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Kristin L. Clouser, Secretary

Interagency Committee On Administrative Rules (ICAR) Agenda
Monday, January 8, 2024, 2:00 p.m.

To attend virtually via Microsoft Teams, please [click here to join the meeting](#) for full meeting audio and visual. Meeting ID: 258 213 386 215#, Passcode: krX4KR. If you require a call-in option to participate (e.g., the computer does not have a microphone), dial 802-828-7667 and enter Phone Conference ID: 829 388 718#.

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

- Welcome
- Review and approval of the [minutes](#) from the November 13, 2023 meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rules:
 1. Administration of Nonemergency Involuntary Psychiatric Medications, Department of Mental Health
 - a. This rule outlines the procedures for the administration of nonemergency involuntary psychiatric medications by the Department of Mental Health Services (DMH). This rulemaking adds a "forensic facility," as defined by Act 27 (2023) to the list of facilities where involuntary psychiatric medications can be administered. Section 7: USE OF RESTRAINTS WHEN ADMINISTERING NONEMERGENCY INVOLUNTARY MEDICATION" has been removed from this rule because these requirements are addressed in a separate DMH rule. Terms and formatting have also been updated.
 2. Vital Records Rule, Department of Health
 - a. This rulemaking amends the types of documents that can be used to establish a person's identity when requesting a certified birth certificate. Specifically, an out of state correctional facility will be able to provide documentation to verify the identity of an individual incarcerated in the facility the same way that the Vermont Department of Corrections (DOC) is able to currently do for individuals incarcerated in a Vermont correctional facility.
 3. VPharm Coverage, Department of Vermont Health Access
 - a. This proposed rulemaking amends VPharm rule 5450 titled "Coverage" which establishes coverage for the VPharm program. This VPharm Coverage rule was last amended effective February 25, 2012. This amendment aligns with federal and state guidance and law, improves clarity, and makes technical corrections. Certain content, such as 5450.1 Rebate or Price Discount, has been removed as it was redundant with language that exists in state statute. Substantive revisions include: expanding drug coverage available under VPharm 2 and VPharm 3 to be equivalent to the drug coverage available under VPharm 1 and the



Medicaid program, as authorized through Vermont's Global Commitment to Health 1115 Demonstration waiver effective July 1, 2022.

4. Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry, Vermont Agency of Agriculture, Food & Markets
 - a. This is an update to the existing importation rules for livestock and poultry. The rule outlines the documentation and disease testing requirements to import cattle/bison, equine, swine, sheep, goats, poultry, ratites, psittacine birds, camelids, and cervids from the US 50 States and Canada. Disease concerns and testing has changed, this update addresses the significant diseases of concerns and the tests required to demonstrate free status. This update aligns the rule with USDA disease programs, modern technology, and the disease traceability standards set by Vermont statutes. For example, current USDA brucellosis program standards are eliminating the Class A-C language for describing state status and has increased the age recommendation for swine testing from four months to six months of age.
5. Antidegradation Implementation Rule, Agency of Natural Resources
 - a. The proposed rule lays out the process for implementing Vermont's antidegradation policy. Vermont's antidegradation policy requires that existing uses of waters and the level of water quality necessary to protect those uses shall be maintained and protected. To implement this policy, the proposed rule requires an analysis of water quality impacts, to be conducted during the review of applications for permits authorizing activities that are 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. The rule 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.
6. Reach Up Eligibility Rules, Agency of Human Services, Department for Children and Families
 - a. The Reach Up program provides cash assistance and support services to low-income families. The Reach Up Eligibility rules govern the eligibility criteria for the Reach Up program. The proposed rule implements changes to Reach Up eligibility criteria required by Act 133 of 2022, including increasing the age of an eligible child attending school from 19 to 22; increasing the child support pass through amount from \$50 to \$100, and increasing the earned income disregard from \$250 to \$350. The proposed rule also updates outstanding uses of terms such as "failure" and "compliance" that were not updated in the previous cycle of rulemaking; adds language to rule 2253(10) clarifying that financial assistance from poverty reduction programs is excluded; and inserts language regarding the proration of benefit payments that was inadvertently stricken from the rule in the previous cycle of rulemaking.
7. Reach Up Services Rules, Agency of Human Services, Department for Children and Families
 - a. The Reach Up program provides cash assistance and support services to low-income families. The Reach Up Services rules govern participation requirements for families receiving Reach Up financial assistance. Act 133 of 2022 substantially changed the Reach Up program by replacing the requirement for participants to engage in designated work activities for a set number of hours based on the family's composition with participant requirements that employ a universal engagement model that identifies participants' strengths and needs and develops individualized plans, considering their unique circumstances to help them move toward their goals. This rule implements these changes by removing all references to the work requirement, work requirement hours, and related criteria and replacing the work requirement structure with "Reach Up participant

requirements” that includes the list of activities outlined in Act 133 and updates language to reflect the universal engagement model.

8. Reach First Rules, Agency of Human Services, Department for Children and Families
 - a. The Reach First program provides cash assistance for up to four months to families experiencing a short-term crisis. The Reach First rules govern the eligibility criteria for the Reach First program. A family that meets eligibility criteria for Reach Up financial assistance (Vermont's Temporary Assistance for Needy Families program) and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). To conform to Act 133 of 2022, the proposed rule replaces references to the "Reach Up work requirement" with "federal work requirement" and eliminates provisions regarding work-requirement based referrals to other programs and mandatory participation in Reach First.
 9. Postsecondary Education Program Rules, Agency of Human Services, Department for Children and Families
 - a. The PSE program provides financial assistance, case management, and support services to assist parents in eligible low-income families to obtain two- or four-year postsecondary undergraduate degrees. The proposed rule reorganizes and renumbers the rules to conform to a standard outline format, updates terminology, updates statutory references, and replaces deficit-based language with strengths-based language (for example, using the term "engagement" instead of "compliance"). The proposed rule also includes amendments to align with changes to the PSE program made by Act 133 of 2022, such as updating the definition of “dependent child,” allowing two parents to participate in the PSE program at the same time, and replacing references to the Reach Up work requirement with federal work requirement.
 10. Private Nonmedical Institution Rules Simplification, Department of Vermont Health Access
 - a. These rules simplify existing regulations and move finer details of the rate-setting process for private nonmedical institutions into a new manual.
 11. Nursing Home Reimbursement Rule Simplification, Department of Vermont Health Access
 - a. These rules simplify existing regulations and move finer details of the rate-setting process for nursing homes into a new manual.
- Other business
 - Next meeting date: Friday, February 23, 2024 at 1:00 p.m.
 - Adjournment

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