



STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

ADMINISTRATIVE RULES

MINUTES

April 11, 2024

The Joint Legislative Committee on Administrative Rules met on Thursday, April 11, 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 Squirrell, Chair
Rep. Seth Bongartz
Rep. Mark Higley
Rep. Carol Ode

Staff present:

Jennifer Carbee
Charlene Dindo
Lindsey Schreier

Committee Counsel
Committee Assistant
Administrative Assistant

Approval of prior minutes

Rep. Higley proposed amending the minutes of the prior meeting to include the Committee's vote on the Committee of Jurisdiction Memo regarding 23-P17/Vermont Use of Public Waters Rule. On motion of Rep. Bongartz, the Committee approved the minutes, as amended.

Review of Rules

The Committee reviewed the following rules:

24-E03 - Office of Professional Regulation/Emergency Administrative Rules for Notaries Public and Electronic and Remote Notarization. Lauren Layman, General Counsel, Office of

Professional Regulation, Secretary of State's Office, explained the rule and answered questions from the Committee.

This rule allows an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing through communication technology using specific protocols and standards.

On motion of Rep. Higley, the Committee approved the rule.

23-P40 - Vermont Criminal Justice Council/Council Rules. Kim McManus, Associate General Counsel, Vermont Criminal Justice Council, explained the rule and answered questions from the Committee.

This rule changes the composition of the Council and the Council's powers and duties.

On motion of Sen. Bray, the Committee approved the rule with the modifications proposed in a memo from the Council dated April 10, 2024.

24-P05 - Department of Vermont Health Access/Private Nonmedical Institution Rules Simplification. James LaRock, Staff Attorney, Department of Vermont Health Access, explained the rule and answered questions from the Committee.

This rule strikes all of the Division of Rate Setting's existing standalone rules on establishing payment rates for private nonmedical institutions and replaces them with updated rules as a part of the Agency of Human Services' Health Care Administrative Rules.

On motion of Sen. Bray, the Committee voted to postpone action until April 25, 2024.

24-P06 - Department of Vermont Health Access/Nursing Home Reimbursement Rule Simplification. James LaRock, Staff Attorney, Department of Vermont Health Access, explained the rule and answered questions from the Committee.

This rule strikes all of the Division of Rate Setting's existing standalone rules on establishing payment rates for nursing homes and replaces them with updated rules as a part of the Agency of Human Services' Health Care Administrative Rules.

On motion of Sen. Bray, the Committee voted to postpone action until April 25, 2024.

Adjournment and next meeting

The Committee adjourned at 8:42 a.m.

Professional Regulation, Secretary of State's Office, explained the rule and answered questions from the Committee.

This rule allows an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing through communication technology using specific protocols and standards.

On motion of Rep. Higley, the Committee approved the rule.

23-P40 - Vermont Criminal Justice Council/Council Rules. Kim McManus, Associate General Counsel, Vermont Criminal Justice Council, explained the rule and answered questions from the Committee.

This rule changes the composition of the Council and the Council's powers and duties.

On motion of Sen. Bray, the Committee approved the rule with the modifications proposed in a memo from the Council dated April 10, 2024.

24-P05 - Department of Vermont Health Access/Private Nonmedical Institution Rules Simplification. James LaRock, Staff Attorney, Department of Vermont Health Access, explained the rule and answered questions from the Committee.

This rule strikes all of the Division of Rate Setting's existing standalone rules on establishing payment rates for private nonmedical institutions and replaces them with updated rules as a part of the Agency of Human Services' Health Care Administrative Rules.

On motion of Sen. Bray, the Committee voted to postpone action until April 25, 2024.

24-P06 - Department of Vermont Health Access/Nursing Home Reimbursement Rule Simplification. James LaRock, Staff Attorney, Department of Vermont Health Access, explained the rule and answered questions from the Committee.

This rule strikes all of the Division of Rate Setting's existing standalone rules on establishing payment rates for nursing homes and replaces them with updated rules as a part of the Agency of Human Services' Health Care Administrative Rules.

On motion of Sen. Bray, the Committee voted to postpone action until April 25, 2024.

Adjournment and next meeting

The Committee adjourned at 8:42 a.m.

The next meeting of the Committee is scheduled for April 25, 2024, beginning at 8:00 a.m. in 267 of the Pavilion Office Building in Montpelier, Vermont.

Respectfully submitted,

Jennifer Carbee

Jennifer Carbee
Committee Counsel

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