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Sarah Clark, Interim Secretary

Interagency Committee On Administrative Rules (ICAR) Agenda
Monday, July 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#.

Effective July 1, 2024, meetings will be held electronically per [S.55](#) signed into law by Governor Scott on May 30, 2024.

- Welcome
- Review and approval of the [minutes](#) from the May 13, 2024 meeting
- Note any additions or deletions from the agenda
- Note: An emergency rule titled 'General Assistance Emergency Housing Assistance Emergency Rules', provided by the Agency of Human Services, Department for Children and Families, was supported by ICAR Chair Brown on June 25, 2024.
 - Section E.321(f) of Act 113 (2024) requires the Department for Children and Families to adopt emergency rules implementing the new eligibility criteria for emergency housing assistance as established in the Act.
 - This emergency rule contains five amendments to the General Assistance program rules: (1) language regarding notices to terminate tenancy was added to the definition of constructive eviction in rule 2622; (2) language was added to rule 2650 authorizing DCF to withhold payments to hotels/motels in violation of lodging licensing rules; (3) the catastrophic and vulnerable populations eligibility categories in rules 2652.2 and 2652.3 have been replaced with the new eligibility criteria set forth in sec. E.321 of Act 113 of 2024; (4) the rule updates the basic needs standard chart in rule 2652.4 to align with the current Reach Up basic needs dollar amounts; and (5) the methodology for calculating the 30% income contribution in rule 2652.4 was changed from using the least expensive daily motel rate to either the current daily rate at the motel in which the temporary housing applicant is staying or if the applicant is not currently housed in a motel, the average daily rate.
- Public comment
- Presentation of the following proposed rules:
 - 1) Marriage Ceremony For Incarcerated Individuals, Department of Corrections
 - a) Due to the update in 18 V.S.A. § 5142, raising the legal age of marriage to 18 regardless of parental consent the Vermont Department of Corrections (DOC) needs to amend the "Inmate Marriage Rule" to no longer allow marriages of incarcerated individuals who are



under the age of 18. It is not within the DOC's authority or mission to determine if someone is eligible to get married. The proposed rule would require the incarcerated individual to submit a request form for a marriage ceremony. Then the DOC will review the request form and approve the marriage ceremony provided there are no legitimate penological interest concerns. The DOC requires the incarcerated individual or intended spouse to submit proof of the marriage license to the DOC prior to the scheduled marriage ceremony, but will not require a marriage license to be submitted with the request form.

2) Best Management Practices Rule, Agency of Agriculture, Food and Markets

a) The Best Management Practice Program provides technical assistance and financial assistance to Vermont farmers to support construction of on-farm improvements designed to abate water quality risks from agricultural pollution. This rulemaking corrects findings from a 2018 audit that found the rule misaligned with current statute and practice. Updates reflect current terminology, statutes, process and procedures for project prioritization, operation and maintenance requirements, as well as the petition process that have evolved since the last filing in 1996.

3) Technical Service Provider Certification Rule, Agency of Agriculture, Food and Markets

a) Technical Service Providers (TSPs) provide nutrient management and water quality permit consulting to Vermont farmers for water quality regulations. This rule is intended to ensure farmers receive professional technical services from TSPs that meet a minimum standard of quality assurance related to agricultural water quality nutrient management planning and permitting/certification regulations. The proposed rule will ensure TSPs are held accountable for understanding the rules, regulations, and requirements related to nutrient management planning and permitting/ certification services they provide. The rule will also enable enforcement on TSPs if the services they provide are out of compliance with water quality regulations. Currently, farms and the state lack recourse outside of enforcement on farms for work products provided by TSP's that are non-compliant.

4) Prior Authorization, Agency of Human Services

a) This rule sets forth the criteria for Vermont Medicaid's prior authorization process. It amends current prior authorization Rule 7102 titled "Prior Authorization." Revisions include:(1) align the rule with 42 CFR 438.210(d)(2) that requires that expedited prior authorizations be decided within 72 hours of request, (2) provide that standard prior authorizations must be decided within seven days of request, (3) add clarity regarding the prior authorization process for pharmacy requests, and (4) add prior authorization requirements for the routine patient costs of a beneficiary when they are related to a clinical trial.

5) Vermont Saves Program Rule, Office of the State Treasurer

a) Vermont law (3 V.S.A. § 533) specifically authorizes the State Treasurer to adopt rules that are necessary and advisable for the implementation and general administration and operation of the Vermont Saves Program. The rule is required to ensure the Program is designed in a manner consistent with legislative intent and in compliance with all applicable State and federal laws and regulations, including the Internal Revenue Code regulations relating to individual retirement arrangements (IRAs).

- Other business
- Next meeting date: Monday, August 12, 2024, at 2:00 p.m.
- Adjournment

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