



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: August 13, 2018, Pavilion Building, 5th floor conference room, 109 State Street, Montpelier, VT 05609

Members Present: Dirk Anderson, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson serving as Acting Chair and Ashley Berliner via phone

Members Absent: Clare O'Shaughnessy, Diane Bothfeld and Chair Brad Ferland

Minutes By: Melissa Mazza-Paquette

- 2:10 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the July 9, 2018 meeting.
- Note: The following Emergency Rules were granted by Deputy Secretary of Administration/Chair Ferland:
 - Rule Governing the Prescribing of Opioids for Pain by the Agency of Human Services, granted on July 11, 2018
 - Groundwater Protection Rule and Strategy by the Agency of Natural Resources, granted on July 12, 2018
 - Investigation and Remediation of Contaminated Properties Rule by the Agency of Natural Resources, granted on July 12, 2018
 - Fully-Insured Multiple Employer Welfare Arrangements and Association Health Plans (1-2018-01) by the Department of Financial Regulation, granted on August 2, 2018
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-4 to follow.
 1. Health Eligibility & Enrollment (Parts 1-5, 7), Agency of Human Services, pages 2-4
 - a. Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), page 2
 - b. Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), page 2
 - c. Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), page 2
 - d. Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility (Part 4), page 2
 - e. Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), page 2
 - f. Health Benefits Eligibility and Enrollment Rule, Eligibility and Enrollment Procedures (Part 7), page 2
 2. Stormwater Management Rule, Agency of Natural Resources, page 3
 3. Fully-Insured Multiple Employer Welfare Arrangements and Associated Health Plans, Department of Financial Regulation, page 4
- Next scheduled meeting is Monday, September 10, 2018 at 2:00 p.m.
- 3:05 p.m. meeting adjourned.

Proposed Rules:

- a. Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1)
- b. Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2)
- c. Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3)
- d. Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility (Part 4)
- e. Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5)
- f. Health Benefits Eligibility and Enrollment Rule, Eligibility and Enrollment Procedures (Part 7)

Presented by Addie Strumolo, Robin Chapman and Linda Narrow McLemore

All proposed rules via the motions below passed unanimously except for Ashley Berliner who abstained, with the recommendations below.

- a. Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1)
Motion made to accept the rule by John Kessler and seconded by Dirk Anderson
- b. Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2)
Motion made to accept the rule by Jen Mojo and seconded by Matt Langham
- c. Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3)
Motion made to accept the rule by Dirk Anderson and seconded by Jen Mojo
- d. Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility (Part 4)
Motion made to accept the rule by John Kessler and seconded by Matt Langham
- e. Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5)
Motion made to accept the rule by Jen Mojo and seconded by Matt Langham
- f. Health Benefits Eligibility and Enrollment Rule, Eligibility and Enrollment Procedures (Part 7)
Motion made to accept the rule by Dirk Anderson and seconded by Matt Langham

Recommendations for all proposed rules to follow those as stated in Part 1 as:

- 1) Proposed Rule Filing, page 2, #4 Mailing Address: Add a space between ‘Services’ and ‘280’.
- 2) Proposed Rule Filing, page 4, #12: Explain why there’s no economic impact.
- 3) Proposed Rule Filing, pages 5-6, #16: Spell out acronyms as well as including them.
- 4) Adopting Page, page 1, #5: Add the title.
- 5) Economic Impact Analysis, page 2, #3: Clarify why there isn’t any economic impact as described in #9 on page 3.
- 6) Public Input Strategy, page 1, #4: Define the role of the ‘Global Commitment Register’.

Proposed Rule: Stormwater Management Rule, Agency of Natural Resources

Presented by Matt Chapman and Padraic Monks

Motion made to accept the rule by John Kessler, seconded by Dirk Anderson, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

- 1) Proposed Rule Filing, page 4, #12 and throughout the rule: Remove the ‘a’ as stated in ‘stormawater’ to read as ‘stormwater’.
- 2) Adopting Page, page 1, #5: Include the requested information.
- 3) Economic Impact Analysis, page 2, #3: Include the Agency of Agriculture with the state agencies listed.
- 4) Public Input, page 2, #5: Include the Agency of Agriculture with the state agencies listed. Include all trade groups if it makes sense to add them.

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Proposed Rule: Fully-Insured Multiple Employer Welfare Arrangements and Associated Health Plans, Department of Financial Regulation

Presented by Phil Keller, Steph Hoffman and Emily Brown

Motion made to accept the rule by John Kessler, seconded by Jen Mojo, and passed unanimously except for Steve Knudson who abstained, with the following recommendations:

- 1) Proposed Rule Filing, pages 4-5, #13-15: Include information.
- 2) Economic Impact Analysis, page 2, #6: Include the uncertainty of increased costs.
- 3) Public Input, page 1, #5: Include what's been done to date.
- 4) Incorporation by Reference, page 1, #5: Include a reference to how hard copies may be obtained (i.e. phone number, physical office location...).

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