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Susanne R. Young, Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA
Tuesday, August 17, 2021, 3:00 p.m.

Physical Location: Pavilion Building, 109 State Street, 5th Floor, Montpelier, VT 05062
Virtual Option: Via Microsoft Teams Available

To join in-person or for virtual public comment, please email ADM.Secretary@vermont.gov or call (802) 828-3322 to request information.

- Welcome
- Review and approval of the minutes from the [July 12](#) and [July 14](#), 2021 meetings
- Note any additions or deletions from the agenda
- Note: The following emergency rules were supported by ICAR Chair Clouser:
 - 1) ‘VOSHA Subpart U/ COVID 19 Emergency Temporary Standard’ by the Vermont Department of Labor on July 15, 2021
 - 2) ‘Emergency Administrative Rules for Remote Hearings for the Board of Medical Practice’ by the Agency of Human Services, Department of Health on July 26, 2021
- Public comment
- Presentation of the following proposed rules:
 - 1) 10 App. V.S.A. § 10. Vermont endangered and threatened species rule by the Agency of Natural Resources, Department of Fish and Wildlife
 - a) This amended rule proposes the following: changing the designation of the Brook Floater from threatened to endangered; listing the Eastern Meadowlark as a threatened species; listing Rue Anemone (*Thalictrum thalictroides* L.) as endangered; listing the American bumble bee as endangered; listing Houghton’s sedge (*Carex houghtoniana* Torr. ex Dewey) as endangered; designating critical habitat for threatened and endangered bats, the Common Tern, and the Spiny Softshell Turtle; and delist the Bald Eagle and Canada Black Snakeroot (*Sanicula canadensis* L. var. *canadensis*). In addition, the rule is amended to conform with statutory changes that occurred since the rule was last promulgated.
 - 2) Licensing and Operating Regulations for Therapeutic Community Residences, Agency of Human Services, Department of Disabilities, Aging and Independent Living
 - a) During the Serious Mental Illness/Institutions for Mental Disease (SMI/IMD) waiver negotiations with the Centers for Medicare and Medicaid Services (CMS), CMS outlined milestones that Vermont needed to meet. Within Milestone 2 is a state requirement to ensure psychiatric hospitals and residential settings contact beneficiaries and community-based providers, through the most effective means possible (e.g., email, text, or phone call), within 72 hours of discharge. Vermont is meeting this requirement by incorporating it into administrative rule.



- 3) Vermont Department of Financial Regulation Administrative Procedures, Vermont Department of Financial Regulation
 - a) The administrative procedures proposed here replace the current hearing procedures found in Department Regulation No. 82-1 (REVISED). This proposed rule establishes up-to-date, clear, and comprehensive processes for proceedings before the Department of Financial Regulation. It systematically describes processes in order to prevent confusion. For example, the current rule holds that a filing occurs when a document is received by the Commissioner, while the proposed rule describes the steps required to effectuate that receipt. The proposed rule takes into consideration the updates to technology by requiring electronic filings and allowing for remote hearings. Also, there are multiple additional sections to clarify how the Department handles issues such as defective filings, computation of time, postponement of hearings, and the like.
 - 4) Rule No. S-2016-01 Vermont Securities Regulations Revised 2021, Vermont Department of Financial Regulation
 - a) The proposed revisions amend the Vermont Securities Regulation to improve readability and internal consistency, and to ensure that it is drafted in a manner consistent with model laws and regulations promulgated by the North American Securities Administrators Association (NASAA), federal securities laws and regulations, and to the extent possible, with the laws and regulations of neighboring states. Substantive changes include: adopting the NASAA model rule requiring investment advisers to complete continuing education requirements annually, adopting part of the NASAA model rule requiring investment advisers to adopt a code of ethics, requiring investment advisers to establish written policies/procedures to ensure protection of vulnerable adults from financial exploitation, and setting forth the procedures for allocating money from the Vermont Financial Services Education and Victim Restitution Special Fund established in 9 V.S.A. § 5616 (Fund) to the victims of securities violations in Vermont.
- Committee discussion of suggested changes to the proposed rule filing forms.
 - Next meeting date: Monday, September 8, 2021 at 3:00 p.m.
 - Adjournment