



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: August 14, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, John Kessler, Michael Obuchowski, and Nicole Dubuque
Members Absent: Diane Sherman and Brendan Atwood
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the June 12, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: The following emergency rules were supported:
 - 1) On 06/30/23: 'Pandemic-Era General Assistance Emergency Housing Transition' from the Agency of Human Services, Department for Children and Families
 - a) The Department for Children and Families must establish eligibility criteria to continue providing temporary housing assistance to the populations identified in Act 81 and the Executive Order dated June 30, 2023.
 - 2) On 07/28/23: 'Rules Governing Medication-Assisted Treatment for Opioid Use Disorder', Agency of Human Services
 - a) This emergency rule eliminates the X Waiver requirements, which can no longer be met due to federal changes. This update will ensure Vermont's MAT regulations do not inhibit access to MAT providers by those in need.
 - 3) On 08/03/23: 'Reportable and Communicable Diseases Rule', Agency of Human Services, Department of Health
 - a) This rule adds Mpox to the list of reportable diseases, due to the virus' increased public health threat. This also reduces the administrative burden for reporters by eliminating the need to report negative COVID results.
 - 4) On 08/07/23: Amyotrophic Lateral Sclerosis (ALS) Registry Rule, Agency of Human Services, Department of Health
 - a) 18 V.S.A. § 176 requires the Department to establish this registry by 7/1/23. The regular ALS Registry rule will not be adopted for several months. Without this e-rule, some incidence data may not be reported as required.
- Public comments made by Jay Greene, Office of Racial Equity, on the Health Benefits Eligibility and Enrollment Rules
- Presentation of Proposed Rules on pages 3-11 to follow.
 - 1) Vermont Passenger Tramway Rules, Vermont Department of Labor/page 3
 - 2) Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services, page 4
 - 3) Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), Agency of Human Services, page 5
 - 4) Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), Agency of Human Services, page 6

- 5) Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Services and Supports - Eligibility and Post-Eligibility (Part 4), Agency of Human Services, page 7
 - 6) Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services, page 8
 - 7) Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services, page 9
 - 8) Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services, page 10
 - 9) Water Supply Rule, Agency of Natural Resources, page 11
- No Other Business
 - Upcoming Scheduled Meetings:
 - Wednesday, August 30, 2023 at 2:00 p.m. – Special Meeting for Committee Discussion only
 - Monday, September 11, 2023 at 2:00 p.m. – Regular monthly meeting
 - 3:15 PM Meeting Adjourned

Presented By: Jared Adler and Mike Nellis

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

1. Proposed Filing – Coversheet:
 - a. #8: Define ‘ANSI’ and reference parenthetical.
 - b. #10: Include statutory reference number and date.
2. Economic Impact Analysis, #9: Include information as to what they were consulted about.
3. Environmental Impact Analysis:
 - a. #5 and #7: Describe reasoning on why the rule does not directly address the impact.
 - b. #9: Include information as to what they were consulted about.
4. Public Input Maximization Plan, #3: Clarify/define ‘consensus body’.
5. Incorporation by Reference, #5: Include less expensive/free ways to view the information, and a phone number.
6. Proposed Rule: Work with the Agency of Transportation on Section 3.01 (c) to ensure it conforms to FAA regulations.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Jen Mojo, seconded by Jared Alder, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Nicole Dubuque, seconded by Mike Obuchowski, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Mike Obuchowski, seconded by Jen Mojo, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Services and Supports - Eligibility and Post-Eligibility (Part 4)

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Jared Adler, seconded by Nicole Dubuque, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Jen Mojo, seconded by Mike Obuchowski, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Jared Adler, seconded by Nicole Dubuque, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services

Presented By: Robin Chapman and Danielle Fuoco

Motion made to accept the rule by Nicole Dubuque, seconded by Jen Mojo, and passed unanimously with the following recommendation:

1. Proposed Filing - Coversheet, #12: Clarify the division of impact by federal and state governments.

Proposed Rule: Water Supply Rule, Agency of Natural Resources

Presented By: Catherina Narigon and Ben Montross

Motion made to accept the rule by Jared Adler, seconded by Mike Obuchowski, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Spell out acronyms and parenthetically reference them. Clarify reference to “...water sources (wells)...” whether it’s included, limited to, etc.
 - b. #9: 1st sentence seems to be missing a word.
2. Adopted Filing – Coversheet: Not needed for ICAR.
 - a. Economic Impact Analysis, #8: Remove stray ‘s’ at end of paragraph.
3. Public Input, #3: Include the Water Quality division of the Agency of Agriculture, Food and Markets.