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Susanne R. Young, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA
Monday, July 12, 2021, 2:00 p.m.

Physical Location: Pavilion Building, 109 State Street, 5th Floor, Montpelier, VT 05062

Virtual Option: Via Microsoft Teams Available

**For public comment, please email ADM.Secretary@vermont.gov
or call (802) 828-3322 to request information.**

- Welcome
- Review and approval of the [minutes](#) from the June 14, 2021 meeting
- Note any additions or deletions from the agenda
- Public comment
- Note: The following emergency rules were supported by ICAR Chair Clouser:
 1. ‘Access to Health Care Services Related to COVID-19’ by the Department of Financial Regulation on 6/30/21.
 2. ‘Interim Rules for Clinical Pharmacy’ by the Secretary of State, Office of Professional Regulation on 7/7/21.
 3. PUC Emergency Rule 2.600 COVID-19 Emergency Procedures’ by the Public Utility Commission on 7/9/21.
- Presentation of the following proposed rules:
 - 1) Hemlock Woolly Adelgid Quarantine, Agency of Agriculture, Food and Markets
 - a) The Secretary of VAAFMM may establish and maintain quarantines. The amendment places sole jurisdiction of the rule under VAAFMM and eliminates outdated quarantine requirements for wood products and hemlock purchases.
 - 2) Vermont Joint Quarantine No. 1 (Scleroderris Canker), Agency of Agriculture, Food and Markets
 - a) This filing is to repeal the Scleroderris Canker Joint Quarantine.
 - 3) Hospital Licensing Rule, Agency of Human Services
 - a) This rule allows hospitals that have been granted waivers by the U.S. Centers for Medicare & Medicaid Services (CMS) under Section 1135 of the Social Security Act (during an emergency as defined 42 U.S.C. 1320b-5) to be automatically granted waivers for their Vermont licenses. The 1135 waiver allows “the Secretary to ensure to the maximum extent feasible, in any emergency area and during an emergency period...that sufficient health care items and services are available to meet the needs of individuals...” In this instance, there is no need for Vermont to duplicate CMS’s efforts. Additionally, two requirements for psychiatric hospitals were added to this



rule as required by CMS to ensure compliance with agreements Vermont has made with CMS in the Serious Mental Illness Institution for Mental Disease (SMI IMD) waiver.

4) Administrative Rules for Veterinarians, Secretary of State, Office of Professional Regulation

a) This rule adopts a definition of the Veterinarian Client Patient Relationship that is consistent with 26 V.S.A. § 2433 (Rules 1-12 & 8-3); provides for inspection (Rule 3-8); clarifies that the Board declines to require laws and rules exams (Rule 4-4); clarifies and interprets the consultation exemption (Rule 4-5). Clarifies and interprets the livestock management exemption (Rule 4-6); conforms lapsed license reinstatement to the uniform standard at 3 V.S.A. § 135 (Rule 5-4) simplifies CE requirements (Rule 6-1); imposes clear duties to self-report certain sentinel events, consistent with other recent OPR rule updates (Rule 7-1); incorporates disease-reporting requirements found in Titles 6 & 13 (Rule 7-2); sets distinct recordkeeping requirements for companion and non-companion animals (Rule 8-4); announces a clear delegation rule (Rule 8-8); sets a clear rule on alternative therapies (Rule 8-9); and facilitates veterinarian participation in rabies clinics (Rule 8-11).

5) Independent School Program Approval, State Board of Education

a) Act 173 of 2018 requires the State Board of Education to adopt rules implementing certain changes to the requirements an independent school must satisfy in order to receive public tuition. These changes include enrollment of students who require special education services and provision of special education to publicly funded students. These rules create procedures for school districts and approved independent schools to ensure students receive special education services in conformity with federal and state law.

6) Vermont Use of Public Waters Rules, Agency of Natural Resources

a) The proposed rule is an amendment to Appendix D of the Vermont Use of Public Waters Rules (UPW). Until recently, the City of Newport had delegated authority over the regulation of the mooring of vessels within Lake Memphremagog and other public waters within the City of Newport. Other public waters include the Clyde River and the Black River within the city limits of Newport. Per Rule 16 of Appendix D, that delegation expired on January 1, 2021. This proposed rule amendment would extend Newport's delegation an additional 10 years, until December 31, 2031.

- Upcoming Meeting Dates:
 - Wednesday, July 14, 2021 - Review of ICAR Forms with the Office of the Secretary of State
 - Monday, August 9, 2021 at 2:00 p.m. – Monthly ICAR meeting
- Adjournment

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