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*Kristin L. Clouser, Secretary*

## **INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA** **Monday, June 13, 2022, 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: 114 423 325#.

Physical meeting location suspended until January 15, 2023 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the minutes from the [May 9, 2022](#) meeting
- Note any additions or deletions from the agenda
- Note: An emergency rule titled 'Vital Records Emergency Rule', provided by the Agency of Human Services, Department of Health, was supported by ICAR Chair Farnham on May 16, 2022. This rulemaking implements a process for individuals to amend the marker on their birth certificate to reflect the individual's gender identity. Specifically, it does the following: 1) Defines the term "non-binary" to describe the additional gender identities that may be reflected on a birth certificate. 2) Creates a process for registrants to file their Affidavit of Gender Identity with the Department.
- Public comment
- Presentation of the following proposed rules:
  - 2021 Vermont Plumbing Rules, Department of Public Safety & Plumbers Examining Board
    - The primary intent and focus of this rule is to update the Vermont adoption of the International Plumbing Code from the 2018 edition to the 2021 edition. The rules also allow for the updating of current methods and materials to be utilized. These rules are amended to clarify intent and answer frequently asked questions.
  - Vital Records Rule, Agency of Human Services, Department of Health
    - This rulemaking implements a process for individuals to amend the marker on their birth certificate to reflect the individual's gender identity. Specifically, it does the following:
      - 1) Defines the term "non-binary" to describe the additional gender identities that may be reflected on a birth certificate.
      - 2) Creates a process for registrants to file their Affidavit of Gender Identity with the Department.
  - Rule 4.600 Definition of Electric Transmission Facility in 30 V.S.A. § 248, Public Utility Commission
    - The proposed rule defines the term "electric transmission facility," which appears in 30 V.S.A. § 248.
  - Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services





eligibility for former foster care children to include children aging out of foster care in another state.

- Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services
  - This proposed rulemaking amends Parts 1, 2, 3, 5, and 7 of the 8-part Health Benefits Eligibility and Enrollment (HBEE) rule. Parts 1, 5 and 7 were last amended effective October 1, 2021. Parts 2 and 3 were last amended effective January 15, 2019. Substantive revisions include: codifying the annual open enrollment period for qualified health plans from November 1 - January 15; adding a new income-based special enrollment period for qualified health plans that allows ongoing enrollment for those at or below 200% of the Federal Poverty Level (FPL); extending the Medicaid postpartum period for pregnant women from 60 days to 12 months; adding Compacts of Free Association (COFA) migrants as qualified non-citizens eligible for Medicaid and exempt from the 5-year bar; and expanding Medicaid eligibility for former foster care children to include children aging out of foster care in another state.
- Administrative Rules of the Board of Nursing, Secretary of State, Office of Professional Regulation
  - This strike-and-rewrite update to the Administrative Rules of the Board of Nursing reflects substantial changes in the legal and practice landscape since the last rule update in January, 2015. The rule minimizes administrative burdens, conforms to license uniformity and streamlining legislation in Title 3, and provides for the administration of the Nurse Licensure Compact (NLC), to which Vermont became a party state in February, 2022. The rule articulates clear nursing practice standards, completing a multi-year effort by the Board and its Practice Committee to refine a body of non-rule position statements, retire those that were dated or unnecessary, and incorporate into rule those that were seen to warrant retention. Finally, the rule adds more flexible avenues by which to demonstrate ongoing nursing competency, ending exclusive reliance on practice hours.
- Other business
- Next meeting date: Monday, July 11, 2022 at 2:00 p.m.
- Adjournment

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