



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** Monday, November 19, 2018, Pavilion Building, 5<sup>th</sup> floor conference room, 109 State Street, Montpelier, VT 05609

**Members Present:** Chair Brad Ferland, Dirk Anderson, Jennifer Mojo, John Kessler, Matt Langham and Steve Knudson

**Members Absent:** Clare O'Shaughnessy, Ashley Berliner, and Diane Bothfeld

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the September 10, 2018 meeting (no meeting held in October).
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Note: The following Emergency Rule was granted on 10/25/18 by Deputy Secretary of Administration/Chair Ferland:
  - Rule Governing the Prescribing of Opioids for Pain by the Agency of Human Services
- Presentation of Proposed Rules on pages 2-8 to follow:
  1. Inmate Offender Records and Access to Information, Agency of Human Services, Department of Corrections, page 2
  2. Vermont Impaired Driver Rehabilitation Program Rule, Agency of Human Services, Department of Health, page 3
  3. Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health, page 4
  4. Advance Directives for Health Care Rule, Agency of Human Services, Department of Health, page 5
  5. Newborn Screening Program Rule, Agency of Human Services, Department of Health, page 6
  6. 10 V.S.A. App. § 122. Fish Management Regulation and Creation of 10 V.S.A. App. § 141. Baitfish Rule, Vermont Fish and Wildlife Department, page 7
  7. 10 V.S.A. Appendix § 44, Furbearing Species, Vermont Fish and Wildlife Board, page 8
- Next scheduled meeting is December 10, 2018 at 2:00 p.m.
- 3:19 p.m. meeting adjourned.

**Proposed Rule: Inmate Offender Records and Access to Information, Agency of Human Services,  
Department of Corrections**

**Presented by: Monica Weeber and Sarah Truckle**

Motion made to accept the rule by John Kessler, seconded by Jen Mojo, and passed unanimously with the following recommendations:

1. In the rule clarify why someone cannot go back further than 12 months.
2. Proposed Rule Coversheet, #12: Include the costs savings from going to digital.
3. Proposed Rule Coversheet, #13: Remove the word 'NOT'.
4. Economic Impact Analysis, #9: Change the word 'studys' to 'studies'.
5. Public Input, #5: Include the names of 'Numerous stakeholders'.
6. Text, Page 6 of 9: If applicable, add assessments/evaluations to line 36 n.

**Proposed Rule: Vermont Impaired Driver Rehabilitation Program Rule, Agency of Human Services,  
Department of Health  
Presented by: Shayla Livingston**

Motion made to accept the rule by Dirk Anderson, seconded by Steve Knudson, and passed unanimously with the following recommendations:

1. Change the agency from 'Health' to 'Vermont Department of Health'.
2. Change the Web URL from an email address to a valid web address. Refer to Act No. 156. An act relating to the Administrative Procedure Act., § 836.
3. Public Input, #3: List the involved stakeholders.
4. Public Input, #4: Remove date if appropriate.

**Proposed Rule: Reportable and Communicable Diseases Rule, Agency of Human Services,  
Department of Health  
Presented by: Shayla Livingston**

Motion made to accept the rule by Matt Langham, seconded by Steve Knudson, and passed unanimously with the following recommendations:

1. Change the agency from 'Health' to 'Vermont Department of Health'.
2. Change the Web URL from an email address to a valid web address. Refer to Act No. 156. An act relating to the Administrative Procedure Act., § 836.
3. Proposed Rule Filing, #12: Expand, explaining the reasoning.
4. Public Input, #3: List the involved stakeholders.
5. Public Input, #4: Remove date if appropriate.

**Proposed Rule: Advance Directives for Health Care Rule, Agency of Human Services, Department of Health**

**Presented by: Shayla Livingston**

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously with the following recommendations:

1. Change the agency from 'Health' to 'Vermont Department of Health'.
2. Change the Web URL from an email address to a valid web address. Refer to Act No. 156. An act relating to the Administrative Procedure Act., § 836.
3. Proposed Rule Filing, #8: Define 'DNR/COLST'.
4. Public Input, #3: List the involved stakeholders.
5. Public Input, #4: Remove date if appropriate.

**Proposed Rule: Newborn Screening Program Rule, Agency of Human Services, Department of Health**

**Presented by: David Englander**

Motion made to accept the rule by John Kessler, seconded by Steve Knudson, and passed unanimously with the following recommendations:

1. Change the agency from 'Health' to 'Vermont Department of Health'.
2. Change the Web URL from an email address to a valid web address. Refer to Act No. 156. An act relating to the Administrative Procedure Act., § 836.
3. Proposed Rule Filing, #8, last sentence: Change '...adds the newest' to ...'adds these four...'
4. Proposed Rule Filing, #10: Change the last sentence to read similar to '... these conditions is within the statutory language of 18 V.S.A. § 5087 and is consistent with the recommendations of the United States Secretary of Health and Human Services.
5. Proposed Rule Filing, #16: Add keywords.
6. Economic Impact Analysis, #5: Change 'than' to 'then'.
7. Public Input, #3: List the involved stakeholders.
8. Public Input, #4: Remove date if appropriate.

**Proposed Rule: 10 V.S.A. App. § 122. Fish Management Regulation and Creation of 10 V.S.A. App. § 141. Baitfish Rule, Vermont Fish and Wildlife Department**

**Presented by: Catherine Gjessing and Adam Miller**

Motion made to accept the rule by Steve Knudson, seconded by Matt Langham, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Rule Coversheet, #7, last sentence: Change 'This rules is regulates...' to 'This rule regulates...'
2. Proposed Rule Coversheet, #9, last sentence: Reword to clarify.
3. Proposed Rule Coversheet, #14: Add hearing information.
4. Proposed Rule Coversheet, #16: Add 'Jobs Pond' and 'Martins Pond'.
5. Economic Impact Analysis, #3: Explain why 'Very restrictive rules' were put in place. Define what makes it '...a positive economic effect for anglers and commercial bait shops'.
6. Economic Impact Analysis, #6: Include that there will be an expectation that there will be a favorable impact on fishing license sales.
7. Economic Impact Analysis, #8: Explain the reasoning.
8. Public Input, #3: Include the last sentence from #4.

**Proposed Rule: 10 V.S.A. Appendix§ 44, Furbearing Species, Vermont Fish and Wildlife Board  
Presented by: Catherine Gjessing**

Motion made to accept the rule by Steve Knudson, seconded by Dirk Anderson, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Rule Coversheet, #14: Add hearing information.
2. Economic Impact Analysis, #7: Correct misspelling of 'activitty'.
3. Economic Impact Analysis, #8: If appropriate, include reference points such as the costs and estimated number of licenses.