



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
[fax] 802-828-3320

Susanne R. Young, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR)
AGENDA

Monday, October 9, 2017, 2:00 p.m.
Pavilion 5th Floor Conference Room

- Welcome
- Review and approval of the minutes from the September 11, 2017 meeting
- Note any additions or deletions from the agenda
- Public comment
- Administrative Rules for Alcohol & Drug Counselors, Office of Professional Regulation – Emergency Rule:
 - Emergency granted by Deputy Secretary of Administration on October 5, 2017
- Presentation of the following proposed rules:
 1. VOSHA Rule: Subpart D; Walking working Surfaces, General Industry, Department of Labor
 - a. OSHA’s efforts to upgrade subpart D of the General Industry Standard can be traced back to an original proposal in 1990. This rule change represents a recognition of more than a generation of technological advances in the field of fall protection. When the original rule was promulgated in 1971, fall protection for General Industry was understood in very basic terms; holes were covered and open sided floors were railed. This rule incorporates into General Industry, the types of advances implemented over 50 years of construction activities. Advances such as personal fall protection, better anchor systems, better positioning systems, just to name a few, are incorporated in this rule. Essentially this allows employers a wider flexibility in meeting the unique challenges of fall protection in today’s workplace.
 2. Acupuncture, Agency of Human Services
 - a. The rule titled Acupuncture (7303) established that acupuncture and services performed in conjunction with acupuncture are not covered. AHS is repealing this rule. The content of this rule will be adopted within a new rule titled Medicaid Non-Covered Services.
 3. Fertility Services, Agency of Human Services
 - a. The rule titled Fertility Services (7306) established that fertility services and procedures performed in conjunction with such services are not covered. AHS is repealing this rule. The content of this rule will be adopted within a new rule titled Medicaid Non-Covered Services.
 4. Massage Therapy, Agency of Human Services

- a. The rule titled Massage Therapy established that massage therapy and services performed in conjunction with such services are not covered. AHS is repealing this rule. The content of this rule will be adopted within a new rule titled Medicaid Non-Covered Services.
5. Surgery, Agency of Human Services
 - a. The rule titled Surgery established that cosmetic and experimental surgeries are not covered. AHS is repealing this rule. The content of this rule will be adopted within a new rule titled Medicaid Non-Covered Services.
 6. Medicaid Non-Covered Services, Agency of Human Services
 - a. The proposed rule sets forth the criteria for services that are not covered under Vermont's Medicaid program. It also defines experimental and investigational services. This rule includes language from and will replace current Medicaid covered services rules: 7306 Fertility Services, 7307 Massage Therapy, and 7310 Surgery. This change is part of the sequential adoption of Health Care Administrative Rules designed to improve public accessibility and comprehension of the numerous rules concerning the operation of Vermont's Medicaid program.
 7. Abortion, Agency of Human Services
 - a. The proposed rule sets forth the criteria for Medicaid coverage for abortions. It revises and will replace current Medicaid covered services rule 7302 as part of the sequential adoption of Health Care Administrative Rules designed to improve public accessibility and comprehension of the numerous rules concerning the operation of Vermont's Medicaid program.
 8. Supervised Billing, Agency of Human Services
 - a. The proposed rule sets forth the criteria for Supervised Billing under Vermont's Medicaid program. It is a new rule to be adopted as part of the sequential adoption of Health Care Administrative Rules designed to improve public accessibility and comprehension of the numerous rules concerning the operation of Vermont's Medicaid program.
 9. Fire Safety and Prevention, Agency of Human Services, Department of Corrections
 - a. The Vermont Department of Corrections shall establish and adhere to fire safety, prevention, and evacuation procedures. These procedures shall include staff expectations in the event of a fire. The Superintendent of each correctional facility shall develop a comprehensive fire prevention, safety, and reaction plan, including a fire evacuation plan that allows for the safety, custody, and security of inmates. This rule also outlines other Superintendent duties relating to fire safety, prevention, and evacuation.
 10. Resident Publications, Agency of Human Services, Department of Corrections
 - a. The Vermont Department of Corrections (DOC) shall establish and adhere to a policy for the approval and review of resident publications. The policy shall allow for the publication of pro-social newspapers, magazines, newsletters, or similar periodicals by inmates. The DOC is responsible for operating and maintaining safe and secure correctional facilities. Therefore, the DOC may disallow the resident production and dissemination of publications that pose a threat to the safety, security, operations, or pro-social living environment of the facility, or that would be prohibited by DOC policy, if the publication were produced by any other source.
 11. Licensing and Operating Rules for Nursing Homes, Agency of Human Services, Department of Disabilities, Aging and Independent Living (DAIL)

- a. Act No. 136 (2016) amends 18 V.S.A. chapter 231 to allow for surrogate decision-making for do-not-resuscitate orders (DNRs) and clinician orders for life-sustaining treatment (COLST). More specifically, the Act, among other things, details who may serve as a surrogate, describes the circumstances under which a surrogate may provide or withhold informed consent, and sets forth the rights and responsibilities of a surrogate. In addition, the Act amends 33 V.S.A. §7306, which details the responsibilities of a resident's representative when making decision, including whether to provide or withhold consent for a DNR or COLST, on behalf of a resident.

12. Privacy of Consumer Financial and Health Information Regulation, Department of Financial Regulation

- a. In December 2015, the U.S. Congress amended the Gramm-Leach-Bliley Act ("GLBA") to create an exception to the annual privacy notice requirement if certain conditions are met. The Department of Financial Regulation ("Department") proposes to incorporate the 2015 GLBA changes into the Banking Division Privacy of Consumer Financial and Health Information Regulation. Generally, an annual privacy notice is no longer required if: the financial institution does not share information in a manner that would require an opt-in or an opt-out; the financial institution has not changed its policies or procedures from the most recent privacy notice provided to its customers; and the financial institution posts its privacy policy on its web site. The proposed amendments also describe the time frame within which a financial institution must inform its customers if the financial institution changes its policies or practices in a manner that no longer qualifies for the exemption.

- Next meeting date: November 13, 2017 at 2:00 p.m.
- Adjournment