



State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322

Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA Monday, December 11, 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 November 13, 2023 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
 - 1) Administration of Nonemergency Involuntary Psychiatric Medications, Department of Mental Health
 - a) This rule outlines the procedures for the administration of nonemergency involuntary psychiatric medications by the Department of Mental Health Services (DMH). This rulemaking adds a "forensic facility," as defined by Act 27 (2023) to the list of facilities where involuntary psychiatric medications can be administered. Section 7: USE OF RESTRAINTS WHEN ADMINISTERING NONEMERGENCY INVOLUNTARY MEDICATION" has been removed from this rule because these requirements are addressed in a separate DMH rule. Terms and formatting have also been updated.
 - 2) Vital Records Rule, Department of Health
 - a) This rulemaking amends the types of documents that can be used to establish a person's identity when requesting a certified birth certificate. Specifically, an out of state correctional facility will be able to provide documentation to verify the identity of an individual incarcerated in the facility the same way that the Vermont Department of Corrections (DOC) is able to currently do for individuals incarcerated in a Vermont correctional facility.
 - 3) VPharm Coverage, Department of Vermont Health Access
 - a) This proposed rulemaking amends VPharm rule 5450 titled "Coverage" which establishes coverage for the VPharm program. This VPharm Coverage rule was last amended effective February 25, 2012. This amendment aligns with federal and state guidance and law, improves clarity, and makes technical corrections. Certain content, such as 5450.1 Rebate or Price Discount, has been removed as it was redundant with language that exists in state statute. Substantive revisions include: expanding drug coverage available under VPharm 2 and VPharm 3 to be equivalent to the drug coverage available under VPharm 1 and the Medicaid program, as authorized through Vermont's Global Commitment to Health 1115 Demonstration waiver effective July 1, 2022.



- 4) Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry, Vermont Agency of Agriculture, Food & Markets
 - a) This is an update to the existing importation rules for livestock and poultry. The rule outlines the documentation and disease testing requirements to import cattle/bison, equine, swine, sheep, goats, poultry, ratites, psittacine birds, camelids, and cervids from the US 50 States and Canada. Disease concerns and testing has changed, this update addresses the significant diseases of concerns and the tests required to demonstrate free status. This update aligns the rule with USDA disease programs, modern technology, and the disease traceability standards set by Vermont statutes. For example, current USDA brucellosis program standards are eliminating the Class A-C language for describing state status and has increased the age recommendation for swine testing from four months to six months of age.
 - 5) Antidegradation Implementation Rule, Agency of Natural Resources
 - a) The proposed rule lays out the process for implementing Vermont's antidegradation policy. Vermont's antidegradation policy requires that existing uses of waters and the level of water quality necessary to protect those uses shall be maintained and protected. To implement this policy, the proposed rule requires an analysis of water quality impacts, to be conducted during the review of applications for permits authorizing activities that are required to comply with the Vermont WQS. The rule includes a list of permits subject to antidegradation review, the required public process, and the three-tiered analysis of water quality impacts: Protection of Outstanding Resource Waters, protection of High Quality Waters, and protection of Existing Uses. The rule also includes an analysis for determining when a reduction in receiving-water quality is allowable, based on evaluation of the subsequent socioeconomic impact of not allowing the proposed activity.
- Other business
 - Next meeting date: Monday, January 8, 2024 at 2:00 p.m.
 - Adjournment

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