Legislative Committee on Administrative Rules (LCAR) exercise its discretion under 8 V.S.A. § 843(c) to extend the adoption deadline for the above-referenced Rule (Rule) to January 1, 2022.

Under section 843(c), an agency has eight months from the date of initial filing with the Secretary of State to adopt a rule. The Department filed the Rule with the Secretary of State on April 6, 2021, and the eight-month adoption deadline elapsed on December 6, 2021.

On December 2, 2021, LCAR approved the Rule with modifications agreed upon by stakeholders to address concerns raised in the Final Proposed Rule Filing. In the following days, the Department worked to complete and issue an emergency rule relating to at-home antigen testing for COVID-19, and due to a scheduling oversight on my part, the Department's Adopted Rule Filing was not prepared until today.

The Rule as approved by LCAR represents months of effort and negotiation between the Department and various stakeholders. Restarting the rulemaking process at this point would needlessly delay implementation and introduce regulatory uncertainty. Therefore, the Department requests that LCAR extend the adoption deadline, enabling the Secretary of State to accept the Adopted Rule Filing and the Rule to go into effect.

I apologize for the oversight and would be happy to answer any questions the Committee has.

Thank you for your consideration,

/s/ E. Sebastian Arduengo

E. Sebastian Arduengo
Assistant General Counsel
Department of Financial Regulation

