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*Susanne R. Young, Secretary*

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

**Monday, April 8, 2019, 2:00 p.m.**  
**Pavilion 4<sup>th</sup> Floor Conference Room**

- Welcome
- Review and approval of the minutes from the March 11, 2019 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
  1. Administrative Rules for Barbers, Cosmetologists, Estheticians & Nail Technicians, Secretary of State, Office of Professional Regulation
    - a. By No. 144 (Adj. Sess.), § 12, eff. Jan. 1, 2019, the General Assembly converted the regulatory model governing the cosmetology-related professions from board-based regulation to advisor-based regulation by the Director of Professional Regulation. Act 144 re-calibrated educational requirements to reduce barriers to marketplace entry. Act 144 also recognized that demand for cosmetology-related services exists outside traditional shop settings. These rules implement the Act by setting necessary qualifications and standards, and by anticipating entrepreneurial demand to provide services in unconventional settings.
  2. Self-Insured Multiple Employer Welfare Arrangements and Association Health Plans (1-2018-02), Department of Financial Regulation
    - a. In June 2018, the U.S. Department of Labor (DOL) released its final rule relating to the creation of Association Health Plans (AHPs). The rule allows small businesses to band together by geography or industry to provide health care coverage to their members as if they were a single large employer. The DOL's final rule allows states significant flexibility in regulating AHPs. To promote the stability of Vermont's health insurance markets and to ensure that Vermonters who join AHPs receive affordable coverage and the benefits to which they are entitled under state and federal law, this rule establishes a regulatory framework that requires self-insured AHPs to provide comprehensive health insurance plans that protect their members and do not compete unfairly with the comprehensive coverage offered on Vermont Health Connect (VHC). The rule treats self-insured AHPs as insurers and subjects them to the same regulatory requirements.
  3. Medicare Supplement Insurance Minimum Standards Rule, Department of Financial Regulation



- a. This rule revises Vermont's Medicare supplement regulation to conform to changes in the National Association of Insurance Commissioners (NAIC) Medicare Supplement Model Regulation (MSMR) following enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). Section 401 of MACRA prohibits the sale of Medicare Supplement policies that cover Part B deductibles to "newly eligible" Medicare beneficiaries defined as those individuals who: (a) have attained age 65 on or after January 1, 2020; or (b) first become eligible for Medicare due to age, disability or end-stage renal disease, on or after January 1, 2020. Issuers selling such policies to "newly eligible" Medicare beneficiaries on or after January 1, 2020 are subject to fines, and/or imprisonment of not more than five years, and/or civil money penalties of not more than \$25,000 for each prohibited act. The rule also makes a number of non-substantive technical corrections to the existing rule.
4. Investigation and Remediation of Contaminated Properties Rule, Agency of Natural Resources, Department of Environmental Conservation
  - a. The Rule established standards and requirements for the investigation and remediation of releases of hazardous materials, and to provide a process which must be utilized for all properties where releases have occurred in a manner that is protective of public health and the environment. The Rule provides the process that must be followed from initial investigation of contaminated properties to final cleanup, remediation, and site closure for contaminated properties.
5. Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Vermont Standards Board for Professional Educators
  - a. The proposed rule revisions support the VSBPE's mission. Specifically, the VSBPE is:
    - i. Adapting to current practices in the field by revising educator competencies and the authorizing statements of several endorsements: 5440-00 Elementary Education; 5440-31 Health Education; 5440-65A Associate School Nurse; 5440-90 Superintendent; 5440-91 Principal; 5440-86 Director of Special Education; 5440-93 Director of Curriculum; 5440-20 Assistant Director of Adult Education; 5440-92 Career Technical Center Education Director;
    - ii. Providing clarification to current Rules regarding definition of terms;
    - iii. Updating the Code of Professional Ethics.
6. Title 10 V.S.A. App. §2d Archery deer hunting license, Vermont Fish and Wildlife Board
  - a. The proposed rule repeals the second archery license language. The second license fees were repealed in accordance with 2015, Act No. 145 Adj. Sess, § 44. In addition, the archery season is set forth in the Deer Management Rule.
7. Title 10 V.S.A. App. §4 Bow and Arrow Hunting, Vermont Fish and Wildlife Board
  - a. The proposed rule deletes the reference to a statutory process that directs the Department to issue permits to persons with physical issues that require accommodation. This process will no longer be necessary as the Board is proposing rule amendments which will permit all hunters to use cross bows during any season which allows the use of a bow and arrow.
8. Title 10 V.S.A. App. §7 Bear Management Rule, Vermont Fish and Wildlife Board
  - a. The proposed rule allows all archery hunters to use crossbows, clarifies that a bear hunter may hunt bear with the use of dogs as long as he or she only harvests one



bear, and lengthens the time for the submission of a bear tooth from 48 hours to 30 days.

9. Title 10 V.S.A. App. §22 Turkey Seasons Rule, Vermont Fish and Wildlife Board
  - a. The proposed rule allows all archery hunters to use crossbows for turkey hunting.
10. Title 10 V.S.A. App. §33 Moose Management Rule, Vermont Fish and Wildlife Board
  - a. The proposed rule allows all archery hunters to use crossbows for moose hunting.
11. Title 10 V.S.A. App. §36 Youth Hunting Day Deer, Vermont Fish and Wildlife Board
  - a. The proposed rule deletes reference to a youth deer hunting day. Youth hunting weekend was established by the legislature in 2001, Act No. 4, § 1, and was effective on April 4, 2001.
12. Title 10 V.S.A. App. §37 Deer Management Rule, Vermont Fish and Wildlife Board
  - a. The proposed rule seeks several substantive changes and some technical changes to the current deer management rule located at 10 V.S.A. App §37. Changes include modifying and expanding the timing and duration of the archery hunting season, the creation of a new antlerless deer season, a change to the number of bucks that may be taken in a single year, the creation of a new novice hunting season, allowing all archery hunters to use crossbows, and changes to the current antler-point restriction regime.
13. Vermont Appliance Efficiency Standards, Department of Public Service
  - a. This rule sets minimum efficiency standards for the seventeen products found in 9 V.S.A. § 2792 to which the State's efficiency standards under 9 V.S.A. chapter 74 do not currently apply, such as commercial dishwashers, commercial steam cookers, showerheads, water coolers, portable air conditioners, residential ventilating fans, computers and computer monitors.

- Next meeting date: Monday, May 13, 2019 at 2:00 p.m.
- Adjournment