

SEN. MARK A. MACDONALD, VICE CHAIR  
SEN. CHRISTOPHER BRAY  
SEN. VIRGINIA "GINNY" LYONS  
SEN. DAVID WEEKS



REP. TREVOR SQUIRRELL, CHAIR  
REP. SETH BONGARTZ  
REP. MARK HIGLEY  
REP. CAROL ODE

## STATE OF VERMONT

### Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

February 22, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, February 22, 2024, beginning at 8:00 a.m. in room 267 of the Pavilion Office Building in Montpelier, Vermont.

The following members were present:

Sen. Mark A. MacDonald, Vice Chair  
Sen. Christopher Bray  
Sen. Virginia "Ginny" Lyons  
Sen. David Weeks

Rep. Trevor Squirrel, Chair  
Rep. Seth Bongartz  
Rep. Mark Higley  
Rep. Carol Ode

Staff present:

Donna Russo-Savage  
Charlene Dindo  
Lindsey Schreier

Committee Counsel  
Committee Assistant  
Administrative Assistant

#### **Approval of prior minutes**

On motion of Sen. Bray, the minutes were approved.

#### **Review of rules**

The committee reviewed the following rules:

#### **23-P38 – Department of Health/Children's Personal Care Services.**

Natalie Weill, Public Health Policy Advisor, Department of Health explained the rule and answered questions from the Committee.

This rule sets forth the criteria for Medicaid coverage and reimbursement for Children's Personal Care Services (CPCS) under Vermont's Medicaid program. This rule revises and replaces current Medicaid covered services rule 4.2.33.

On motion of Rep. Squirrell, the Committee unanimously approved the rule as submitted.

**23-P39 – Department of Health/Rules of the Board of Medical Practice.**

Natalie Weill, Public Health Policy Advisor, Department of Health explained the rule and answered questions from the Committee.

This rule responds to statutory changes but also reflects revisions to Board policy.

On motion of Sen. Bray, the Committee unanimously approved the rule as submitted.

**23-P41 – Department of Health/Rule Governing the Prescribing of Opioids for Pain.**

Natalie Weill, Public Health Policy Advisor, Department of Health explained the rule and answered questions from the Committee.

This rule replaces “naloxone” with “opioid antagonist” to allow for a broader range of medications that can be co-prescribed with opioids when required.

On motion of Sen. Bray, the Committee unanimously approved the rule as submitted.

**24-E02 – Department of Health/Reportable and Communicable Diseases Rule.**

Natalie Weill, Public Health Policy Advisor, Department of Health explained the rule and answered questions from the Committee.

This rule removes the requirement to report negative and indeterminate SARS-CoV-2 results to the Department of Health; changes the required reporting period for positive SARS-CoV-2 results from “immediately” to “within 24 hours”; adds the virus Mpox to the list of reportable diseases; clarifies that immediate reporting for identified diseases and laboratory findings means they must be reported by telephone to the Department; and clarifies the difference between the laboratory finding that causes the virus SARS and the laboratory finding that causes the virus COVID-19.

This emergency rule is identical to the emergency rule approved in August 2023. Formal rulemaking will not conclude before the expiration of the first emergency rule.

On motion of Sen. Bray, the Committee unanimously approved the rule.

**23-P17/Vermont Use of Public Waters Rule – Review of Committee of Jurisdiction Memo.**

The Committee reviewed a draft memo dated February 19, 2024 from the Committee to the chairs of the committees of jurisdiction, prepared by Michael O’Grady, Legislative Counsel, concerning the Vermont Use of Public Waters Rules. After discussion, the Committee requested that the memo be amended in one instance and returned to the Committee for consideration at its next regularly scheduled meeting. The Committee requested that the final bullet of the memo be amended to read:

~~“whether the Department of Environmental Conservation adequately considered or established criteria in the Vermont Use of Public Waters Rules to protect the safety of users of Vermont waters from the potential risks from wakeboards or wakesports.”~~

**Adjournment and next meeting**

The Committee adjourned at 8:31 a.m.

The next meeting of the Committee is scheduled for February 29, 2024, beginning at 8:00 a.m. in room 267 of the Pavilion Office Building in Montpelier, Vermont.

Respectfully submitted,

Donna Russo-Savage  
Committee Counsel

cc: APA Clerk, Secretary of State  
ICAR, Agency of Administration