



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: November 13, 2017, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Chair Brad Ferland, Dirk Anderson, Jen Duggan, Ashley Berliner, Diane Bothfeld, John Kessler, and Karen Songhurst (via phone)

Members Absent: Clare O’Shaughnessy and Steve Knudson

Minutes By: Melissa Mazza-Paquette

- 2:03 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the October 9, 2017 meeting.
 - Motion made to accept the minutes by John Kessler, seconded by Diane Bothfeld, and passed unanimously.
- 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
- Addition/deletion to agenda: The scheduled proposed rule ‘Vermont Criminal Justice Training Council Rules & Regulations’ by the Vermont Criminal Justice Training Council has been moved to the December 11, 2017 meeting, per their request.
 - Motion made to accept agenda as is by Diane Bothfeld, seconded by John Kessler, and passed unanimously.
- No public comments made.
- Presentation of Proposed Rules on pages 3-11 to follow.
 1. Resident Publications, Agency of Human Services, Department of Corrections, page 3
 2. Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, Agency of Natural Resources, Department of Forest, Parks, and Recreation, page 4
 3. Environmental Regulations – Day Care Facilities, Agency of Human Services, Vermont Department of Health, page 5
 4. Health Care Administrative Rules Definition (Amendment), Agency of Human Services, page 6
 5. Medicaid Benefit Delivery (Amendment), Agency of Human Services, page 7
 6. Emergency Services (Amendment), Agency of Human Services, page 8

7. Global Commitment Appeals and Grievances (Department of Vermont Health Access Rule 7110) (Repeal), Agency of Human Services, page 9
 8. Internal Appeals, Grievances, Notices, and State Fair Hearings on Medicaid (New), Agency of Human Services, page 10
 9. Medicaid Cost Sharing (New), Agency of Human Services, page 11
- Discussed ICAR agenda, procedure, and date requirement for acceptance of proposed rules.
 - Motion made by Ashley Berliner, seconded by Jen Duggan, and passed unanimously, to accept proposed rules electronically at least 10 business days prior to the meeting. Only one complete, combined PDF of the proposed rule needs to be emailed to the Secretary of Administration's office.
 - *Please note the website was updated on 11/14/147 to reflect this change:*
<http://aoa.vermont.gov/content/icar>.
 - Next scheduled meeting is December 11, 2017 at 2:00 p.m.
 - Motion made to adjourn by Ashley Berliner, seconded by John Kessler, and passed unanimously.
 - 3:13 p.m. meeting adjourned.

**Proposed Rule: Resident Publications, Agency of Human Services, Department of Corrections
Presented by: Christine Cowart, Kurt Kuehl, and Matthew Nault**

This proposed rule is a repeal of the current Resident Publication Rule, APA #79-39/CVR 13-130-008.

Motion made to accept the rule as presented by Diane Bothfeld, seconded by John Kessler, and passed unanimously.

**Proposed Rule: Acceptable Management Practices for Maintaining Water Quality on Logging Jobs
in Vermont, Agency of Natural Resources, Department of Forest, Parks, and Recreation
Presented by: David Wilcox, Keith Thompson, and Sam Lincoln**

Motion made to accept the rule by Dirk Anderson, seconded by John Kessler, and passed unanimously except for Jen Duggan who abstained, with the following recommendations:

1. Proposed Coversheet, page 1: Add 'Julie Moore, Secretary/Agency of Natural Resources' under 'Printed Name and Title'.
2. Proposed Coversheet, page 3, #7: Change '3' to 'three'. Add a 's' to 'definition' in line 8.
3. Economic Impact Statement, page 1: Under 'Printed Name and Title' after 'Julie Moore' add a comma and 'Secretary'.
4. Economic Impact Statement, page 3, #5: Include the estimated range of costs as an overall or example. Describe the economic and environmental benefits.

**Proposed Rule: Environmental Regulations – Day Care Facilities, Agency of Human Services,
Vermont Department of Health
Presented by: Shayla Livingston**

This proposed rule is a repeal.

Motion made to accept the rule by John Kessler, seconded by Jen Duggan, and passed unanimously except for Ashley Berliner who abstained, with the following recommendation:

1. Proposed Rule Coversheet, page 3, #7: Change ‘contibute’ to ‘contribute’ in line 6.

**Proposed Rule: Health Care Administrative Rules Definition, Agency of Human Services
Presented by: Ashley Berliner and Hillary Hill**

This proposed rule is an amendment to the current HCAR Rule 1.101.

Motion made to accept the rule by John Kessler, seconded by Jen Duggan, and passed unanimously except for Ashley Berliner who abstained with the following recommendation:

1. Globally remove any DOC reference if necessary.

Proposed Rule: Medicaid Benefit Delivery, Agency of Human Services
Presented by: Ashley Berliner and Hillary Hill

This proposed rule is an amendment to the current Medicaid Covered Services rule #7101.

Motion made to accept the rule by John Kessler, seconded by Jen Duggan, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Globally remove any DOC reference if necessary.
2. Proposed Rule Coversheet, page 3, #7: Remove the 's from Vermont Health Access, in the second to last line.
3. Proposed Rule Coversheet, page 3, #8: Capitalize 'Rules' in the 4th line prior to (HCAR).

Proposed Rule: Emergency Services, Agency of Human Services
Presented by: Ashley Berliner and Hillary Hill

This proposed rule is an amendment; currently located in Medicaid Covered Services rule #7101.

Motion made to accept the rule as presented by Diane Bothfeld, seconded by Dirk Anderson, and passed unanimously except for Ashley Berliner who abstained with the following recommendation:

1. Globally remove any DOC reference if necessary.

**Proposed Rule: Global Commitment Appeals and Grievances (Department of Vermont Health
Access Rule 7110), Agency of Human Services
Presented by: Ashley Berliner and Hillary Hill**

This proposed rule repeals DVHA Medicaid Covered Services rule 7110 – Global Commitment Appeals and Grievances and is necessary to promulgate the new Internal Appeals, Grievances, Notices, and State Fair Hearing on Medicaid Rule.

Motion made to accept the rule as presented by Diane Bothfeld, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained with the following recommendation:

1. Globally remove any DOC reference if necessary.

Proposed Rule: Internal Appeals, Grievances, Notices, and State Fair Hearings, Agency of Human Services

Presented by: Ashley Berliner and Hillary Hill

This proposed rule replaces the Global Commitment Appeals and Grievances (Department of Vermont Health Access Rule 7110) proposed rule by the Agency of Human Services.

Motion made to accept the rule as presented by Jen Duggan, seconded by Diane Bothfeld, and passed unanimously except for Ashley Berliner who abstained with the following recommendation:

1. Globally remove any DOC reference if necessary.

Proposed Rule: Medicaid Cost Sharing, Agency of Human Services
Presented by: Ashley Berliner and Hillary Hill

Motion made to accept the rule as presented by John Kessler, seconded by Dirk Anderson, and passed unanimously except for Ashley Berliner who abstained with the following recommendation:

1. Globally remove any DOC reference if necessary.