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LEGISLATIVE COMMITTEE ON
ADMINISTRATIVE RULES (LCAR)

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MEMORANDUM

To: Representative Bill Lippert, Chair, House Committee on Health Care
Senator Ginny Lyons, Chair, Senate Committee on Health and Welfare
Senator Ann Cummings, Chair, Senate Committee on Finance

From: Legislative Committee on Administrative Rules

Date: July 29, 2021

Subject: Health care issues for consideration by policy committees

The Legislative Committee on Administrative Rules (LCAR) reviewed several health care-related rules from the Agency of Human Services (AHS) at LCAR's July 1 meeting. The rules addressed health benefit eligibility and enrollment and Medicaid coverage for home health services, durable medical equipment, medical supplies, and applied behavior analysis services. During the course of LCAR's deliberations, it became clear that there were several issues of concern to LCAR members that exceeded the scope of LCAR's statutory authority. LCAR recommends that the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance explore and consider the following issues during the 2022 legislative session:

- Alignment between Department of Financial Regulation procedures and/or rules applicable to health insurance carriers that offer qualified health benefit plans through the Vermont Health Benefit Exchange and procedures and/or rules applicable to Vermont Medicaid, including the following:
 - notices of changes;
 - grace periods;
 - flexibility in purchase of and access to durable medical equipment;
 - home health services;
 - respite care; and
 - applied behavioral analysis services.
- Consistency of respite care benefits across AHS programs, so that, for example, respite care benefits for home-based caregivers are comparable to the respite care benefits AHS is currently developing for foster families.
- The extent to which grants, scholarships, and fellowships for necessary educational expenses may be excluded from Medicaid income calculations for individuals with disabilities, including identifying which educational nontaxable funds qualify for

exclusion and what amount of savings, if any, may be put aside for these individuals' educational purposes.

- The extent to which existing federal and State laws would allow Medicaid beneficiaries' income levels to increase in excess of the annual increases in the applicable federal poverty levels without jeopardizing their Medicaid eligibility.
- The overall integration of health care rules between public and private health care programs, to the extent permitted under federal law.