



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** December 12, 2022, virtually via Microsoft Teams  
**Members Present:** Chair Sean Brown, Brendan Atwood, Diane Bothfeld, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, and Donna Russo-Savage  
**Members Absent:** Michael Obuchowski  
**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the [November 14, 2022](#) meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
  1. Health Care Administrative Rules Definitions, Agency of Human Services, page 2
  2. Inpatient Hospital Services, Agency of Human Services, page 3
  3. Outpatient Hospital Services, Agency of Human Services, page 4
  4. Department of Liquor and Lottery, Administrative Rules Update, Department of Liquor and Lottery, page 5
  5. Radiological Health Rule, Vermont Department of Health, page 6
  6. Antidegradation Implementation Rule, Agency of Natural Resources, page 7
- Other business: Committee discussion on Economic Impact Analysis and internal agency practices being codified into rule versus an external-like motivating practice (for example: If there's a federal rule that's on point or if the Legislature is moving an agency to adopt a rule because of some existing kind of procedures or policies that are already being followed because they're essentially being enforced by another body).
- Next scheduled meeting is Monday, January 9, 2023 at 2:00 p.m.
- 4:02 p.m. meeting adjourned.

**Proposed Rule:** Health Care Administrative Rules Definitions, Agency of Human Services

**Presented By:** Dani Fuoco

Motion made to accept the rule by John Kessler, seconded by Jared Adler and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Adopting Page, #4: Include effective date.

**Proposed Rule:** Inpatient Hospital Services, Agency of Human Services

**Presented By:** Dani Fuoco

Motion made to accept the rule by John Kessler, seconded by Jared Adler and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Adopting Page, #4: Include effective date.
2. Proposed Rule, 4.200.1 (b)(4): Change 'does' to 'do' if appropriate.
3. Proposed Rule, 4.200.4: Clarify who is required to seek authorization.

**Proposed Rule:** Outpatient Hospital Services, Agency of Human Services

**Presented By:** Dani Fuoco

Motion made to accept the rule by John Kessler, seconded by Jared Adler and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Adopting Page, #4: Include effective date.
2. Economic Impact Analysis, #7: Complete.

**Proposed Rule:** Department of Liquor and Lottery, Administrative Rules Update, Department of Liquor and Lottery

**Presented By:** Skyler Genest and Commissioner Wendy Knight

Motion made to accept the rule by Diane Bothfeld, seconded by Brendan Atwood, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet: Note that the Commissioner signed in addition to the Liquor Control Board Chair to adhere to statutory framework of rulemaking authority.
2. Throughout the Filing: Correct typos – some examples include:
  - a. Economic Impact Summary, #3: Correct typos for ‘alignment’ and ‘regulatory’.
  - b. Environmental Impact Analysis, #6
  - c. Public Input Maximization Plan #3 and #4
3. Proposed Rule Coversheet, #8: Clarify specific changes.
4. Proposed Rule Coversheet, #14: Include a virtual option to attend public hearings.
5. Economic Impact Summary: Clarify impact to all parties. Include any positive impacts and/or state the overall the impact will have a neutral effect if applicable.
6. Economic Impact Summary, #5 and #8: Spell out acronym.
7. Economic Impact Summary, #9: Include more detail.
8. Public Input Maximization Plan #3 and #4: Include additional proactive outreach, including independent restaurant coalition. Include independent restaurant coalition.
9. Remove Incorporated by Reference and Scientific Information Statement.

Motion made to accept the rule by Diane Sherman, seconded by John Kessler, and passed unanimously except for Brendan Atwood who abstained, with the following recommendations:

1. Proposed Filing Coversheet, #8: Define 'Agreement State' for context. Clarify that while the rules existed on this topic, they were not sufficient nor comprehensive, thus was reviewed holistically to come up with this new comprehensive rule that addresses those areas.
2. Proposed Filing Coversheet, #12: Add descriptor for 'minimal' and 'minor' or use different language.
3. Adopting Page, #4: Update title to include missing information from prior time in parentheses.
4. Economic Impact Analysis, #3: On the 2<sup>nd</sup> page, 4<sup>th</sup> line, correct 'established' typo. In the 'Healthcare workers and public' section, clarify that practices are already effectively in place.
5. Annotated text should be updated, and comments removed from filing.

Motion made to accept the rule by Brendan Atwood, seconded by Diane Bothfeld, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Throughout the proposed rule filing: Make all references to policy, procedures, and standards uniform; and use consistent terminology and punctuation, including upper and lowercase.
2. Proposed Rule Coversheet #7: Include statutory citation in the last sentence.
3. Proposed Rule Coversheet #8: Include a global plain language summary of what is occurring.
4. Proposed Rule Coversheet #12, line 12: Include 'as' between "...as well an analysis...".
5. Economic Impact Analysis: Include parenthetical to the terms in the list of affected parties.
6. Economic Impact Analysis, #3: Change semi colon to comma after 'landowners' in the 3<sup>rd</sup> line. Clarify costs and discretion.
7. Economic Impact Analysis, #4 and #5: Expand upon.
8. Economic Impact Analysis, #9: In the next to last line, correct 'amendmended' typo. Include period at the end of the last sentence.
9. Public Input Statement, #3: Include additional outreach to stakeholders that is planned to take place.
10. Proposed Rule, II. Definitions: Include and define "recreational value".
11. Proposed Rule, IV. (b (Tier 2)) (1): Clarify statement.