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Susanne R. Young, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR)
AGENDA

Monday, November 13, 2017, 2:00 p.m.
Pavilion 5th Floor Conference Room

- Welcome
- Review and approval of the minutes from the October 9, 2017 meeting.
- Update: The Agency of Human Services, Department of Corrections, decided to withdraw their amendment to their proposed rule titled ‘Fire Safety and Prevention’ that was presented at the October 9, 2017 meeting. Once their revised policy is in place, they will file to repeal the rule.
- Emergency Rules by the Lottery Commission granted:
 - Lucky for Life Rules, granted on 10/26/17
 - Mega Millions Rules, granted on 10/27/17
- Note any additions or deletions from the agenda.
- Public comment.
- Presentation of the following proposed rules:
 1. Vermont Criminal Justice Training Council Rules & Regulations, Vermont Criminal Justice Training Council
 - a. The rules govern how the Council operates relative to its composition and provide standards for all levels of law enforcement training.
 2. Resident Publications, Agency of Human Services, Department of Corrections
 - a. DOC is proposing the repeal of the current Resident Publication Rule, APA #79-39/CVR 13-130-008. The rule is outdated, and requires inmates to obtain the approval of the Commissioner of Corrections prior to producing any publications. As DOC has grown, it is no longer reasonable that the Commissioner review and deliberate on these requests. Updated DOC policy and administrative directive allow these requests to be handled at the correctional facility level, by authorizing Superintendents to approve or deny inmate requests to produce and disseminate publications at their assigned facilities. The DOC is not statutorily required to promulgate a rule concerning resident publications. Repealing the rule would allow the DOC to more easily update policy and practice as the needs of DOC and best practice change.
 3. Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, Agency of Natural Resources, Department of Forest, Parks, and Recreation
 - a. This is a proposed amendment to state rule 16-037; “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont.” Effective Date: October 22, 2016. The proposed amendment makes changes to the recently

revised rules that clarify technical information regarding permanent stream crossings. The change consists of: amending 3 existing definitions and adding two new definitions, amending 3 of the 26 AMPs, and amending Table 2 that deals with minimum sizes for temporary and permanent culverts. The AMPs are intended to prevent discharges of sediment, hazardous materials such as petroleum products, logging slash and logging debris from entering streams or other bodies of water. There are specific AMPs for truck roads, skid trails, stream crossings, stream buffers and log landings.

4. Environmental Regulations – Day Care Facilities, Agency of Human Services, Vermont Department of Health
 - a. Child care licensing is no longer within the authority of the Department of Health and is overseen by the Department of Children and Families (DCF). DCF regulates registered family child care homes and licensed programs to make sure they provide safe and healthy environments for children and contribute to their development. This rule has been subsumed into DCF’s Childcare Licensing Regulations: Center Based Child care and Preschool Program; Child Care Licensing Regulations; Registered and Licensed Family Child Care Homes; and Afterschool Child Care Program Regulations.
5. Health Care Administrative Rules Definition (Amendment), Agency of Human Services
 - a. This rule includes definitions for the Agency of Human Services’ Health Care Administrative Rules.
6. Medicaid Benefit Delivery (Amendment), Agency of Human Services
 - a. The proposed rule sets forth the criteria for Medicaid Benefit Delivery under Vermont’s Medicaid program. It revises and will replace the current Medicaid Benefit Delivery rule that is located at 7101 in the Department of Vermont Health Access’s Medicaid Covered Services Rules.
7. Emergency Services (Amendment), Agency of Human Services
 - a. The proposed rule sets forth the criteria for Medicaid coverage and reimbursement for emergency services under Vermont’s Medicaid program. It revises and will replace the Emergency Services section found in 7101.3 (L) of the current Medicaid covered services rule 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. Global Commitment Appeals and Grievances (Department of Vermont Health Access Rule 7110) (Repeal), Agency of Human Services
 - a. This proposed rulemaking is to repeal Department of Vermont Health Access (DVHA) Rule 7110 titled “Global Commitment Appeals and Grievances” in its entirety. At the same time as filing this rulemaking, the Agency of Human Services (AHS) is filing a proposed rule titled “Internal Appeals, Grievances, Notices, and State Fair Hearings” (8.100) which will replace DVHA Rule 7110 and will set forth the standards that govern internal appeals, grievances, notices, and State fair hearings for Medicaid services under Vermont’s Medicaid program. These rulemakings are part of the sequential adoption of Health Care Administrative Rules that are designed to improve public accessibility and comprehension of the numerous rules concerning the operation of Vermont’s Medicaid program. These rulemakings will also implement changes in federal law regarding Medicaid managed care appeals that are effective in Vermont in 2018.
9. Internal Appeals, Grievances, Notices, and State Fair Hearings on Medicaid (New), Agency of Human Services
 - a. The proposed rule sets forth the standards that govern internal appeals, grievances, notices, and State fair hearings for Medicaid services under Vermont’s Medicaid

program. It will replace current Department of Vermont Health Access Rule 7110, Global Commitment Appeals and Grievances, 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. This proposed rulemaking will also implement changes in federal law regarding Medicaid managed care appeals that are effective in Vermont in 2018.

10. Medicaid Cost Sharing (New), Agency of Human Services

- a. The proposed rule sets forth the criteria for Medicaid cost sharing for copayments under Vermont's Medicaid program. It is a new rule included 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.

- Discuss ICAR agenda, procedure, and date requirement for acceptance of proposed rules.
- Next meeting date: December 11, 2017 at 2:00 p.m.
- Adjournment.