



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: December 15, 2021, Virtually via Microsoft Teams with Physical Location available in the Pavilion Building, 109 State Street, Montpelier, VT 05609

Members Present: Chair Kristin Clouser, Dirk Anderson, Jennifer Mojo, John Kessler, Diane Sherman, Clare O’Shaughnessy and Michael Obuchowski

Members Absent: Diane Bothfeld

Minutes By: Melissa Mazza-Paquette

- 1:04 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the [November 15, 2021](#) meeting.
- Note: The following emergency rules were supported by ICAR Chair Clouser:
 - Emergency Administrative Rules for Notaries Public and Remote Notarization’, Secretary of State, Office of Professional Regulation, on 12/7/21
 - These Emergency Rules define the "personal appearance" requirement for remote notarial acts conducted through a secure audio-visual communication link.
 - At Home COVID-19 Antigen Test Coverage, Department of Financial Regulation, on 12/8/21
 - The emergency rule requires health insurers to waive or limit certain cost-sharing requirements directly related to COVID-19 antigen tests (commonly referred to as “rapid” tests), including over-the-counter tests for use at home.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health, page 2
 2. Licensing Regulations for Afterschool Child Care Programs, Agency of Human Services, Department for Children and Families, page 3
 3. Child Care Licensing Regulations: Center Based Child Care and Preschool Programs, Agency of Human Services, Department for Children and Families, page 4
 4. Licensing Regulations for Registered and Licensed Family Child Care Homes, Agency of Human Services, Department for Children and Families, page 5
 5. Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board, page 6
 6. Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board, page 7
- Chair Clouser met briefly with members from LCAR to discuss ways to improve processes. A future meeting of the two bodies will be held to expand the discussion.
- Committee discussion of administrative rules in other states and ways to enhance our system to be more responsive to the public and governmental agencies. ICAR will meet with LCAR and discuss next steps and potential action items.
- Next scheduled meeting is Wednesday, January 12, 2022, 1:00 PM
- 2:49 p.m. meeting adjourned.

Proposed Rule: Reportable and Communicable Diseases Rule, Agency of Human Services,
Department of Health

Presented By: Natalie Weill

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

1. Title Page: Include 'Printed Name and Title'.
2. Proposed Filing Coversheet, #8: Be consistent with past or present tense. Describe the demographic information required. For clarity, consider adding 'in which' prior to '...VDH is to receive' in the following sentence "It defines the timeframe VDH is to receive reportable laboratory findings."
3. Proposed Filing Coversheet, #12: Clarify language regarding the reporting requirements and include any potential costs.
4. Economic Impact Analysis: Include any costs associated with the requirement or state none if applicable.
5. Economic Impact Analysis, #3: Provide details on the changes, requirements, economic impact and benefits.
6. Economic Impact Analysis, #5: Correct spelling of 'existence'.
7. Economic Impact Analysis, #8: Insert any favorable aspect, such as cost reduction.
8. Economic Impact Analysis, #9: Include source of information pertaining to the benefit of mandatory reporting.
9. Public Input Maximization Plan, #4: Include more details pertaining to the stakeholders and list those who were engaged in the process.

Proposed Rule: Licensing Regulations for Afterschool Child Care Programs, Agency of Human Services, Department for Children and Families

Presented By: Heidi Moreau

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

1. Proposed Filing Coversheet, #5: Clarify the language in the second sentence. The 'd' in 'department' should be capitalized for consistency.
2. Proposed Filing Coversheet, #8: Include the purpose, rationale or justification for exempting the rules.
3. Proposed Filing Coversheet, #9: Clarify and include the reasoning and goal.
4. Proposed Filing Coversheet, #12: Clarify who the minimal financial impact pertains to.
5. Proposed Filing Coversheet, #13: Hearing are always encouraged. If the choice is to not hold one, include further explanation on the outreach done.
6. Economic Impact Analysis, #7: Include language that the agency determined such a valuation isn't appropriate.
7. Economic Impact Analysis, #8: Include language to the first sentence such as 'in a nondiscriminatory fashion' if applicable.

Proposed Rule: Child Care Licensing Regulations: Center Based Child Care and Preschool Programs, Agency of Human Services, Department for Children and Families

Presented By: Heidi Moreau

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

1. Proposed Filing Coversheet, #5: Clarify the language in the second sentence. The 'd' in 'department' should be capitalized for consistency.
2. Proposed Filing Coversheet, #8: Include the reasoning/objective for exempting the rules. Add a space after the comma in ',and' in the last line.
3. Proposed Filing Coversheet, #9: Clarify and include the reasoning and goal.
4. Proposed Filing Coversheet, #10: Include reference to center-based childcare programs if appropriate.
5. Proposed Filing Coversheet, #12: Clarify who the minimal financial impact pertains to.
6. Proposed Filing Coversheet, #13: Hearing are always encouraged. If the choice is to not hold one, include further explanation on the outreach done.
7. Economic Impact Analysis, #7: Include language that the agency determined such a valuation isn't appropriate.
8. Economic Impact Analysis, #8: Include language to the first sentence such as 'in a nondiscriminatory fashion' if applicable.

Proposed Rule: Licensing Regulations for Registered and Licensed Family Child Care Homes, Agency of Human Services, Department for Children and Families

Presented By: Heidi Moreau

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

1. Proposed Filing Coversheet, #8: Include the reasoning/objective for exempting the rules. Add a space between ‘,and’ in the last line.
2. Proposed Filing Coversheet, #9: Clarify and include the reasoning and goal.
3. Proposed Filing Coversheet, #10: Include reference to center-based childcare programs if appropriate.
4. Proposed Filing Coversheet, #12: Clarify who the minimal financial impact pertains to.
5. Proposed Filing Coversheet, #13: Hearing are always encouraged. If the choice is to not hold one, include further explanation on the outreach done.
6. Economic Impact Analysis, #7: Include language that the agency determined such a valuation isn't appropriate.
7. Economic Impact Analysis, #8: Include language to the first sentence such as ‘in a nondiscriminatory fashion’ if applicable.

Proposed Rule: Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board

Presented By: David Scherr

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

1. Proposed Filing Coversheet, #8: Presenter noted the concise summary will likely change to be more precise and including applicability from the proposed rule section 1.1.0.4, page 25, which ICAR supports.
2. Economic Impact Analysis, #3: Include the description of the estimated costs and benefits. As in the coversheet, identify the huge scope of parties that could be impacted from these brand-new rules.
3. Economic Impact Analysis, #6: Focus on the small businesses and then broaden the kind of overall potential economic impact, which could be added to the coversheet.
4. Environmental Impact Analysis: Preface to include the economic, or potential, impact of the entire market as it isn't necessarily related simply to the licensing requirement.
5. Public Input, #3: Include estimated number of future hearing is known.
6. Proposed Rule, 1.17, Section 17: If applicable, include reference to Rule 2.

Proposed Rule: Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board

Presented By: David Scherr

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

1. Proposed Filing Coversheet, #8: Include more information.
2. Economic Impact Analysis, #3: Include the description of the estimated costs and benefits. As in the coversheet, identify the huge scope of parties that could be impacted from these brand-new rules.
3. Economic Impact Analysis, #6: Focus on the small businesses and then broaden the kind of overall potential economic impact, which could be added to the coversheet.
4. Environmental Impact Analysis: Preface to include the economic, or potential, impact of the entire market as it isn't necessarily related simply to the licensing requirement.
5. Public Input, #3: Include estimated number of future hearing is known.
6. Include Incorporation by Reference if applicable.