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Kristin L. Clouser, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA **Monday, September 11, 2023, 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: 106 522 523#.

Physical meeting location suspended until July 1, 2024 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the [minutes](#) from the August 14 and August 30, 2023 meetings
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
 - 1) Judicial Nominating Board Rule Amendments, Judicial Nominating Board
 - a) These amendments: update conflict of interest standards to conform to recently passed legislation; reduce unnecessarily duplicative interviews; emphasize the importance of writing for Supreme Court candidates; and minor miscellaneous edits to conform to statute and practice.
 - 2) Suitability in Annuity Transactions (Reg. I-2023-01), Department of Financial Regulation
 - a) The Department is proposing a new rule that requires producers, as defined in the rule, to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed.
 - 3) Amyotrophic Lateral Sclerosis (ALS) Registry Rule, Vermont Department of Health
 - a) This rule implements the Vermont Amyotrophic Lateral Sclerosis (ALS) Registry created by 18 V.S.A. Chapter 4A that requires the Commissioner of Health to establish an ALS incidence registry system for the collection of information determining the incidence of ALS and related data.
 - 4) Reporting of Offender Information, Agency of Human Services, Department of Corrections
 - a) The Vermont Department of Corrections (DOC) is proposing the repeal of the Reporting of Offender Information Rule, APA #96-18/CVR #13-130-017 because it is no longer the guiding document for this subject matter. DOC policy, #251.01, Offender/Inmate Records and Access to Information, dated 8/18/2019, and its associated guidance documents, and APA Rule #19-035/CVR 13-130-036, describe the procedures that the DOC shall follow when releasing, or permitting the inspection of, a record belonging to individual under the custody or supervision of the DOC.
 - 5) Child Support Guidelines, Agency of Human Services, Department for Children and Families, Office of Child Support
 - a) This rule governs the guidelines used for calculating child support obligations in Vermont. 15 V.S.A. § 654 states that the Secretary may amend the guideline from time to time as may be necessary, but



not less than once every four years. Federal law, 45 C.F.R. § 302.56 (e), mandates that the child support guidelines be reviewed, and revised, if appropriate, at least once every four years to ensure the application results in appropriate child support order amounts. The existing child support guidelines went into effect 1/2/2020, so OCS is conducting a review to ensure the associated tables that convert gross income to after tax income and identify expenditures on children are adjusted for current tax rates and economic conditions.

- 6) Residential Care Home and Assisted Living Residence Licensing Regulations, Agency of Human Services, Department of Disabilities, Aging, and Independent Living
 - a) The Residential Care Home (RCH) and Assisted Living Residence (ALR) Regulations, last adopted in 2000 and 2003, respectively, were developed for residents who needed lower levels of assistance, who were simply unable to live independently. Since then, Vermonters, and people in general, have tended to stay in their homes longer and enter into residential care or assisted living with higher and more complex care needs. Ownership structures have also changed. In addition to a general shift in use of group care settings, the Choices for Care (CFC) and Enhanced Residential Care (ERC) programs have placed hundreds of nursing home level of care residents into these homes. The regulations did not provide the protections needed for a population that has increased and complex care needs, and they were not providing the guidance to the managers of these homes in how to provide safe care to residents, including those who need nursing home level of care.
- 7) Independent School Program Approval Rules, State Board of Education
 - a) The proposed amendments to Rule Series 2200 are designed to incorporate the principles of 2019 Act No.1 to be consistent with legislative intent of both the Act and 16 V.S.A. §§ 164(14) and 166(b). These amendments also establish a method for recognizing school accrediting agencies, create an annual compliance assurance requirement for approved schools, require a method for evaluating whether an approved school is compliant with nondiscrimination requirements, clarify the process for accredited and non-accredited schools to apply and become approved, and reorganize the order of the rules for clarity and to align sequentially with the steps for school approval and reapproval.
- 8) Vermont Low Emission Vehicle and Zero Emission Vehicle Rules, Agency of Natural Resources
 - a) ANR proposes to amend its existing Low Emission Vehicle and Zero Emission Vehicle Rules, which incorporate by reference California's Heavy-Duty Engine and Vehicle Omnibus (HD Omnibus), a motor vehicle emission standard regulation. The HD Omnibus regulation sets standards for emissions of nitrogen oxides (NOx) and particulate matter (PM) from on-road heavy-duty engines used in vehicles delivered for sale in Vermont, which help protect public health and air quality. In this rulemaking, ANR proposes to amend the current HD Omnibus regulation to (1) clarify the existing transit bus exemption, (2) adjust the vehicle model year in which vehicle manufacturers can begin earning early compliance credits, and (3) add the legacy engine provisions that will provide engine manufacturers greater compliance flexibility for vehicle model year 2026, while maintaining the originally projected emissions reductions and public health benefits under the HD Omnibus regulation. See attached Technical Support Document.
- 9) Investigation and Remediation of Contaminated Properties Rule (IRule), Agency of Natural Resources
 - a) The Rule established standards and requirements for the investigation and remediation of releases of hazardous materials, and to provide a process which must be utilized for all properties where releases have occurred in a manner that is protective of public health and the environment. The Rule provides the process that must be followed from initial investigation of contaminated properties to final cleanup, remediation, and site closure for contaminated properties.

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

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