

## Administrative Procedures – Proposed Rule Filing

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” (CVR 04-000-001) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Substance Use Disorder Treatment Certification Rule**

 Acting Deputy Sec., on 9/10/19.  
(signature) (date)

Printed Name and Title:

Martha Maksym

Acting Secretary

Agency of Human Services

RECEIVED BY: \_\_\_\_\_

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Filing Confirmed

1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

2. ADOPTING AGENCY:

Department of Health

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Shayla Livingston

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington VT 05401

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: ahs.vdhrules@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://www.healthvermont.gov/about-us/laws-regulations/public-comment>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Brendan Atwood

Agency: Department of Health

Mailing Address: 108 Cherry Street, Burlington VT 05401

Telephone: 802 863 - 7280 Fax: 802 951 - 1275

E-Mail: ahs.vdhrules@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)*    **No**

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

8 V.S.A. § 4089b(f) and 18 V.S.A. §§ 102 and 4806(c).

**7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

8 V.S.A. § 4089b requires that to be eligible for coverage a service for treatment of alcohol or substance abuse be "approved by the Secretary of Human Services based on rules adopted by the Secretary that establish standards and criteria for determining eligibility..."

18 V.S.A § 4806 directs the Commissioner of Health, the Deputy Commissioner of Alcohol and Drug Abuse Programs to "review and approve all alcohol and drug programs developed or administered by any State agency or department..."

**8. CONCISE SUMMARY (150 WORDS OR LESS):**

This rule provides substance use disorder treatment certification requirements for Preferred Providers. Certification is a requirement to be able to accept state or federal funding. This rulemaking simplifies the rule, streamlining the application and review process. It also provides greater flexibility for who can provide substance use treatment service supervision at a preferred provider.

**9. EXPLANATION OF WHY THE RULE IS NECESSARY:**

Vermont continues to face a substance use disorder treatment provider shortage. With greater flexibility, preferred providers will have more options when looking for qualified staff.

**10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

This rulemaking streamlines the application process for approval by the Secretary of Human Services for the provision of substance use disorder treatment services.

**11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Preferred providers, and patients seeking care from preferred providers.

**12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

Negligible. Potentially a minor benefit to preferred providers seeking to fill vacant positions.

**13. A HEARING IS SCHEDULED .**

#### 14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 10/28/2019

Time: 01:00 PM

Street Address: 108 Cherry Street, Burlington, VT Room 2A

Zip Code: 05401

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 11/4/2019

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Alcohol and Drug Abuse Programs

Preferred Provider

Substance use disorder

Substance use treatment

Substance abuse

# Administrative Procedures – Adopting Page

## **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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### 1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

### 2. ADOPTING AGENCY:

Department of Health

### 3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

### 4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Substance Abuse Treatment Certification, April 1, 2015  
Secretary of State Rule Log #14-041.

# Administrative Procedures – Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

### 2. ADOPTING AGENCY:

Department of Health

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Preferred providers, counselors: This rulemaking will make it easier for preferred providers to fill vacant positions, thus having a potential positive impact.

Patients seeking care at preferred providers: this rulemaking may expand the number of providers available and reduce wait time for treatment.

### 4. IMPACT ON SCHOOLS:

## Economic Impact Analysis

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

None.

5. **ALTERNATIVES:** *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Not applicable.

6. **IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

Preferred providers, counselors: This rulemaking will potentially make it easier for preferred providers to fill vacant positions, thus having a small potential positive impact.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Not applicable.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

This rulemaking will have a small economic impact as it will make it easier for preferred providers to fill vacant positions, thus having a small potential positive impact.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

As described above, the rule should have a small, unknown, positive economic impact.

# Administrative Procedures – Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

### 2. ADOPTING AGENCY:

Department of Health

### 3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

None .

### 4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

None .

### 5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

None .

### 6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

None .

### 7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

None .



Environmental Impact Analysis

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

None.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

Not applicable.

## Administrative Procedures – Public Input

### **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

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#### 1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

#### 2. ADOPTING AGENCY:

Department of Health

#### 3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

Seek stakeholder feedback, provide a public hearing and hold a public comment period.

#### 4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Health Department sent a draft of the proposed changes to the Preferred Providers for their input.

There will be a public hearing. This rule will be posted on the Health Department website:

<https://www.healthvermont.gov/about-us/laws-regulations/public-comment>

#### 5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Preferred Providers.

## Administrative Procedures – Scientific Information

**THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:**

### **Instructions:**

In completing the Scientific Information Statement, an agency shall provide a brief summary of the scientific information including reference to any scientific studies upon which the proposed rule is based, for the purpose of validity.

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**1. TITLE OF RULE FILING:**

**Substance Use Disorder Treatment Certification Rule**

**2. ADOPTING AGENCY:**

Department of Health

**3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:**

**4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:**

**5. INSTRUCTIONS ON HOW TO OBTAIN COPIES OF THE SOURCE DOCUMENTS OF THE SCIENTIFIC INFORMATION FROM THE AGENCY OR OTHER PUBLISHING ENTITY:**

## Administrative Procedures – Incorporation by Reference

**THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:**

### **Instructions:**

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g. federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

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#### 1. TITLE OF RULE FILING:

**Substance Use Disorder Treatment Certification Rule**

#### 2. ADOPTING AGENCY:

Department of Health

#### 3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

#### 4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:

#### 5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM , AND AT WHAT COST*):

#### 6. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

Run Spell Check

Chapter 8 –  
Substance Abuse Use Disorder  
Subchapter 4

**Substance Use Disorder Treatment Certification Rule**

**1.0 ~~Chapter 8 – Alcohol and Drug Abuse~~ Subchapter 4 Authority**

This rule is adopted pursuant to 8 V.S.A § 4089b and 18 V.S.A ~~§§§ 102 and~~ 4806.

**2.0 Purpose**

This rule provides ~~the Vermont Department of Health, Alcohol and Drug Abuse Programs (ADAP) Approved Providers and Preferred Providers substance use disorder treatment certification and operational requirements for Preferred Providers. Certification is required~~

**~~1.0 Definitions~~**

~~3.1 “Accreditation body” means an organization that issues credentials or certifies third parties pursuant to official standards.~~

~~3.2 “Aftercare” means services supportive of therapeutic gains to person’s served who have completed a level of treatment within the past 60 days.~~

~~3.3 “Applicant” means any individual(s), partnership, corporation, association, or organization that has submitted a written application to operate a certified substance abuse program or service.~~

~~“Approved provider” means this rule for any substance abuse organization who has attained a certificate of operation from ADAP, but does not currently have an existing contract or grant from ADAP to provide substance abuse use disorder treatment program that receives state or federal funding from the Department.~~

~~3.4 Definitions “Assessment” means a process of evaluation and documentation of an individual(s) social, mental, and physical past history and current status to determine if the person(s) has a diagnosable condition and is in need of treatment services.~~

**3.0**

~~3.1 “Certification” means a treatment program for substance use disorder has demonstrated compliance with Department requirements. Certification may be granted for a period of not more than three years.~~

~~3.03.2 “Commissioner” means the Commissioner of the Vermont Department of Health.~~

~~3.13.3 “Component” means an organizational subsection of a program, either on-site or at another location. For example, multiple treatment units, community education, outreach, and emergency services might all be components of a substance abuse use disorder treatment program.~~

~~3.5 “Counseling” means the interaction between a counselor and a person served intended to result in a positive change in that person’s social, mental and/or physical~~

~~status.~~

~~3.6 — “Counselor” means an individual employed by a substance abuse treatment program to provide counseling services.~~

3.4 “Days” means calendar days.

3.23.5 “Department” means the Vermont Department of Health.

~~3.7 — “Diagnosis” means the process of identifying the specific nature and type of disease and/or problems of an individual based on an assessment of the person’s social, mental, and physical past history and current status, and of documenting the opinion using the criteria and format of the current edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.~~

~~3.8 — “Executive director” means the chief executive officer (CEO) or managing director of an organization responsible for the design, development and implementation of the strategic plans for their organization, as well as the day to day operations including managing committees and staff and developing business plans in collaboration with the board for the future of the organization.~~

~~3.9 — “Full certificate” means a certificate that identifies a facility as being in compliance with these regulations, the ADAP Service Guidelines, other relevant provision of the ADAP grant/contract assurances, and any other applicable laws and rules.~~

~~3.10 — “IOP” means Intensive Outpatient Treatment Program which provides treatment for at least three hours per day for at least three days per week for a period of consecutive weeks.~~

~~3.11 — “Licensed Alcohol & Drug Abuse Counselor (LADC)” means an individual who has met the requirements for alcohol and drug treatment counselor as outlined in the Alcohol and Drug Abuse Counselor Licensing Rules, and Title 26 Chapter 62.~~

~~3.12 — “Long Term Residential” means the average length of stay in the residential program is greater than thirty days.~~

~~3.13 — “Medication Assisted Therapy (MAT)” means the use of medications, in combination with counseling and behavioral therapies, to provide a comprehensive approach to the treatment of opioid substance use disorders.~~

~~3.14 — “Outpatient served program” means the provision of assessment and treatment services in a non-residential setting.~~

~~3.15 — “Outreach” means the development and implementation of a plan to interact with a community or geographic area and its organizations for the purpose of identifying~~

~~persons in need of services, alerting individuals and organizations to the availability and location of services, encouraging and assisting persons to accept and enter program services, and developing organizational affiliations to facilitate the referral of persons served when necessary.~~

~~3.16 “Policy” means a written and dated statement or course of action designed to determine and govern the decisions, activities, procedures and/or operations of a program and its employees and representatives.~~

3.6 “Inspection” means review of client medical records, staff personnel files, physical building, and program policies and procedures.

3.33.7 “Preferred provider” means any substance abuse organization who a program that has attained a certificate of operation from ADAP, the Department and has an existing contract or grant from ADAP, the Department to provide treatment for substance abuse treatment use disorder.

~~3.17 “Procedure” means a series of activities designed to implement program goals or policy.~~

3.43.8 “Program” means an organizational entity, which provides treatment services to persons with substance abuse problems, use disorder. A program may be an identified administrative unit within a larger organization; it may also consist of more than one component.

~~3.18 “Provisional certificate” means a certificate that is given when an organization is not in full compliance with these regulations, applicable laws and rules, ADAP’s Service Guidelines, and all other ADAP grant/contract assurances.~~

~~3.19 “Residential programs” means an organized service provided by trained staff with 24-hour supervision, observation, and support to ensure the provision of treatment services to a person served who resides on the premises during the course of treatment.~~

~~3.20 “Risk management plan” means a document prepared to foresee risks, estimate impacts, and define responses to issues.~~

~~3.21 “Screening” means a simple test performed to identify those who are likely to have a specified disease.~~

~~3.22 “Short term Residential” means the average length of stay in the residential program is thirty days or less.~~

~~3.23 “Treatment plan” means a written document created to guide the course of treatment that is developed with the participation of the person served, which is appropriate to meet the person’s needs, and which specifies goals, activities, and services determined through the process of assessment.~~

~~“Withdrawal management services” means the provision of medical and/or social services in a facility staffed 24 hours per day to persons served who are experiencing or are at risk for experiencing physical withdrawal from alcohol or other drugs. Social setting withdrawal management services take place in a non-medical facility, a unit of which has been specifically structured and staffed to provide the above services. Medical monitored withdrawal management services are delivered by medical and nursing professionals and the symptoms of the person served are severe enough to require 24-hour inpatient care.~~

~~“~~

#### ~~4.0~~ **Certification**

- ~~1.1 Certification pursuant to this rule is required for any substance abuse treatment organization that wishes to seek state or federal funding.~~

#### ~~2.0~~ **Types of Certification**

##### ~~2.1~~ **Full**

~~2.1.1 Full Certification means that the organization has demonstrated compliance with all parts of this rule, applicable laws, ADAP’s Service Guidelines, and all other relevant ADAP grant/contract assurances.~~

~~2.1.2 Full Certification allows a provider to operate a substance abuse treatment facility and to receive state and federal funding.~~

~~2.1.3 Full Certification may be granted for a period of not more than three years.~~

##### ~~2.2~~ **Provisional**

~~2.2.1 Provisional Certification allows an organization to temporarily operate a substance abuse treatment facility and to receive state and federal funding until a Full Certification can be obtained.~~

~~2.2.2 Provisional Certification means that the organization has demonstrated partial compliance with parts of this rule, applicable laws, ADAP’s Service Guidelines, and all other relevant ADAP grant/contract assurances and has an ADAP approved compliance plan.~~

~~2.2.3 Provisional Certification may be issued:~~

~~2.2.3.1 To an organization that has not been granted full certification but demonstrated partial compliance with parts of this rule, applicable laws, ADAP’s Service Guidelines, and all other relevant ADAP grant/contract assurances and has an ADAP approved compliance plan consistent with this subsection.~~

~~2.2.3.2 To a provider that currently holds full certification and intends to add new substance abuse treatment service components, modules, and/or service sites not covered by the full certification.~~

~~To a provider that currently holds full certification and has been found to be in non-compliance with this rule, applicable laws, ADAP’s Service Guidelines, and all other relevant ADAP grant/contract assurances~~



and has a ADAP approved compliance plan consistent with this subsection.

~~2.2.4 All recipients of a provisional certificate must submit a compliance action plan to ADAP for approval within 30 days of the receipt of the provisional certificate.~~

~~2.2.5 The provisional certificate shall not exceed 12 consecutive months in total length.~~

### **3.0 Requirements For Certification**

#### **3.1 Organizational Capacity and Accountability**

~~3.1.1 Every applicant shall demonstrate ability to remain in compliance and be accountable to these regulations, applicable laws and rules, ADAP's Service Guidelines, and all other ADAP grant/contract assurances throughout the certification period.~~

~~3.1.2 Fiscal management practices must be in accordance with generally accepted accounting practices.~~

~~3.1.3 An annual financial and compliance audit will be performed by an independent public accountant in accordance with all applicable State and Federal laws, " means applicable rules, regulations, policies, and procedures.~~

~~3.1.4 The organization will have a risk management plan.~~

**3.5.3.9** ~~The organization shall establish and maintain appropriate personnel policy and procedure and manuals.~~

**3.10** "Substance Use Disorder" means substance use disorder as defined by the U.S. National Library of Medicine.

### **4.0 Certification**

~~3.1.5 The policies and procedures shall require supervision of any staff who provide billable substance abuse services to be conducted by a Licensed Alcohol and Drug Counselor (LADC) or a physician with an American Society of Addiction Medicine (ASAM) certification.~~

**4.1** Certification is required for any substance use disorder treatment program that receives state or federal funding from the Department.

#### **4.1.1 Initial Certification Application**

Programs interested in certification must complete and submit the Department's application describing:

4.1.1.1 How the program is filling a need or gap in services;

4.1.1.2 The population to be served;

4.1.1.3 The organization shall have proposed service area;

4.1.1.4 The operation, fiscal and staffing models;

4.1.1.5 How the program has the capacity and make available system to all track and report data to the Department per Department requirements;

4.1.1.6 The anticipated impact on health care costs, access, quality and health outcomes;

4.1.1.7 The schedule for startup with major milestones and deliverables; and

4.1.1.8 That the program is in good standing with the Vermont Department of Taxes pursuant to 32 V.S.A. § 3113.

#### **4.1.2 Renewal Certification Application**

At least sixty (60) days prior to the expiration of a current certification, programs must submit a completed renewal application to the Department. Failure to submit a timely renewal application may result in decertification.

Applications must include, at a minimum:

4.1.2.1 Requested policies and procedures;

4.1.2.2 A roster of employees ~~a personnel policy and procedures manual;~~ and

4.1.2.3 The ~~organization~~ grievance log.

## **4.2 Site Visits**

Programs seeking initial certification and renewal certification may be required to undergo a site visit. The site visit must demonstrate that:

4.2.1 The program has written and dated policies and procedures ~~that define the format and content of records for persons served for the supervision of all individuals providing direct services.~~

~~3.1.6 4.2.1.1 The organization shall have written policies and procedures designed to inform and protect the rights must require supervision of the persons served. At a minimum the policies and procedures shall meet the Substance Abuse Services Guidelines with respect to policies governing:~~

~~3.1.6.1 Format and content of the records of persons served;~~

~~3.1.6.2 Confidentiality;~~

~~3.1.6.3 Handling, storage and disposition of records;~~

~~3.1.6.4 The ability of persons served to have access to:~~

~~3.1.6.4.1 Their records;~~

~~3.1.6.4.2 Individualized treatment plan;~~

~~3.1.6.4.3 Timely information pertinent to the person served to help facilitate their decision making; and~~

~~3.1.6.4.4 A formal complaint and grievance process.~~

~~3.2 Program and Clinical Service Efficacy~~

~~Every applicant shall demonstrate sufficient program and any clinical or direct service efficacy to run the substance abuse treatment services and treatment modules described in the application and in the specified sites, and consistent with these regulations, applicable laws and rules, ADAP's Substance Abuse Service Guidelines, and all other ADAP grant/contract~~

~~assurances.~~

~~3.2.1 Service delivery models and strategies shall be based on accepted practices in the field and incorporate current research, evidence-based practice, peer-reviewed publications, clinical practice guidelines, and/or expert professional consensus.~~

~~Non-licensed staff hired into a position~~personnel that provides billable substance abuse disorder treatment services shall acquire an Addiction Apprentice-Professional certificate through the Vermont Alcohol and Drug Abuse-Certification Board within 180 days of hire by a Vermont licensed qualified professional.

~~4.2.1.2 Every practitioner providing billable substance abuse services shall be under the supervision of a Vermont-certified Licensed Alcohol and Drug-Counselor (LADC) or a physician with an American Society of Addiction-Medicine (ASAM)-certification. use disorder treatment services is acting within their scope of practice.~~

~~4.2.2 The organization shall utilize~~program utilizes written and standardized admission criteria for each level of care offered ~~within the organization.~~

~~3.2.2 4.2.3 The organization shall implement~~program has written screening/eligibility and dated assessment policies and procedures that ~~will~~ include use of the ASAM Criteria to ~~direct the person served to~~determine the most appropriate level of care.

~~The organization shall have written and dated policies and procedures for obtaining an for the person served and result in a signed and dated assessment and the determination of a diagnosis of the for each person served.~~

~~3.2.3 The assessment shall be completed, verified by dated signature, within the following time frames:~~

~~3.2.3.1 Outpatient and intensive outpatient programs by the end of the third visit.~~

~~3.2.3.2 Short-term residential and withdrawal management programs by the end of the fourth day.~~

~~3.2.3.3 Long-term residential programs by the end of the fifteenth day.~~

~~3.2.4 For persons served who will remain in treatment with the program beyond the fourth visit for outpatient and IOP programs and beyond the fifth day for residential programs, the plan will be completed, dated, and signed by:~~

~~3.2.4.1 The end of the fourth visit (for outpatient and IOP programs).~~

~~3.2.4.2 The end of the fifth working day (for all residential programs).~~

~~3.2.4.3 The person served will sign and date a statement, included in the treatment plan, indicating that he/she has reviewed, participated in the development of, and understands the treatment plan.~~

~~The organization~~4.2.4 Each person served receives a person-centered treatment plan that is developed with the person served and is based on the assessment, is documented and signed

4.2.5 ~~The program~~ has written and dated policies and procedures on persons served who are transitioning or are discharged from the program.

4.2.5.1 ~~The policy shall~~policies must require the development of a written aftercare plan developed with the person served for all planned discharges or transitions from the program.

4.2.5.2 The policy ~~shall~~must require the development of a recorded written discharge summary ~~of the person served within seven days following discharge signed and dated by the counselor.~~

4.2.6 The ~~organization~~program has written and dated policies and procedures regarding pharmaceutical practices.

4.2.7 The ~~organization~~program has written and dated guidelines for the management of mental health crisis and emergency care.

4.2.8 The ~~organization~~program will provide case management and care coordination services that provide goal-oriented and individualized support ~~focused on improving self sufficiency for the person served through assessment, planning, linkage, advocacy, coordination, outreach, and monitoring.~~

4.2.9 The ~~organization~~program maintains and implements a quality improvement plan informed by data and outcomes and documents actions toward the areas shown to need improvement.

### 3.2.5 ~~Levels of Care or Modalities of Care~~

3.2.5.1 ~~The Applicant shall be authorized to provide only the specific modalities of care and associated services, at specific sites, defined within an ADAP application form and approved and certified by ADAP. Authorization shall be considered for the following Levels/Modalities of Care:~~

3.2.5.1.1 ~~Withdrawal management (non-medical),~~

3.2.5.1.2 ~~Outpatient care,~~

3.2.5.1.3 ~~Intensive outpatient care,~~

3.2.5.1.4 ~~Residential care,~~

3.2.5.1.5 ~~Medication Assisted Therapy (MAT), and~~

3.2.5.1.6 ~~Case management.~~

## 5.0 Waivers

5.1 ~~ADAP The Department~~ may grant a waiver for variance from any ~~provision of these rules and the ADAP Service Guidelines certification requirement~~ if ~~the Department~~ determines that strict compliance would impose substantial hardship on the ~~organization; the organization would otherwise meet the goal of the statutory provision or the rule; and a program and the~~ variance would not result in decreased ~~service or deficient services~~ to, or protections of the health, or safety ~~or welfare of,~~ the individuals in their designated service area.

5.2 All requests for waivers ~~shall~~must be made in writing ~~at the time of initial or renewal application and~~ submitted to ~~ADAP. the Department.~~

**5.3** Requests for the waiver ~~shall~~must:

- 5.3.2 Identify the ~~regulation~~requirement for which a waiver is requested;<sub>;</sub>
- 5.3.3 Provide an explanation of why the ~~provisions~~requirement cannot be met;<sub>;</sub>  
and
- 5.3.4 Provide a description of the alternative method proposed for meeting the intent of the ~~provision~~requirement in question,~~and~~.

**5.4** Waivers may be granted ~~shall be~~ for a specific period not to exceed the term of the certificateion.

**4.0 — Application Process**

- ~~4.1 — Agencies seeking certification must submit a completed application form, available upon request from ADAP, which has been signed and dated by the Executive Director or Board President.~~
- ~~4.2 — Every application shall be accompanied by proof of fire marshal inspection for each site.~~
- ~~4.3 — The applicant shall be in good standing with the Vermont Department of Taxes, pursuant to 32 V.S.A. §3113.~~
- ~~4.4 — If relevant, the application shall provide proof that the substance abuse treatment program has been certified by an ADAP approved accreditation body for the term of the accreditation.~~

~~The application shall certify if the applicant also meets any additional standards and criteria established by these regulations, applicable laws and rules, ADAP's Service Guidelines, and all other ADAP grant/contract assurances.~~

**6.0 Inspection**

The Department may, without notice, perform an inspection and survey for compliance with ~~these regulations, other applicable laws and rules, ADAP's Service Guidelines, and all other ADAP grant/contract assurances~~ at its discretion this rule at any time. At a minimum, programs must be compliant with all renewal certification requirements established in section 4.0.

**5.0 — Application Review**

- ~~5.1 — ADAP will issue a full certificate to an agency provider after review of their application showing that the agency has filled the requirements within these rules and have demonstrated compliance with any other applicable laws and rules, ADAP Service Guidelines, and all other ADAP grant/contract assurances.~~

**6.0 — Renewals**

- ~~6.1 — Providers seeking to renew a certification shall submit an application form for all substance abuse treatment services, and modules, and/or sites for which they are seeking renewal approval within 60 before and 120 days after the current certificate expires.~~
- ~~6.2 — Failure to file a timely application may result in the interruption of operations and services resulting from an expired certification.~~

## 7.0 Suspensions and Revocations

### 7.1 Opportunity to Cure

- 7.1.1 A ~~provider~~program found to be in non-compliance of ~~these regulations, applicable laws and rules, ADAP's Service Guidelines, or other ADAP grant/contract assurances subject to these Department~~ requirements ~~shall will~~ be notified by the Department in writing of the violation(s).
- 7.1.2 A ~~provider shall~~program ~~must~~ cure the non-compliance ~~within sixty (60) days from~~in the ~~date of~~timeframe set forth in the notice.

7.2 The Department may order the suspension or revocation of a certification at any time for non-compliance of ~~these regulations, applicable laws and rules, ADAP's Service Guidelines, and all other ADAP grant/contract assurances~~ Department subject to ~~the requirements of~~ 3 V.S.A. § 809, including summary suspension if the Department finds that public health, ~~or~~ safety, ~~or welfare~~ imperatively requires emergency action, and incorporates a finding to that effect in its order.

7.3 Following the suspension of a certification, the Department may ~~issue~~reinstate certification.

## 8.0 Appeals

8.1 If a program has been denied a certification or had their certification suspended or revoked, the program must be afforded an opportunity for a hearing with the Commissioner or designee pursuant to 3 V.S.A § 809.

~~7.2.1~~8.1.1 During the appeal process the program does not maintain certification as a preferred provider ~~a Provisional Certification~~.

8.2 If a program wishes to appeal the decision of the Commissioner or designee, the program may appeal to the Board of Health pursuant to 18 V.S.A. § 128.

~~7.3~~8.3 All appeals must be in writing and must state the reason for the appeal.

Chapter 8 – Substance Use Disorder  
Subchapter 4

**Substance Use Disorder Treatment Certification Rule**

**1.0 Authority**

This rule is adopted pursuant to 8 V.S.A § 4089b and 18 V.S.A §§ 102 and 4806.

**2.0 Purpose**

This rule provides substance use disorder treatment certification requirements for Preferred Providers. Certification is required pursuant to this rule for any substance use disorder treatment program that receives state or federal funding from the Department.

**3.0 Definitions**

- 3.1 “Certification”** means a treatment program for substance use disorder has demonstrated compliance with Department requirements. Certification may be granted for a period of not more than three years.
- 3.2 “Commissioner”** means the Commissioner of the Vermont Department of Health.
- 3.3 “Component”** means an organizational subsection of a program, either on-site or at another location. For example, multiple treatment units, community education, outreach, and emergency services might all be components of a substance use disorder treatment program.
- 3.4 “Days”** means calendar days.
- 3.5 “Department”** means the Vermont Department of Health.
- 3.6 “Inspection”** means review of client medical records, staff personnel files, physical building, and program policies and procedures.
- 3.7 “Preferred provider”** means a program that has attained a certificate from the Department and has an existing contract or grant from the Department to provide treatment for substance use disorder.
- 3.8 “Program”** means an organizational entity which provides treatment services to persons with substance use disorder. A program may be an identified administrative unit within a larger organization; it may also consist of more than one component.
- 3.9 “Requirements”** means applicable rules, regulations, policies, procedures and manuals.
- 3.10 “Substance Use Disorder”** means [substance use disorder](#) as defined by the U.S. National Library of Medicine.



## 4.0 Certification

- 4.1** Certification is required for any substance use disorder treatment program that receives state or federal funding from the Department.

### 4.1.1 Initial Certification Application

Programs interested in certification must complete and submit the Department's application describing:

- 4.1.1.1 How the program is filling a need or gap in services;
- 4.1.1.2 The population to be served;
- 4.1.1.3 The proposed service area;
- 4.1.1.4 The operation, fiscal and staffing models;
- 4.1.1.5 How the program has the capacity and system to track and report data to the Department per Department requirements;
- 4.1.1.6 The anticipated impact on health care costs, access, quality and health outcomes;
- 4.1.1.7 The schedule for startup with major milestones and deliverables; and
- 4.1.1.8 That the program is in good standing with the Vermont Department of Taxes pursuant to 32 V.S.A. § 3113.

### 4.1.2 Renewal Certification Application

At least sixty (60) days prior to the expiration of a current certification, programs must submit a completed renewal application to the Department. Failure to submit a timely renewal application may result in decertification.

Applications must include, at a minimum:

- 4.1.2.1 Requested policies and procedures;
- 4.1.2.2 A roster of employees; and
- 4.1.2.3 The grievance log.

## 4.2 Site Visits

Programs seeking initial certification and renewal certification may be required to undergo a site visit. The site visit must demonstrate that:

- 4.2.1 The program has written and dated policies and procedures for the supervision of all individuals providing direct services.
  - 4.2.1.1 The policies and procedures must require supervision of any clinical or direct service personnel that provides substance use disorder treatment services by a Vermont licensed qualified professional.
  - 4.2.1.2 Every practitioner providing billable substance use disorder treatment services is acting within their scope of practice.
- 4.2.2 The program utilizes written and standardized admission criteria for each level of care offered.
- 4.2.3 The program has written and dated assessment policies and procedures that include the ASAM Criteria to determine the most appropriate level of care for the person served and result in a signed and dated assessment for each person served.
- 4.2.4 Each person served receives a person-centered treatment plan that is developed with the person served and is based on the assessment, is



documented and signed.

4.2.5 The program has written and dated policies and procedures on persons served who are transitioning or are discharged from the program.

4.2.5.1 The policies must require the development of a written aftercare plan developed with the person served for all planned discharges or transitions from the program.

4.2.5.2 The policy must require the development of a written discharge summary.

4.2.6 The program has written and dated policies and procedures regarding pharmaceutical practices.

4.2.7 The program has written and dated guidelines for the management of mental health crisis and emergency care.

4.2.8 The program will provide case management and care coordination services that provide goal-oriented and individualized support.

4.2.9 The program maintains and implements a quality improvement plan informed by data and outcomes and documents actions toward the areas shown to need improvement.

## **5.0 Waivers**

**5.1** The Department may grant a waiver for variance from any certification requirement if the Department determines that strict compliance would impose substantial hardship on the program and the variance would not result in decreased or deficient services to, or protections of the health or safety of, the individuals in the designated service area.

**5.2** All requests for waivers must be made in writing and submitted to the Department.

**5.3** Requests for the waiver must:

5.3.2 Identify the requirement for which a waiver is requested;

5.3.3 Provide an explanation of why the requirement cannot be met; and

5.3.4 Provide a description of the alternative method proposed for meeting the intent of the requirement in question.

**5.4** Waivers may be granted for a specific period not to exceed the term of the certification.

## **6.0 Inspection**

The Department may, without notice, perform an inspection and survey for compliance with this rule at any time. At a minimum, programs must be compliant with all renewal certification requirements established in section 4.0.

## **7.0 Suspensions and Revocations**

**7.1** Opportunity to Cure

7.1.1 A program found to be in non-compliance of Department requirements will be notified by the Department in writing of the violation(s).

7.1.2 A program must cure the non-compliance in the timeframe set forth in the notice.

7.2 The Department may order the suspension or revocation of a certification at any time for non-compliance of Department subject to 3 V.S.A. § 809, including summary suspension if the Department finds that public health or safety imperatively requires emergency action, and incorporates a finding to that effect in its order.

7.3 Following the suspension of a certification, the Department may reinstate certification.

## **8.0 Appeals**

8.1 If a program has been denied a certification or had their certification suspended or revoked, the program must be afforded an opportunity for a hearing with the Commissioner or designee pursuant to 3 V.S.A § 809.

8.1.1 During the appeal process the program does not maintain certification as a preferred provider.

8.2 If a program wishes to appeal the decision of the Commissioner or designee, the program may appeal to the Board of Health pursuant to 18 V.S.A. § 128.

8.3 All appeals must be in writing and must state the reason for the appeal.

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MARTHA MAKSYM, ACTING SECRETARY  
MONICA HUTT, ACTING DEPUTY SECRETARY

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES


**MEMORANDUM**

**TO:** Jim Condos, Secretary of State

**FROM:** Martha Maksym, Acting Secretary, Agency of Human Services

**DATE:** Tuesday, August 13, 2019

**SUBJECT:** Signatory Authority for Purposes of Authorizing Administrative Rules



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I hereby designate Acting Deputy Secretary of Human Services Monica Hutt as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3 V.S.A. § 801 et seq.

Cc: Monica Hutt



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** September 9, 2019, Pavilion Building, 5<sup>th</sup> floor conference room, 109 State Street, Montpelier, VT 05609

**Members Present:** Chair Brad Ferland, Jennifer Mojo, John Kessler, Matt Langham, Steve Knudson, Clare O'Shaughnessy, and Ashley Berliner (via phone)

**Members Absent:** Dirk Anderson and Diane Bothfeld

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the August 9, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
  1. 2019 Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council, page 2
  2. Substance Use Disorder Treatment Certification Rule, Agency of Human Services, Department of Health, page 3
  3. Insurance Regulatory Sandbox; Innovation Waiver Regulation; Department of Financial Regulation, page 4
  4. Rule 3.700 Pole Attachments, Vermont Public Utility Commission, page 5
  5. Vital Records Rule, Agency of Human Services, Department of Health, page 6
  6. Water Supply Rule, Agency of Natural Resources, page 7
- Next scheduled meeting is October 14, 2019 at 2:00 p.m.
- 3:42 p.m. meeting adjourned.

**Proposed Rule: 2019 Vermont Fire Service Training Council Rules and Policies, Vermont Fire Service Training Council**  
**Presented by Christopher Corbin, Joseph Benard and Peter Lynch**

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, page 3, #7: Add a period after the A in 3 V.S.A., and remove the extra spaces between ...( and Administrative Procedures Act)...
2. Proposed Rule Coversheet, pages 3-4, #13-15: Complete.
3. Public Input, page 1, #4: Include a dominate theme of comments if appropriate. Post all explanations publicly. Change the incorrectly spelled word 'rejectd' to 'rejected'.
4. Explanation of Changes to 2019 Proposed Rule:
  - a. Section 4.1: Remove the 's' from 'eliminates' in the first sentence. Change 'broader' to 'broad' in the second sentence. Change ; to , after 'programs' in the last sentence.
  - b. Section 5.5: Add 'put in' between ...'Council to' and 'place recertification'... in the first sentence.
  - c. Section 5.6: Change 'to' to 'the' between ...'who has not met' and 'minimum rectification'... in the first sentence.
5. Replace the January 1, 2007 rule to clean text of the new proposed rule.

**Proposed Rule: Substance Use Disorder Treatment Certification Rule, Agency of Human Services,  
Department of Health  
Presented by David Englander**

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

1. Proposed Rule Coversheet, page 3, #7: Add a period after the 'A' in 18 V.S.A. Change 'provides that' to 'directs' in the second paragraph.
2. Proposed Rule Coversheet, page 3, #9 and #10: Add 'disorder' between 'substance use' and 'treatment'.
3. Proposed Rule Coversheet, page 4, #16: Define ADAP and add 'Substance Abuse'.
4. Adopting Page, page 1, #4: Add a period at the end of the sentence.
5. Economic Impact, page 2, #8: Either strike the last sentence or expand upon the reasoning.

DRAFT

**Proposed Rule: Insurance Regulatory Sandbox; Innovation Waiver Regulation; Department of Financial Regulation**

**Presented by Sebastian Arduengo and Jill Rickard**

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

1. Proposed Rule Coversheet, page 3, #6 and #7: Remove the second §.
2. Proposed Rule Coversheet, page 5, #14 and #15: Update to correct dates.
3. Economic Impact Analysis, page 2, #6: Include a statement about the intent of creating an opportunity for potential savings in the future by having more efficient products and services.
4. Incorporation by Reference, page 1, #5: Include a phone number as well.
5. Clean text: Include dates when known.

DRAFT

**Proposed Rule: Rule 3.700 Pole Attachments, Vermont Public Utility Commission**  
**Presented by Micah Howe and John Gerhard**

Motion made to accept the rule by John Kessler, seconded by Matt Langham, and passed unanimously with the following recommendations:

1. Proposed Rule Coversheet, pages 2-3, #6: Remove the second §.
2. Proposed Rule Coversheet, pages 4-5, #14 and #15: Complete.
3. Proposed Rule Coversheet, page 5, #16: Add 'Pole Attachments'.
4. Environmental Impact Analysis, pages 1-2, #3-8: Include positive impacts – examples may include: increased broadband leads to increased remote worker opportunities; reduces vehicle miles driven per capita; preserves highway infrastructure; and reduces carbon emissions.
5. Public Input, page 1, #3: Complete.
6. Public Input, page 1, #2: Include scheduled hearings and post on website.

DRAFT



**Proposed Rule: Vital Records Rule, Agency of Human Services**  
**Presented by Brendan Atwood**

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

1. Proposed Rule Coversheet, pages 2-3, #6 and #7: Remove the second §.
2. Proposed Rule Coversheet, page 2, #6: Change first reference to '18 V.S.A. § 5000 (e) and (f), and ...
3. Proposed Rule Coversheet, page 3, #9: In the first sentence after the last comma, change to ...'and pursue other activities essential to being a' .... Change 'Vermont State employees' to 'State of Vermont employees'. Change the capital 'D' to a lowercase 'd' in the word 'delayed'.
4. Proposed Rule Coversheet, page 3, #10: In the first sentence, change the word 'those' to 'individuals'. Change 'State employees' to 'State of Vermont employees'.
5. Proposed Rule Coversheet, page 3, #11: Change 'Vermont State employees' to 'State of Vermont employees'.
6. Economic Impact Analysis, page 1, #3: Include how this will favorably affect State of Vermont employees and anything else that it will have a positive impact on.

DRAFT

**Proposed Rule: Water Supply Rule, Agency of Natural Resources**  
**Presented by Ellen ParrDoering**

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

1. Proposed Rule Coversheet, page 3, #6: Change 'Act 21 of 2019, § 3 (a)' to 'Sec. 3 (a) of Act 21 of 2019'.
2. Proposed Rule Coversheet, page 4, #11: Add 'of those who provide' between ...'and ultimately are paying customers' and 'for the resource'.
3. Proposed Rule Coversheet, page 6, #16: Add 'drinking water' and 'water supply'.
4. Adopting Page, page 1, #4: Add a period at the end of the sentence.
5. Economic Impact Analysis, page 2, #3: Include a statement about due to the fact that this is very early in the approach, there is minimal experience thus far to estimate costs for ongoing maintenance.
6. Environmental Impact Analysis, page 2, #9: Given the last 3.5 years, it may make sense to state more on this issue. As monitoring under this amended rule is done, more environmental damage will possibly be uncovered and therefore should be stated.
7. Public Input, page 2, #4: Include website address and phone number.

DRAFT