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*Susanne R. Young, Secretary*

## **INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR)**

### **AGENDA**

**Monday, February 12, 2018, 2:00 p.m.**

**Pavilion 5<sup>th</sup> Floor Conference Room**

- Welcome
- Review and approval of the minutes from the January 8, 2018 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
  1. Required Agricultural Practices Rule for The Agricultural Nonpoint Source Pollution Control Program, The Vermont Agency of Agriculture, Food and Markets
    - a. This rule amendment involves the addition of requirements for reducing nutrient contribution to waters of the State from subsurface tile drainage.
  2. Fire Safety and Prevention, The Agency of Human Services, Department of Corrections
    - a. The Vermont Department of Corrections (DOC) is proposing the repeal of the current Fire Safety Rule, APA Rule #78-120/CVR 13-130-004. The rule is outdated and no longer represents current practice. Updated DOC policy and administrative directive outline fire safety standards and prevention practices for correctional facilities. Setting these standards in DOC policy and directive allows more responsive updates as fire safety and prevention standards evolve. The DOC is not statutorily required to promulgate a rule concerning fire safety and prevention. Repealing the rule would allow the DOC to more quickly conform to new standards as best practice changes.
  3. Inmate Access to Publications, The Agency of Human Services, Department of Corrections
    - a. The Vermont Department of Corrections (DOC) is proposing a revision of APA Rule #10-029, Inmate Possession of Printed Materials, to ensure that the DOC's restriction of inmates' access to publications do not unnecessarily deny inmates access and complies with the First Amendment. The definition of "nudity" in the current rule is overly broad and unnecessarily restricts inmates' access to some publications. The proposed rule more narrowly defines "nudity."
  4. Inmate Mail, The Agency of Human Services, Department of Corrections
    - It is the policy of the Vermont Department of Corrections (DOC) to encourage and permit inmates to correspond with family, friends, officials, and other significant community contacts. The DOC recognizes that the maintenance of pro-social relationships with family, friends, officials, and other significant community contacts can help assist in an inmate's community reintegration. As a result, the DOC shall only limit an inmate's access to mail that interferes with the

safety, security, or order of the facility, or that contains nudity or sexually explicitly material. This rule sets forth the DOC's guidelines concerning inmate mail, including: its inspection, privileged correspondence, inmate-to-inmate correspondence, and negative contact lists. The rule also addresses the provision of writing materials and postage for indigent inmates and the disposition of funds received through inmate mail.

5. Regulations Governing the Operation of Woodside Juvenile Rehabilitation Center, Agency of Human Services, Department for Children and Families, Family Services Division
  - a. The Department for Children and Families (DCF) is in the process of applying for certification for the Woodside Juvenile Rehabilitation Center (Woodside) as a psychiatric treatment residential facility (PRTF), which will allow DCF to draw down Medicaid funds to support the Woodside operations. As a PRTF, Woodside is required to follow federal PRTF regulations. A state rule is needed to define which licensed practitioners may make orders for restraint and seclusion in the facility.
6. Vital Records Rule, Agency of Human Services, Department of Health
  - a. This rule specifies the documents needed to obtain a birth or death certificate, the application process for a birth or death certificate, how to certify of a birth or death certificate, the process for issuing birth or death certificates during a state of emergency or other disruption, the physical security requirements for the creation and storage of birth and death certificates, the criteria for a child's name on a birth certificate, and the disposal process for original birth and death certificates.

- Next meeting date: Monday, March 12, 2018 at 2:00 p.m.
- Adjournment

**NOTE CHANGES APPROVED AT 2/12/18 TO PREVIOUSLY POSTED AGENDA:**

- Moved proposed rule #6 to the March 12, 2018 agenda per request from the Department of Health.
- After all presented proposed rules were heard, an update from Chair Ferland was given to Board Members on the Administrative Procedures Act discussion in House Government Operations on February 1, 2018 at 2:30 p.m.