



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** October 11, 2021, Physical Location: Pavilion Building, 109 State Street, 5th Floor, Montpelier, VT 05609; Virtual Option: Via Microsoft Teams  
**Members Present:** Chair Kristin Clouser, Diane Bothfeld, Jen Mojo, John Kessler, Diane Sherman, Clare O'Shaughnessy and Mike Obuchowski  
**Members Absent:** Ashley Berliner and Dirk Anderson  
**Minutes By:** Melissa Mazza-Paquette

- 2:02 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the [September 8, 2021](#) meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Approval of draft changes to updated pre-filing ICAR forms discussed at the [9/7/21](#) and [9/8/21](#) meetings.
  - 1) Motion made by John Kessler, seconded by Diane Bothfeld and approved unanimously.
- Note: The following emergency rules were supported by ICAR Chair Clouser:
  - 1) 'Rule on Rulemaking' by the Office of the Secretary of State' on September 23, 2021
    - a) This emergency filing will allow the continuation of electronic submission of APA filings by email with a "conformed signature" until the permanent rule can be adopted and implemented. The benefits of electronic submission and continued reduction of in-person contact continue to be desirable as the COVID-19 pandemic persists. This amendment will also remove a requirement to notify ICAR and LCAR 30 days before the SOS makes changes to the filing forms and make some minor formatting and housekeeping changes which will also be present in the permanent rule.
  - 2) 'PUC Emergency Rule 2.500 COVID-19 Emergency Procedures' by the Public Utility Commission on October 7, 2021
    - a) This emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus. This serves as a third extension of the emergency rule filed in April 2020. Because the office will reopen and we will resume typical mail processing while this rule is in place, we have made a change to Rule 2.503 to permit electronic or paper filing rather than requiring electronic only.
  - 3) 'Child Care Licensing Regulations: Center Based Child Care and Preschool Programs' by the Agency of Human Services, Department for Children and Families on October 7, 2021
    - a) Rule 2.7 (Rule Variance) is amended to exempt rules 3.5 (Nondiscriminatory Enrollment), 4.7 (Communicating CBCCPP Policies and Procedures), 6.1.4.3 (Respect for Diversity), and 6.2.5.1 (Quality of Interactions).

- 4) 'Licensing Regulations for Afterschool Child Care Programs' by the Agency of Human Services, Department for Children and Families on October 7, 2021
    - a) Rule 3.15 is amended to include non-discriminatory enrollment language found in both the Center Based Child Care and Preschool Program (CBCCPP) licensing regulations and Registered and Licensed Family Child Care Homes (FCCH) licensing regulations. Rule 4.7 is amended to include the non-discrimination assurance language found in both the CBCCPP and FCCH licensing regulations. Rule 8.6 is amended to include the respect for diversity language found in both the CBCCPP and FCCH licensing regulations. Rule 18.66 (Rule Variance) is amended to exempt rules 3.15, 4.7, and 8.6.
  - 5) 'Licensing Regulations for Registered and Licensed Family Child Care Homes' by the Agency of Human Services, Department for Children and Families on October 8, 2021
    - a) Rule 2.7 (Rule Variance) is amended to exempt rules 3.4 (Nondiscriminatory Enrollment), 4.7 (Communicating CBCCPP Policies and Procedures), 6.1.4.3 (Respect for Diversity), and 6.2.3 (Quality of Interactions).
- No public comments made.
  - Presentation of Proposed Rules on pages 3-4 to follow.
    1. Recognized Accrediting Agencies and Relationship with Other Entities, State Board of Education, page 3
    2. Rules of the Board of Medical Practice, by the Agency of Human Services, Department of Health, page 4
  - Next scheduled meeting is November 8, 2021 at 2:00 p.m.
  - Committee discussion regarding potential new date and time for future meetings.
  - 3:33 p.m. meeting adjourned.

**Proposed Rule: Recognized Accrediting Agencies and Relationship with Other Entities, State Board of Education**

**Presented By: Jennifer Samuelson and Donna Russo-Savage**

Motion made to accept the rule by Diane Bothfeld, seconded by John Kessler, and passed unanimously except for Clare O'Shaughnessy who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #8: Clarify what is being done by this rule and tie into the Economic Impact Analysis.
2. Proposed Rule Coversheet, page 4, #12: Include any known costs and who is responsible. Clarify the economic impact and carry that over to the Economic Impact Analysis.
3. Economic Impact Analysis, page 2, #5 and #8: Include reasoning.
4. Economic Impact Analysis: Clarify the full impact of the rule and tie into the Proposed Rule Coversheet, including language where the reapplication may be necessary if changes are made.
5. Public Input, page 1, #3: Include outreach, those involved, and communication avenues taken.
6. Public Input, page 2, #4: Clarify public comment process and input.

**Proposed Rule: Rules of the Board of Medical Practice, by the Agency of Human Services,  
Department of Health  
Presented By: David Herlihy**

Motion made to accept the rule by John Kessler, seconded by Jen Mojo, and passed unanimously except for Mike Obuchowski who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 2, #6: Clarify where the authority is derived from.
2. Proposed Rule Coversheet, page 3, #9: Clarify “Most”.
3. Proposed Rule Coversheet, page 4, #12: Include: economic impact of each change; range of fee costs and potential number of incidents; and expected frequency of financial penalties.
4. Economic Impact Analysis, page 1, #3: Include more information including estimated costs.
5. Economic Impact Analysis, page 2, #9: Include all economic impacts.
6. Public Input Statement, page 1, #3: Include outreach plan.