INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: August 9, 2019, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609


Members Absent: Chair Brad Ferland

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the July 8, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-14 to follow.
  4. Choices for Care, Agency of Human Services, Department of Disabilities, Aging and Independent Living, page 5
  5. Rules of the Board of Medical Practice, Agency of Human Services, Department of Health, page 6
  6. Rules Governing Inspection of Motor Vehicles, Agency of Transportation, Department of Motor Vehicles, page 7
  7. Audiology Services, Agency of Human Services, page 8
  8. Eyewear and Vision Care Services, Agency of Human Services, page 9
  9. Dental Services for Beneficiaries Under Age 21, and Pregnant and Postpartum Women, Agency of Human Services, page 10
  10. Dental Services for Beneficiaries Age 21 and Older, Agency of Human Services, page 11
  11. Medicaid Cost Sharing, Agency of Human Services, page 12
  12. Medically Complex Nursing Services, Agency of Human Services, page 13
  13. In-Home Lactation Consultation Services, Agency of Human Services, page 14

- Next scheduled meeting is Monday, September 9, 2019 at 2:00 p.m.
- 3:15 p.m. meeting adjourned.
Presented by Elizabeth Schilling, Tom Knauer and Mary Jo Krolewski

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

1. Proposed Rule Coversheet, page 5, #12: Reference any fees that may be charged due to State statue as described in #9 of page 15 of the rule.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
Motion made to accept the rule by Matt Langham, seconded by John Kessler, and passed unanimously except for Ashley Berliner who abstained, with the following recommendations:

1. Proposed Rule Coversheet, pages 4 and 5, #14 and #15: Complete.
2. Economic Impact Statement Addendum, Case Example 2: Middle Income Case with One Child: Please correct amounts to match.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
4. Remove the Signatory Authority for Purposes of Authorizing Administrative Rules memo as Secretary Gobeille is no longer serving as Secretary of Human Services.
Presented by Dan Raddock

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

1. Proposed Rule Coversheet, page 3, #9: Add the word ‘rule’ between ‘The proposed’ and ‘also addresses…’ in the six line down.
2. Economic Impact Analysis, page 2, #8: Perhaps include loss prevention as a favorable impact.
Proposed Rule: Choices for Care, Agency of Human Services, Department of Disabilities, Aging and Independent Living
Presented by Stuart Schurr

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

1. Proposed Rule Coversheet, page 2, #6: Correct 33 V.S.A. to 3 V.S.A.
2. Proposed Rule Coversheet, page 2, #7: Correct ‘Tile’ to ‘Title’ in the second to last line.
3. Public Input, page 1, #3: Include posting on your website.
Proposed Rule: Rules of the Board of Medical Practice, Agency of Human Services, Department of Health
Presented by Shayla Livingston

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, page 3, #10: Clarify and provide more details.
2. Economic Impact Analysis, page 2, #6: Clarify or reword the term ‘small medical businesses’ – perhaps consider ‘small medical practices’ instead.
3. Public Input, page 1, #5: Include hospitals.
Motion made to accept the rule by Dirk Anderson, seconded by Ashley Berliner, and passed unanimously except for Matt Langham who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #8: Remove the second sentence, beginning with “The rule as recently adopted inadvertently…”, as it’s not all inclusive of the items listed below.
2. Proposed Rule Coversheet, page 4, #12: Consider changing the word ‘most’ in the last line of the first paragraph to something else, such as ‘economically’.
3. Economic Impact Analysis, page 4, #8: Remove the ‘s’ from ‘tires’ in the third to last sentence to read “… for inspection stations through tire sales and repairs.”.
Motion made to accept the rule by Diane Bothfeld, seconded by John Kessler, and passed unanimously except for who Ashley Berliner abstained, with the following recommendations:

2. Adopting Page, page 1, #4: Include the title.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
Proposed Rule: Eyewear and Vision Care Services, Agency of Human Services
Presented by Ashley Berliner

Motion made to accept the rule by Dirk Anderson, seconded by Clare O’Shaughnessy, and passed unanimously except for who Ashley Berliner abstained, with the following recommendations:

2. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
Proposed Rule: Dental Services for Beneficiaries Under Age 21, and Pregnant and Postpartum Women, Agency of Human Services  
Presented by Ashley Berliner

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

2. Adopting Page, page 1, #4: Include the title.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
4. Public Input, page 2, #5: Include Vermont Dental Society
Motion made to accept the rule by Clare O’Shaughnessy, seconded by John Kessler, and passed unanimously except for who Ashley Berliner abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #12: Define whom the impact is to.
3. Adopting Page, page 1, #4: Include the title.
4. Economic Impact Analysis, page 1, #3: Change ‘A’ to ‘An’ in the beginning of the third sentence, line six.
5. Economic Impact Analysis, page 3, #9: Define what a ‘JFO fiscal note’ is.
6. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
7. Public Input, page 2, #5: Include Vermont Dental Society
Proposed Rule: Medicaid Cost Sharing, Agency of Human Services
Presented by Ashley Berliner

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

2. Proposed Rule Coversheet, page 4, #16: Include Dental Services
3. Adopting Page, page 1, #4: Include the title.
4. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
5. Public Input, page 2, #5: Include Vermont Dental Society
Proposed Rule: Medically Complex Nursing Services, Agency of Human Services
Presented by Ashley Berliner

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

2. Adopting Page, page 1, #4: Include the title.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.
Motion made to accept the rule by Diane Bothfeld, seconded by Matt Langham, and passed unanimously except for who Ashley Berliner abstained, with the following recommendations:

2. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.