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Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA **Monday, August 14, 2023, 2:00 p.m.**

To attend virtually via Microsoft Teams, please [click here to join the meeting](#) for full meeting audio and visual. If you require a call-in option to participate (e.g., computer does not have a microphone), dial 802-828-7667 and enter Phone Conference ID: 106 522 523#.

Physical meeting location suspended until July 1, 2024 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the [minutes](#) from the June 12, 2023 meeting
- Note any additions or deletions from the agenda
- Note: An emergency rule titled 'Pandemic-Era General Assistance Emergency Housing Transition' from the Agency of Human Services, Department for Children and Families was supported on June 30, 2023. The Department for Children and Families must establish eligibility criteria to continue providing temporary housing assistance to the populations identified in Act 81 and the Executive Order dated June 30, 2023. This rule expands categorical eligibility for temporary housing assistance under General Assistance rule 2652.3 from families with children age six or under to families with children under 18 years of age or who are 18 or 19 years of age and attending secondary school on full-time basis or an equivalent level of vocational or technical training, pursuant to the Executive Order. This rule updates the basic needs standard chart in rule 2652.4 to align with the current Reach Up basic needs standard and amends the methodology in rule 2652.4 for calculating the 30 percent income contribution. This rule establishes two new sections: (1) rule 2652.5, which implements sec. 6 of Act 81 of 2023; and (2) rule 2652.6, which clarifies that the maximum number of days a household may receive housing assistance resets July 1, 2023 and rescinds all waivers and variances of the rules previously in place from March 2020 through June 2023.
- Public comment
- Presentation of the following proposed rules:
 - 1) Vermont Passenger Tramway Rules, Vermont Department of Labor
 - a) This is an amendment of an existing rule, which is being revisited primarily for the purpose of adopting by reference the most recent industry standard. This is the 2022 edition of ANSI B77.1, the American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors Safety Requirements. The rule also includes a Vermont-specific Addendum, further supplementing the national standard.
 - 2) Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services



- a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).
- 3) Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), Agency of Human Services
 - a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).
- 4) Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), Agency of Human Services
 - a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).
- 5) Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Services and Supports - Eligibility and Post-Eligibility (Part 4), Agency of Human Services
 - a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).
- 6) Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services
 - a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12

months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).

7) Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services

a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).

8) Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services

a) This proposed rulemaking amends Parts 1-5, and 7-8 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 2, 3, 5, and 7 were last amended effective January 1, 2023. Part 4 was last amended effective January 15, 2019. Part 8 was last amended effective October 1, 2021. Substantive revisions include: implementing 12 months of Medicaid continuous eligibility for children; codifying ineligibility for Qualified Health Plan subsidy if failure to reconcile tax credits for 2 consecutive years; allowing self-attestation of income for Qualified Health Plan subsidies if no tax information is available through data sources; and codifying 2 new income and resource exclusions for purposes of Medicaid eligibility for the Aged, Blind, and Disabled (MABD).

- Committee discussion:

- Potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
- Use of terms 'regulation' and 'promulgation': Administrative Procedure Act rules are adopted. Regulations are not promulgated.

- Other business

- Next meeting date: Monday, September 11, 2023 at 2:00 p.m.

- Adjournment

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