



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 Present: Steve Knudson (Acting Chair), Ashley Berliner, John Kessler, Clare O'Shaughnessy, Matt Langham, and Dirk Anderson. Diane Bothfeld and Jennifer Mojo participated via phone

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.
 1. Rule 4.400, The Renewable Energy Standard Rule, Vermont Public Utility Commission, page 2
 2. Child Support Guidelines, Agency of Human Services, Department of Children and Families, Office of Child Support, page 3
 3. Business Entity Limited Lines Producer for Self-Storage Insurance License (I-2019-02), Department of Financial Regulation, page 4
 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.

Proposed Rule: Rule 4.400, The Renewable Energy Standard Rule, Vermont Public Utility Commission

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 statute as described in #9 of page 15 of the rule.
2. Proposed Rule Coversheet, page 5, #14: Complete.
3. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.

**Proposed Rule: Child Support Guidelines, Agency of Human Services, Department of Children and Families, Office of Child Support
Presented by Kyle Hatt and Sarah Haselton**

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.

**Proposed Rule: Business Entity Limited Lines Producer for Self-Storage Insurance License
(I-2019-02), Department of Financial Regulation
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.

**Proposed Rule: Rules Governing Inspection of Motor Vehicles, Agency of Transportation,
Department of Motor Vehicles
Presented by Scott Davidson and Kevin Andrews**

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.”.

Proposed Rule: Audiology Services, Agency of Human Services
Presented by Ashley Berliner

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:

1. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
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:

1. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
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:

1. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
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

**Proposed Rule: Dental Services for Beneficiaries Age 21 and Older, Agency of Human Services
Presented by Ashley Berliner**

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.
2. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
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:

1. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
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:

1. Proposed Rule Coversheet, page 4, #13-15: Complete once determined.
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: In-Home Lactation Consultation Services, Agency of Human Services
Presented by Ashley Berliner**

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:

1. Proposed Rule Coversheet, pages 3 and 4, #13-15: Complete once determined.
2. Public Input, page 1, #3: Include strategy as discussed and mentioned in #4.