



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** Wednesday, February 22, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Brendan Atwood, Jared Adler, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome, and introductions – including new Committee member Nicole Dubuque.
- Review and approval of minutes from the [January 9, 2023](#) meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
  1. 2022 Vermont Residential Rental Housing Health & Safety Code, Department of Public Safety, Division of Fire Safety, page 2
  2. Inflation Adjustment for Private Non-Medical Institutions, Agency of Human Services, Department of Vermont Health Access, page 3
  3. District Quality Standards, Agency of Education, page 4
  4. Reach Up Eligibility Rules, Agency of Human Services, Department for Children and Families, page 5
  5. Reach Up Services Rules, Agency of Human Services, Department for Children and Families, page 6
- Next scheduled meeting is Monday, March 13, 2023 at 2:00 p.m.
- 3:35 p.m. meeting adjourned.

**Presented By:** Robert Sponable

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

1. Throughout the Filing: Check all dates for appropriateness.
2. Proposed Filing – Coversheet:
  - a. #12: Clarify and include more information.
  - b. #7: Include more information, such as the new positions created in the Act, the increased resources and the professionalized full-time, trained, experienced staff that public safety will be operating under. Change ‘this year’ to ‘2022’ if appropriate.
  - c. #8: Include the word ‘and’ between ‘identify’ and ‘address change’ if appropriate.
  - d. #10: Respond to the three criteria as defined in the statute referenced:
    - i. Is it based in fact?
    - ii. Is it rationally connected to those facts?
    - iii. Is it sensible to a reasonable person?
  - e. #11: Change the ‘Department of Health’ to the ‘Agency of Human Services’.
  - f. #13: Hold a public hearing and include relevant information throughout the filing.
3. Economic Impact Analysis
  - a. Provide more information.
  - b. Identify relevant entities and the effects on those groups.
  - c. Clarify impact to small business based upon the definition in statute.
4. Environmental Impact Analysis
  - a. #4 and #5: Consider any net benefits.
  - b. Note that the increased inspections increase number of inspectors, which may lead to additional compliance issues which are beneficial to public health and safety and may also be an additional cost.
5. Public Input:
  - a. Expand list of entities that you plan to reach out to inform directly that a public hearing will be available.
6. Proposed Rule:
  - a. Create a red-line version of the slight shift in the how the purpose was described and the introduction to the rule and what has changed and what hasn’t.

**Presented By:** James LaRock

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

1. The Signatory Authority for Purposes of Authorizing Administrative Rules memo should be updated to address the current Secretary of State.
2. Proposed Filing – Coversheet:
  - a. #5: Update the authority as the exemptions are in (c).
  - b. #7: Provide additional information that the Department of Vermont Health Access has the power and authority and include the title.
  - c. #8: Include explanation of the ease of financial burdens and tie in information from the responses in #7-9. Describe what you're changing and what the rule does. Define PNMI and include examples as appropriate.
  - d. #10: Respond to the three criteria as defined in the statute referenced:
    - i. Is it based in fact?
    - ii. Is it rationally connected to those facts?
    - iii. Is it sensible to a reasonable person?
  - e. #11: Explain why children are being highlighted.
  - f. #16: Include children, residential childcare services, or other terms that would help identify that PNMI's are specific to children and the care of them.

**Proposed Rule:** District Quality Standards, Agency of Education

**Presented By:** Emily Simmons

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Donna Russo-Savage who abstained, with the following recommendations:

1. Check all dates for accuracy in the filing forms.
2. Proposed Filing – Coversheet
  - a. #8: Clarify this is a new rule and how it's related to the standards.
  - g. #10: Respond to the criteria as defined in the statute referenced that the rule is sensible to a reasonable person?
  - b. #16: Add 'education' and 'school'.
3. Economic Impact Analysis:
  - a. #3: Clarify 'minimal' and 'greatest' by using different language.
  - b. #4: Include information that addresses if the state intervenes pursuant with the process laid out in this rule, there would be unknown but definite economic impacts on those impacted on those school districts.
  - c. #8: Provide examples of "...a few, minimal exceptions...".
4. Proposed Rule: Include other subjective words to be defined such as 'Financially Sound' and 'Adequate' if there's not a guidance document, training, etc. included.

**Presented By:** Heidi Moreau

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

1. Proposed Filing – Coversheet:
  - a. #8: Correct ‘Eligibility’ spelling. Include an initial statement that explains what the rule does. Explain what Reach Up covers.
  - b. #10: Respond to the three criteria as defined in the statute referenced:
    - i. Is it based in fact?
    - ii. Is it rationally connected to those facts?
    - iii. Is it sensible to a reasonable person?
  - c. #12: Include information from #3 of the Economic Impact Analysis. Change ‘determinative’ to ‘determination’.
2. Public Input Maximization Plan:
  - a. #3 and #4: List community partners in #4 and reference them in #3.
  - b. #3: Clarify ‘members of the public’.

**Proposed Rule:** Reach Up Services Rules, Agency of Human Services, Department for Children and Families

**Presented By:** Heidi Moreau

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:
  - a. #8: Include an initial statement that explains what the rule does. Explain what Reach Up covers. Add a space between (3) and Removing. Define ‘conciliation process’ and ‘non-engagement’.
2. Public Input Maximization Plan:
  - a. #3 and #4: List community partners in #4 and reference them in #3.
  - b. #3: Clarify ‘members of the public’.