



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: October 9, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, Diane Sherman, Michael Obuchowski, and Nicole Dubuque
Members Absent: John Kessler and Brendan Atwood
Minutes By: Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order.
- Review and approval of [minutes](#) from the September 11, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: The following emergency rules were supported by ICAR Chair Brown:
 - 'Emergency Administrative Rules for Notaries Public and Remote Notarization' by the Office of Professional Regulation, on 09/19/23
 - OPR seeks to renew the emergency rules to ensure notaries can provide remote notary public services while the permanent rules go through the APA rulemaking process. More permanent rules to implement Act 171 are drafted.
 - These Emergency Rules allow an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing before a notary public through a secure communication link using specific protocols and standards.
 - 'PUC Emergency Rule 2.500 COVID-19 Emergency Procedures' by the VT Public Utility Commission, on 09/25/23
 - Risk of exposure for members of the public and state agency staff to the COVID-19 virus established as a global pandemic by the World Health Organization as of March 11, 2020.
 - This emergency rule amends various filing and procedural requirements and provides alternative procedures to reduce or eliminate in-person contact between members of the public and Commission staff or other members of the public to reduce the risk of exposure to the COVID-19 virus. This is the seventh extension of the emergency rule filed in April 2020. A number of measures included in this revised emergency rule have proven beneficial to those who appear before and interact with the Commission. The Commission is undertaking a process of adopting policies and promulgating permanent rules, where appropriate, so that the remaining measures in this revised emergency rule could either be phased out or incorporated into permanent rules. The revisions in this version reflect adoption of permanent Commission Rule 2. Two other Commission rules modified by this rule have entered formal rulemaking. The provisions in this revised emergency rule will be superseded when the permanent rules take effect.
- No public comments.

- Presentation of Proposed Rules on pages 3-12 to follow:
 1. Residential Care Home and Assisted Living Residence Licensing Regulations, Agency of Human Services, Department of Disabilities, Aging, and Independent Living, page 3
 2. Independent School Program Approval Rules, State Board of Education, page 4
 3. Vermont Low Emission Vehicle and Zero Emission Vehicle Rules, Agency of Natural Resources, page 5
 4. Investigation and Remediation of Contaminated Properties Rule (IRule), Agency of Natural Resources, page 6
 5. Children's Personal Care Services, Agency of Human Services, Department of Health, page 7
 6. Rules of the Board of Medical Practice, Agency of Human Services, Department of Health, page 8
 7. Crisis Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division, page 9
 8. Seasonal Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division, page 10
 9. Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services, Department of Health, page 11
 10. Council Rules, Vermont Criminal Justice Council, page 12
- No other business
- Next scheduled meeting is November 13, 2023 at 2:00 p.m.
- 3:54 p.m. meeting adjourned.

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Proposed Rule: Residential Care Home and Assisted Living Residence Licensing Regulations, Agency of Human Services, Department of Disabilities, Aging, and Independent Living
Presented By: Stuart Schurr, Pam Cota, Carolyn Scott, and Suzanne Leavitt

Motion made to accept the rule by Sean Brown, seconded by Mike Obuchowski, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #8 and #9: Include what changed in the rule.
2. Economic Impact Analysis: Include those listed in #3 as individuals or categories of those affected and describe the impact to each.
3. Public Input Maximization Plan, #3: Summarize the plan to engage the public, and process to advise involved stakeholders that were involved of proposed rules availability.

DRAFT

Proposed Rule: Independent School Program Approval Rules, State Board of Education
Presented By: Jennifer Samuelson and Sarah Buxton

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

1. Proposed Filing – Coversheet:
 - a. #9: Replace ‘Rule Series 2200’ with the title of the rule. Discuss the specific changes.
 - b. #13: Align with the Economic Impact Analysis.
2. Missing Adopting Page.

DRAFT

Proposed Rule: Vermont Low Emission Vehicle and Zero Emission Vehicle Rules, Agency of Natural Resources

Presented By: Deirdra Ritzer and Rachel Stevens

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

1. Proposed Filing – Coversheet, #9: Clarify terms per California’s language.
2. Public Input Maximization Plan, #4: Include interested stakeholders that previously commented on the rule.

DRAFT

**Proposed Rule: Investigation and Remediation of Contaminated Properties Rule (IRule), Agency of
Natural Resources**

Presented By: Lynda Provencher and Shawn Donovan

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

1. Proposed Filing – Coversheet, #8: Detail what is, and is not, changing, including the standards.
2. Adopting Page, #4: Include all requested information.
3. Economic Impact Analysis: Describe if any of the changes are going to incur costs.
4. Environmental Impact Analysis: Define if the amendments change the impact on each.

DRAFT

**Proposed Rule: Children's Personal Care Services, Agency of Human Services, Department of Health
Presented By: Natalie Weill**

Motion made to accept the rule as presented with no recommend changes by Nicole Dubuque, seconded by Jen Mojo, and passed unanimously.

DRAFT

Proposed Rule: Rules of the Board of Medical Practice, Agency of Human Services, Department of Health

Presented By: Natalie Weill

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

1. Proposed Filing – Coversheet:
 - a. #8: Clarify what the rule is in terms of what it regulates, as well as the 3rd and 4th bullet. Explain the 5th bullet. Clarify what the board practices are.
 - b. #10: Expand upon how the rule is not arbitrary as defined in statute.
 - c. #12: Align with #3 in the Economic Impact Analysis for consistency.
2. Economic Impact Analysis, #6: Include how the economic impact described in #3 is similar, if not the same for small businesses.
3. Public Input Maximization Plan, #4: Include how the department will reach out to the entities listed to advise of the public comment period.

DRAFT

Proposed Rule: Crisis Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division

Presented By: Philip Back and Richard Giddings

Motion made to accept the rule by Diane Sherman, seconded by Nicole Dubuque, and passed unanimously, with the following recommendations:

1. Proposed Filing – Coversheet, #12: Change ‘practice’ to ‘law’ or provide explanation. Align with the ‘Seasonal Fuel Assistance Rules’. Align with the Seasonal Fuel Assistance Rules.

DRAFT

Proposed Rule: Seasonal Fuel Assistance Rules, Agency of Human Services, Department for Children and Families, Economic Services Division

Presented By: Philip Back and Richard Giddings

Motion made to accept the rule by Diane Sherman, seconded by Nicole Dubuque, and passed unanimously, with the following recommendations:

1. Proposed Filing – Coversheet, #12: Change ‘practice’ to ‘law’. Align with the ‘Crisis Fuel Assistance Rules’.

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**Proposed Rule: Rule Governing the Prescribing of Opioids for Pain, Agency of Human Services,
Department of Health
Presented By: Natalie Weill**

Motion made to accept the rule as presented without any recommended changes by Jen Mojo, seconded by Nicole Dubuque, and passed unanimously except for Jared Adler who abstained.

DRAFT

Proposed Rule: Council Rules, Vermont Criminal Justice Council
Presented By: Kim McManus

Motion made to accept the rule by Sean Brown, seconded by Diane Sherman, and passed unanimously, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Include what's being changed including specific examples as to what it's aligning with.
 - b. #12: Include reasoning.
2. Economic Impact Analysis, #9: Include justification.

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