



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 8, 2021

Members Present: Chair Kristin Clouser, Ashley Berliner, Diane Bothfeld, Jennifer Mojo, John Kessler, Matt Langham, Diane Sherman and Clare O'Shaughnessy

Members Absent: Dirk Anderson

Minutes By: Melissa Mazza-Paquette

- 2:02 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the December 14, 2020 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
 - Note from agenda: An emergency rule titled 'Emergency Administrative Rules for Remote Hearings for the Board of Medical Practice' by the Department of Health was supported by ICAR Chair Clouser on 1/22/21.
- No public comments made.
- Presentation of Proposed Rules on pages 2-13 to follow.
 1. Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators, page 2
 2. Health Care Stop Loss Insurance (H-2009-02), Department of Financial Regulation, page 3
 3. Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services, page 4
 4. Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services, page 5
 5. Health Benefits Eligibility and Enrollment Rule, Eligibility and Enrollment Procedures (Part 7), Agency of Human Services, page 6
 6. Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services, page 7
 7. Rules Governing Medication-Assisted Treatment for Opioid Use Disorder, Agency of Human Services, Department of Health, page 8
 8. 10 V.S.A. App. § 122. Fish Management Regulation, Department of Fish and Wildlife Board, page 9
 9. Home Health Services, Agency of Human Services, page 10
 10. Durable Medical Equipment, Agency of Human Services, page 11
 11. Medical Supplies, Agency of Human Services, page 12
 12. Applied Behavior Analysis Services, Agency of Human Services, page 13
- Next scheduled meeting is March 8, 2021 at 2:00 p.m.
- 3:35 p.m. meeting adjourned.

Proposed Rule: Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators



Presented By: Patrick Hallady and Cindy Cole

Motion made to accept the rule by John Kessler, seconded by Diane Bothfeld, and passed unanimously except for Clare O'Shaughnessy who abstained, with the following recommendations:

1. Proposed Coversheet, #8: Delete 'ted.' after 'sunsetted.' In #3 of that section, review spacing after 'Education' and between the two sentences. In #4 of that section, correct spelling of 'Patholists'.
2. Economic Impact Analysis, #3: Include licensure as mentioned in #4. Clarify 'minimal' and source of costs. Identify that there is no mandatory course requirement.
3. Economic Impact Analysis, #4: Provide clarification regarding 'minimal' and the stated costs.
4. Economic Impact Analysis, #5: Provide a more succinct explanation and clarify to include if there is an increase.
5. Economic Impact Analysis, #8: Include any consideration of comparison and teaching experience if appropriate. Add the considerations mentioned in #5. Include any Financial Aide increase if applicable.
6. Economic Impact Analysis, #9: Should include basis for the answers within the statement.
7. Public Input: Include involvement listed in coversheet.
8. Public Input #3: Include input from this ICAR meeting.

Presented By: Sebastian Arduengo

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

1. Proposed Rule Coversheet, #10: Reference #8 of the Economic Impact.
2. Adopting Page #4: Include title.
3. Economic Impact Analysis #6: Missing word in last sentence.
4. Economic Impact Analysis: Include risk analysis for consideration as discussed during the meeting.
5. Public Input #3: Update language as it refers to a third party administrator rule.
6. Public Input #4: Include website address.
7. Public Input #4: Be consistent with how meetings will be conducted. Here it states via Teams yet in the Proposed Rule Coversheet it lists a physical address for a meeting.
8. Incorporation by Reference: This form is not needed as it references Vermont state statute.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services

Presented By: Robin Chapman, Addie Strumolo and Dani Fuoco

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

1. Proposed Rule Coversheet, #7: Confirm if the authority stated should be the Secretary of the Agency of Human Services and if so correct to reflect as such.
2. Proposed Rule Coversheet, #8: Include reasoning stated in #9.
3. Proposed Rule Coversheet, #14: Make clear that Teams isn't necessary for people to participate as a phone call-in option is available.
4. Public Input #3: Update.
5. Public Input #4: Include those contacted in 2021.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services

Presented By: Robin Chapman, Addie Strumolo and Dani Fuoco

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

1. Proposed Rule Coversheet, #7: Confirm if the authority stated should be the Secretary of the Agency of Human Services and if so correct to reflect as such.
2. Proposed Rule Coversheet, #8: Include reasoning stated in #9.
3. Proposed Rule Coversheet, #14: Make clear that Teams isn't necessary for people to participate as a phone call-in option is available.
4. Public Input #3: Update.
5. Public Input #4: Include those contacted in 2021.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Eligibility and Enrollment Procedures (Part 7), Agency of Human Services

Presented By: Robin Chapman, Addie Strumolo and Dani Fuoco

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

1. Proposed Rule Coversheet, #7: Confirm if the authority stated should be the Secretary of the Agency of Human Services and if so correct to reflect as such.
2. Proposed Rule Coversheet, #8: Include reasoning stated in #9.
3. Proposed Rule Coversheet, #14: Make clear that Teams isn't necessary for people to participate as a phone call-in option is available.
4. Public Input #3: Update.
5. Public Input #4: Include those contacted in 2021.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services

Presented By: Robin Chapman, Addie Strumolo and Dani Fuoco

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

1. Proposed Rule Coversheet, #7: Confirm if the authority stated should be the Secretary of the Agency of Human Services and if so correct to reflect as such.
2. Proposed Rule Coversheet, #8: Include reasoning stated in #9.
3. Proposed Rule Coversheet, #14: Make clear that Teams isn't necessary for people to participate as a phone call-in option is available.
4. Public Input #3: Update.
5. Public Input #4: Include those contacted in 2021.

Proposed Rule: Rules Governing Medication-Assisted Treatment for Opioid Use Disorder, Agency of Human Services, Department of Health

Presented By: Brendan Atwood

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

1. Economic Impact Analysis, #6: Include costs/amount estimates per client if appropriate.
2. Public Input #4 and #5: Provide more detail as to the outreach that occurred and expand upon the preliminary conversations mentioned.
3. Public Input, #5: Include the Medicaid department.

Note: #8 of the Proposed Rule: If this is not federally required and wasn't in the rule previously, was their stakeholder feedback? Brendan to follow up with Chair Clouser.

Presented By: Catherine Gjessing

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

1. Proposed Coversheet, #8: Correct spelling of 'multiple' and 'simplier'.
2. Economic Impact Analysis, #3: Consider adding a modifier to the economic effect.
3. Environmental Impact Analysis, #4: Include recreational use of waters if appropriate.
4. Environmental Impact Analysis, #9: Include the basis for the sufficiency.

Proposed Rule: Home Health Services, Agency of Human Services

Presented By: Ashley Berliner

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

1. Proposed Rule Coversheet, #8: Include information about the changes being made.
2. Proposed Rule Coversheet, #9: Include that it will continue post pandemic.
3. Proposed Rule Coversheet, #12: Change '2020' to '2021'.

Proposed Rule: Durable Medical Equipment, Agency of Human Services

Presented By: Ashley Berliner

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

1. Proposed Rule Coversheet, #8: Include information about the changes being made.
2. Proposed Rule Coversheet, #9: Include that it will continue post pandemic.
3. Proposed Rule Coversheet, #12: Change '2020' to '2021'.

Proposed Rule: Medical Supplies, Agency of Human Services

Presented By: Ashley Berliner

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

1. Proposed Rule Coversheet, #8: Include information about the changes being made.
2. Proposed Rule Coversheet, #9: Include that it will continue post pandemic.
3. Proposed Rule Coversheet, #12: Change '2020' to '2021'.
4. Include separate red-line and final clean versions of the proposed rule.

Proposed Rule: Applied Behavior Analysis Services, Agency of Human Services

Presented By: Ashley Berliner

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

1. Proposed Rule Coversheet, #8 and #12: Clarify language and harmonize wording.