



State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-2428

Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA **Monday, December 12, 2022, 2:00 p.m.**

To attend virtually via Microsoft Teams, please [click here to join the meeting](#) for full meeting audio and visual. If you require a call-in option to participate (e.g., computer does not have a microphone), dial 802-828-7667 and enter Phone Conference ID: 114 423 325#.

Physical meeting location suspended until January 15, 2023 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the minutes from the [November 14, 2022](#) meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
 - 1) Health Care Administrative Rules Definitions, Agency of Human Services
 - a) This rule includes definitions for Health Care Administrative Rules (HCAR). This amendment to Health Care Administrative Rule 1.101 - Health Care Administrative Rules Definitions adds a definition for hospital.
 - 2) Inpatient Hospital Services, Agency of Human Services
 - a) This rule sets forth the criteria for coverage of inpatient hospital services under Vermont's Medicaid program. It amends Medicaid Covered Services Rule 7201 - Inpatient Services - Medical and Psychiatric. Revisions include: new definitions informed by federal Medicaid law; clarifying language on the Vermont Medicaid provider network and prior authorization requirement for elective admissions; and removal of content that is described in other administrative rules, the Medicaid State Plan, and/or the Medicaid Provider Manuals.
 - 3) Outpatient Hospital Services, Agency of Human Services
 - a) This rule sets forth the criteria for coverage of outpatient hospital services under Vermont's Medicaid program. It amends Medicaid Covered Services Rule 7203 - Outpatient Services. Revisions include: new definitions informed by federal Medicaid law, and revisions to or removal of specific service limitations beyond the scope of this rule.
 - 4) Department of Liquor and Lottery, Administrative Rules Update, Department of Liquor and Lottery
 - a) Title 7 VSA § 108 gives statutory authority to the Board of Liquor and Lottery to adopt rules as necessary to carry out to provisions of Title 7. As such, one administrative rule is kept under the Vermont Code of Rules, which includes several groups of regulations to ensure public safety by preventing the misuse of alcohol and tobacco through controlled distribution, providing for applicable enforcement, and establishing robust education requirements.
 - b) These Regulations have been updated periodically over the years to reflect changes in statute and realities in the regulatory landscape. Several Acts as enacted by the Vermont Legislature in recent



years have amended significant portions of Title 7, including the consolidation of the Departments of Liquor and Lottery. As such, many contradictions between statute and regulation have emerged. Additionally, the impact of modern business practices is ever-changing, and regulatory agencies must remain agile to respond.

5) Radiological Health Rule, Vermont Department of Health

- a) This rulemaking amends Part A of the rule and provides requirements for safe handling, use, monitoring, notifications, record keeping, and reporting associated with radiation-producing (x-ray) machines in Vermont. These regulations primarily address diagnostic machines, but also establish requirements for radiation-producing machines used for therapeutics, as well as non-medical applications such as for security (e.g., body scanners) and industrial purposes. These amendments do not impact power generation facilities or sites (e.g., Vermont Yankee).
- b) Additionally, consistent with requirements established by the US Nuclear Regulatory Commission (NRC) as a condition of Vermont becoming an Agreement State, several technical amendments were made to terms and incorporations by reference in Part B of the rule.

6) Antidegradation Implementation Rule, Agency of Natural Resources

- a) The proposed Rule lays out the process for implementing the State's antidegradation policy, as adopted in the Vermont Water Quality Standards. The rule requires an analysis of water quality impacts, applied during the review of applications for any permit authorizing an activity required to comply with the Vermont WQS. The Rule includes a list of permits subject to antidegradation review, the required public process, and the three-tiered analysis of water quality impacts: Protection of Outstanding Resource Waters, protection of High Quality Waters, and protection of Existing Uses. It also includes an analysis for determining when a reduction in receiving-water quality is allowable, based on evaluation of the subsequent socioeconomic impact of not allowing the proposed activity.

- Other business
- Next meeting date: Monday, January 9, 2023 at 2:00 p.m.
- Adjournment

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