

10 and 14
Department of Health and Human Services (DHHS)
Annual Regulatory Agenda
October 1, 2022 – September 30, 2023

List of reported agendas:

Licensing Rules (several umbrella-unit numbers). Then.

- 10-144:** **Division of Administrative Hearings**
- 10-144:** **Office of MaineCare Services, Division of Policy**
- 10-144:** **Office for Family Independence** (formerly Office of Integrated Access and Support)
- 10-144:** **Maine Center for Disease Control and Prevention**
(includes 90-429, Board of Licensure of Water Treatment Plant Operators)
- 10-146:** **Office of Data, Research and Vital Statistics**
- 10-148:** **Office of Child and Family Services** *(chapters not already listed under Licensing Rules)*
- 14-118:** **Office of Behavioral Health Services** (formerly the Office of Substance Abuse and Mental Health Services)
- 10-149 & 14-197:** **Office of Aging and Disability Services** (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)
-

Licensing Rules:

- 10-144:** DHHS – General
- 10-148:** Office of Child and Family Services
- 10-149 & 14-197:** Office of Aging and Disability Services (formerly the Office Elder Services and the Office of Adults with Cognitive and Physical Disability Services)
- 14-118:** Office of Behavioral Health Services (formerly the Office of Substance Abuse and Mental Health Services) -- includes 14-191: Mental Health and Mental Retardation and 14-193: Office of Adult Mental Health
-

95-659

CHAPTER 248. LIST OF VACCINES TO BE PROVIDED BY THE UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM.

- **STATUTORY BASIS:** 22 MRS §1066(11)
- **PURPOSE OF THE RULE:** To allow the Board, after it conducts a public hearing, to consider which vaccines should be covered by the Program, to vote to either maintain the current list of vaccines or amend the list. The governing statute, 22 MRS §1066, requires the Board to review the vaccines covered by the Program on an annual basis.
- **AFFECTED PARTIES:** Physicians and other healthcare practitioners
- **CONSENSUS-BASED RULE DEVELOPMENT:** None planned
- **SCHEDULE FOR ADOPTION:** None anticipated

AGENCY UMBRELLA-UNIT NUMBER: 10-144

AGENCY NAME: **Division of Licensing and Certification**

Division of Licensing and Certification CONTACT PERSON: Jonathan Leach, Procedural Compliance Analyst, #11 State House Station Augusta, ME 04333-0011 Telephone: (207) 287-5825

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

10-144 CHAPTER 112. Regulations For the Licensing of Hospitals

- STATUTORY BASIS: Public Law 2007, Chapters 314 and 324; 22 M.R.S. Chapter 405; 22 M.R.S. §42; and 22-A MRS §205.
- PURPOSE. To update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Hospitals
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Fall/Winter 2022 -Spring-2023**

10-144 CHAPTER 118. Regulations Governing The Licensing And Functioning Of Intermediate Care Facilities For Persons With Mental Retardation

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE. To update terms, remove reference to “mental retardation” and update procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Intermediate Care Facilities for Persons with Developmental Challenges
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined
- SCHEDULE FOR ADOPTION: **Fall-Winter 2022**

10-144 CHAPTER 110. Rules Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities

- STATUTORY BASIS: 22 MRS Chapter 405
- PURPOSE. To update terms and procedures for further clarity. Remove duplicative requirements addressed in the federal Conditions of Participation (incorporated by reference.)
- AFFECTED PARTIES: Nursing Homes
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Winter 2022 – Summer 2023**

10-144 CHAPTER 113. Regulations Governing the Licensing and Functioning of Assisted Housing Programs

- STATUTORY BASIS: 22 M.R.S., Chapters 1663 and 1664; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE. Address requirements of LD 1548 "Resolve, To Promote Quality and Transparency in the Provision of Services by Assisted Housing Programs That Provide Memory Care" and changes introduced by the Centers for Medicare and Medicaid Services (CMS) will impact Maine’s private non-medical facilities and require regulatory changes that will repeal the PNMI licensing rules and replace them with licensing rules for residential habilitation homes.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of services currently provided by private non-medical facilities, Level I, II, III, and IV.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: **Winter 2022**

10-144 CHAPTER 119. Regulations Governing the Licensing and Functioning of Home Health Care Services in the State of Maine

- STATUTORY BASIS: 22 M.R.S. Chapter 419; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE: Amend rules to comply with federal and state statutory changes to allow home health agencies meeting the Federal Conditions of Participation for Home Health Agencies, 42 Code of Federal Regulations §484.10-§484.55, to be deemed to meet the State of Maine Home Health Care Services licensing requirements and to reflect the Board of Nursing language regarding the delegation of certain aspects of medication to the certified nursing assistants (CNAs) in the home health care setting and the legislative change regarding employment of graduate nurses.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of Home Health Care services.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined
- SCHEDULE FOR ADOPTION: **Winter 2022-2023**

10-144 CHAPTER 129. Rules and Regulations Governing In-Home Personal Care and Support Workers.

- STATUTORY BASIS: 22 M.R.S. §§42 and 1717; 22-A M.R.S. §205. NOTE: DLC is working with OADS to submit a Department Bill to seek authorization to establish licensing of these providers and develop Rules.
- PURPOSE: The rules will be amended to implement Resolve 2007, Chapter 324, including but not limited to: the registration of personal care agencies and placement agencies, enforcement authority, and penalties including injunctive relief for operating an unregistered personal care agency or placement agency.
- AFFECTED PARTIES; Other state agencies, providers and consumers of services provided by personal care agencies and placement agencies.
- CONSENSUS-BASED RULE DEVELOPMENT: Pending
- SCHEDULE FOR ADOPTION: **Department bill pending for 131st Legislative Session to authorize licensing and Rule development.**

10-144 CHAPTER 114. Rules Governing the Reporting of Sentinel Events

- STATUTORY BASIS: 22 M.R.S. Chapter 1684, 22 M.R.S. §42 and 22-A M.R.S. §205
- PURPOSE. To update terms and procedures for further clarity.
- AFFECTED PARTIES: Hospitals and Medical Facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Not yet determined

10-144 Chapter 60. Maine Background Check Center Rule

- STATUTORY AUTHORITY: 22 M.R.S. CHAPTER 1691, Sections 9051-9065.
- PURPOSE: Potential revision, if proposed statute removes the requirement for currently mandated providers of children's service to use the Maine Background Check Center to complete background checks.
- AFFECTED PARTIES: Children's providers currently required to conduct background checks on direct access applicants and employees.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: **Contingent upon legislative action.**

CERTIFICATE OF NEED RULE. Consolidate the following CON rules into one rule:

10-144 CHAPTER 503. Maine Certificate of Need Procedures Manual for Health Care Facilities (other than Nursing Care Facilities) &

10-149 CHAPTER 5, SECTION 71. Certificate of Need for Nursing Facility Level of Care Projects

- STATUTORY BASIS: 22 M.R.S. Chapter 103-A, Maine Certificate of Need Act of 2002; Public Law 2011, Chapter 424; 22 M.R.S. §42, and 22-A M.R.S. §205.
- PURPOSE: This rule will be amended to create criteria for nursing facility bed conversions.
- AFFECTED PARTIES; Other state agencies, providers and consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: N/A

10-144 CHAPTER 117. Regulations Governing the Licensing and Functioning of Adult Day Services Programs

- STATUTORY BASIS: 22 M.R.S. 42(1)
- PURPOSE: The minimum requirements for the licensing and functioning of Adult Day Services Programs and such requirements that the provider must meet regarding application and licensing standards.
- AFFECTED PARTIES: Adult Day Services providers and consumers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Contingent upon HCBS

10-144 CHAPTER 120. Regulations Concerning the Licensing and Functioning of Hospice Programs

- STATUTORY BASIS: 22 M.R.S. Chapter 1681; 22 M.R.S. §42; 22-A M.R.S. §205.
- PURPOSE. Amend the rules to include federal regulatory changes.
- AFFECTED PARTIES: Other state agencies, providers, and consumers of services provided by intermediate care facilities for persons with mental retardation.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: None anticipated

10-144 CHAPTER 125. Regulations Governing the Licensing of Ambulatory Surgical Facilities

- STATUTORY BASIS: 22 M.R.S. Chapter §1812-E
- PURPOSE: Rules licensing ambulatory surgical facilities that provide elective surgical care to a patient who is admitted to and discharged from the facility within the same day.
- AFFECTED PARTIES: Ambulatory surgical facility providers, other State agencies and consumers of ambulatory care services.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144 CHAPTER 126. Regulations Governing the Licensing and Functioning of End Stage Renal Disease Units/Facilities

- STATUTORY BASIS: 22 M.R.S. c 412 §§2041-2042
- PURPOSE: Rules regulating the licensing of end-stage renal disease facilities
- AFFECTED PARTIES: End-stage renal disease service providers, consumers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144 CHAPTER 128. Rules and Regulations Governing the Functioning of Certified Nursing Assistants and Direct Care Workers Registry.

- STATUTORY BASIS: 22 M.R.S., §§ 42 and 1812-G; 22-A M.R.S. §205.

- PURPOSE: Rules related to the operation of the Certified Nursing Assistants and Direct Care Workers Registry.
- AFFECTED PARTIES: Healthcare facilities, long-term care facilities, personal care agencies and placement agencies, temporary nurse agencies and direct care workers.
- CONSENSUS-BASED RULE DEVELOPMENT: Not yet determined.
- SCHEDULE FOR ADOPTION: Contingent upon Board of Nurse Rules revisions.

10-144 Chapter 130. Epinephrine Auto-Injector Training and Certification Rule

- STATUTORY AUTHORITY: : 22 M.R.S.A. Chapter 423
- PURPOSE OF THE RULE: Rules certifying the training of healthcare practitioners who are licensed in the State of Maine to conduct anaphylaxis training.
- AFFECTED PARTIES: physicians (MD and DO), advanced registered nurse practitioners (ARNP), physician assistants (PA), registered nurses (RN) and emergency medical technicians (EMT) or paramedics.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None
- SCHEDULE FOR ADOPTION: None Anticipated

10-144 CHAPTER 150. Free Care Guidelines

- STATUTORY BASIS: 22 M.R.S. §§1716 and §42; 22-A M.R.S. §205.
- PURPOSE: The rules provide guidelines for the free care policies of hospitals including minimum income guidelines to be used in determining whether individuals are unable to pay for hospital services.
- AFFECTED PARTIES: Providers, and consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144 CHAPTER 500. Rules Governing the Maine Certification of Health Cooperative Agreements

- STATUTORY AUTHORITY: 20-A M.R.S.A Chapter 405-A.
- PURPOSE OF THE RULE: The rule describes the procedure that the Commissioner of Health and Human Services will follow in determining when it is necessary to encourage hospitals and other health care providers to cooperate and enter into agreements that facilitate cost containment, improve quality of care and increase citizen access to health care services areas.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

NEW RULES ANTICIPATED

10-144 CHAPTER 124. Behavioral Health Licensing Rule. Consolidates the following rules into one rule:

14-118 CHAPTER 5. Regulations for Licensing and Certifying of Substance Abuse Treatment Programs,

14-193 CHAPTER 6. Rules Licensing of Mental Health Facilities, and

14-193 CHAPTER 6-A. Rules Licensing of Private Non-Medical Institutions [PNMI] Mental Health Facilities.

- **STATUTORY BASIS:** 5 M.R.S. Chapter 521; 22 M.R.S. Chapter 1669; 22 M.R.S. §42; 22-A M.R.S. §205; and 34-B M.R.S. Chapter 3.
 - **PURPOSE:** Three licensing and certification rules will be repealed and replaced by a single behavioral health program licensing rule. The new rule will implement the Administrative Processes Oversight Committee [APOC] recommendations, including the development of core licensing standards for behavioral health programs, including mental health, and substance abuse treatment. The new rule will include deeming provisions for accredited providers to avoid redundancies in the licensing and accreditation processes and a section governing independent contractors.
 - **AFFECTED PARTIES;** Other State agencies, providers and consumers
 - **CONSENSUS-BASED RULE DEVELOPMENT:** None planned
 - **SCHEDULE FOR ADOPTION:** **Fall 2022**
-

AGENCY UMBRELLA-UNIT NUMBER: 10-144

AGENCY NAME: Division of Administrative Hearings

CONTACT PERSON: Joseph Pickering, Chief Administrative Hearing Officer, #11 State House Station Augusta, ME 04333-0011 Telephone: (207) 624-5350

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

10-144 CHAPTER 1. Administrative Hearing Regulations

- **STATUTORY BASIS:** 5 M.R.S. §§ 8051-10004, 22 M.R.S. § 42, and 22-A M.R.S. § 207.
 - **PURPOSE.** To add language regarding remote hearings and exchange of exhibit deadlines; revise the subpoena process; update references to Department programs; clarify when a decision becomes final agency action; revise deadlines for requesting correction of decisions or re-opening the record; update grammar and definitions; and describe process for Hearing Officer to control proceedings
 - **AFFECTED PARTIES:** DHHS representatives and parties who request administrative hearings.
 - **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
 - **SCHEDULE FOR ADOPTION:** **Winter 2022**
-

AGENCY UMBRELLA-UNIT NUMBER: 10-144

AGENCY NAME: Office of MaineCare Services, Division of Policy

CONTACT PERSON: Jennifer Patterson, Director, Division of Policy, Office of MaineCare Services, #11 State House Station, Augusta, ME 04333-0011. Tel. (207) 287-7729

2020-2021 Regulatory Agenda (Rules) - Department of Health and Human Services - State of Maine- Office of MaineCare Services, Division of Policy

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

Chapter 101 - MaineCare Benefits Manual:

Chapter II Section 25, Dental Services (repeal); Chapter III, Section 25, Allowances for Dental Services (repeal); Chapter II, Section 25, Dental Services and Reimbursement Methodology (this rule replaces the two repealed rules)

CONCISE SUMMARY: The Department adopts this emergency rule, which repeals Ch. II and Ch. III, Section 25, and replaces them with a new Ch. II rule, "Dental Services and Reimbursement Methodology."

Emergency Rulemaking Authority for Dental Services: Pursuant to P.L. 2021, Ch. 398 (eff. July 1, 2021), Sec. A-17, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023, (the Budget) Part CCC, Sec. CCC-1, of the Budget enacted changes to the MaineCare dental statute - 22 MRS 3174-F(1)(Coverage for Adult Dental Services), by adding subsection G, which provides: Other comprehensive preventive, diagnostic and restorative dental services to maintain good oral health and overall health in accordance with rules adopted by the department. Section CCC-2 of the Budget required the Department to adopt emergency rules by July 1, 2022, to implement the new provisions of 22 M.R.S. Section 3174-F(1), which expanded covered services for members 21 and older (adults), after consideration of recommendations by the dental subcommittee of the MaineCare Advisory Committee (MAC).

Emergency Rulemaking Authority for Dental Services Reimbursement Methodology: Part GGGG, Section GGGG-1 of the Budget authorized the Department to amend the rule on an emergency basis to implement recommendations of the MaineCare comprehensive rate system evaluation report for dental rates. The Departments Comprehensive Rate System Evaluation, conducted by the firm Myers and Stauffer, showed that MaineCare rates for preventive, diagnostic, and endodontic services are lower than rates for state Medicaid agencies in Connecticut, New Hampshire, Vermont, North Carolina, and Montana. Through this emergency rulemaking, the Department repeals the current Ch. III, Section 25, and implements a new reimbursement methodology in the emergency Ch. II, Section 25. The new Section 25 dental reimbursement rates will be posted on a website, and those rates will be set based on either the Commercial Median Benchmark or the All-States Medicaid Average Benchmark, as defined by the emergency rule. The dental codes shall undergo annual updates, per the methodology included in the emergency rule. On average, the reimbursement rates for dental services are increasing by 74%. Since April 11, 2022, the Department has conferred multiple times with providers and the MAC regarding this new reimbursement methodology.

The differences between the emergency and the former Chapters II and III, Section 25, rules include the following:

1. Section 25.06 (Reimbursement Methodology). The rule replaces specified rates with a reimbursement methodology. Whereas the former Chapter II, Section 25, rule stated rates would be the amount listed in Chapter III, Section 25, the emergency rule implements a reimbursement methodology that increases overall reimbursement consistent with recommendations from the comprehensive rate setting evaluation.

The reimbursement methodology sets rates for diagnostic, endodontic, periodontic, and preventative services based on 67% of the Commercial Median Benchmark or 133% of the

Medicaid State Average Benchmark, if the Commercial Median Benchmark rate is unavailable or unreliable.

The reimbursement methodology sets rates for adjunctive, oral and maxillofacial surgery, orthodontics, prosthodontics, and restorative services based on 50% of the Commercial Median Benchmark or 100% of the Medicaid State Average Benchmark if the Commercial Median Benchmark rate is unavailable or unreliable.

2. Replaces emergency-only adult dental coverage with comprehensive adult dental coverage. To implement the new comprehensive adult dental benefit, the emergency rule adds coverage for adults for diagnostic, preventive, restorative, endodontic, periodontic, prosthodontic, oral and maxillofacial surgery, and adjunctive services. To enable this comprehensive adult coverage, the emergency rule removes the Section 25.04 requirement that adult dental care be limited to acute surgical care directly related to an accident; oral medical procedures not involving the dentition and gingiva; extraction of teeth that are severely decayed and pose a serious threat of infection during cardiovascular surgery; or treatment necessary to relieve pain, eliminate infection, or prevent imminent tooth loss.
3. Replaces separate adult and child coverage provisions with a single covered services description generally applicable to all members. As a result of removing the restrictions on adult dental coverage, the emergency rule contains one Covered Services provision, which includes the services, limits, and other requirements for all members, regardless of age, unless otherwise specified. Some services will continue to be age-limited, and they are noted as such in the rule.

The Department will propose a routine technical rule to permanently repeal Chapters II and III, Section 25, and replace them with the single Ch. II, Section 25, rule.

The Department shall seek approval from the Centers for Medicare and Medicaid Services (CMS) of state plan amendments (SPAs) for the changes in this rulemaking. Additionally, on or before July 1, 2022, the Department will publish a notice of change in reimbursement methodology pursuant to 42 C.F.R. 447.205.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: July 1, 2022

Emergency Adoption: MaineCare Benefits Manual, Section 29, Chapter III, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder

CONCISE SUMMARY: In response to the statewide staffing crisis and to comply with P.L. 2021, ch. 398 (the "Act"), the Department is implementing emergency routine technical rule changes to increase rates for providers of services under Ch. III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder.

Section AAAA-1 of the Act enacts 22 M.R.S. Chapter 1627, Essential Support Worker Reimbursement. The new law requires that, effective January 1, 2022, the labor components of MaineCare reimbursement rates for specified services delivered by essential support workers must equal at least 125% of the minimum wage established in Title 26, section 664, subsection 1. Essential

support workers are individuals who by virtue of employment generally provide to individuals direct contact assistance with activities of daily living or instrumental activities of daily living or have direct access to provide care and services to clients, patients or residents regardless of the setting. 22 M.R.S. 7401. In addition, Part AAAA states that the reimbursement rate must include an amount necessary to reimburse the provider for taxes and benefits related to the wages. 22 M.R.S. 7402(2). Section AAAA-2 of the Act specifies that the 125% of minimum wage requirement for essential support workers applies to Ch. III, Section 29 services.

Additionally, Part OOO of the Act authorizes the Department to implement cost of living increases (COLAs). In calculating the rate increases necessary to comply with Part AAAA of the Act, the Legislature and the Department took into consideration the impact of planned COLAs on ensuring the labor components of the reimbursement rates for Section 29 and other services specified under Part AAAA are equal to at least 125 percent of minimum wage.

Rulemaking required for these particular rule changes are routine technical per 22 M.R.S. 7404 (for the essential support worker increases), and Part OOO of the Act (for the COLA-related increases) even though Ch. III, Section 29 is generally a major substantive rule. See, e.g., 22 M.R.S. 3195.

Section GGGG-1 of the Act provides the Department with authority to enact these routine technical changes on an emergency basis, without the need to make findings in support of an emergency per 5 M.R.S. 8054. These routine technical emergency rule changes shall be effective for up to 90 days. The Department intends to proceed with proposed routine technical rulemaking to make permanent the increases to reimbursement rates enacted through this emergency adoption.

These increased rates will be effective retroactive to January 1, 2022, as directed by the Act. The retroactive application of this rule comports with 22 M.R.S. 42(8), which provides state authority for the Department to adopt rules with a retroactive application for a period not to exceed eight (8) calendar quarters where there is no adverse financial impact on any MaineCare member or provider. Here, the rule change is a beneficial change for the providers.

Separately, effective December 31, 2021, and coinciding with the adoption of this emergency routine technical rule, the Department shall repeal an emergency major substantive rule that was adopted on April 7, 2021, and that included reimbursement rate increases for certain services under Ch. III, Section 29 pursuant to P.L. 2019, ch. 616; emergency major substantive rules are effective for up to twelve months, or until Legislative review. The Department has not yet initiated the proposed major substantive rulemaking associated with the April 7, 2021, emergency major substantive rule, and thus there is no provisional major substantive rule pending for review before the Legislature. There is no decrease in reimbursement for any service affected by the repeal of the April 2021 emergency major substantive rule.

The Department shall seek approval from the Centers for Medicare & Medicaid Services (CMS) for the increased reimbursement rates. In addition, the Governor's proposed budget will ask the legislature for additional funds to support these increases and to meet the intent of Part AAAA of the Act ensuring labor components of all rates are at least equal to 125% of minimum wage.

<http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: March 22, 2022

Emergency Adoption: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder

CONCISE SUMMARY: In response to the statewide staffing crisis and to comply with P.L. 2021, ch. 398 (the "Act"), the Department is implementing emergency routine technical rule changes to increase rates for providers of services under Ch. III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder.

Section AAAA-1 of the Act enacts 22 M.R.S. Chapter 1627, Essential Support Worker Reimbursement. The new law requires that, effective January 1, 2022, the labor components of MaineCare reimbursement rates for specified services delivered by essential support workers must equal at least 125% of the minimum wage established in Title 26, section 664, subsection 1. Essential support workers are individuals who by virtue of employment generally provide to individuals direct contact assistance with activities of daily living or instrumental activities of daily living or have direct access to provide care and services to clients, patients or residents regardless of the setting. 22 M.R.S. 7401. In addition, Part AAAA states that the reimbursement rate must include an amount necessary to reimburse the provider for taxes and benefits related to the wages. 22 M.R.S. 7402(2). Section AAAA-2 of the Act specifies that the 125% of minimum wage requirement for essential support workers applies to Ch. III, Section 21 services.

Additionally, Part OOO of the Act authorizes the Department to implement cost of living increases (COLAs). In calculating the rate increases necessary to comply with Part AAAA of the Act, the Legislature and the Department took into consideration the impact of planned COLAs on ensuring the labor components of the reimbursement rates for Section 21 and other services specified under Part AAAA are equal to at least 125 percent of minimum wage.

Rulemaking required for these particular rule changes are routine technical per 22 M.R.S. 7404 (for the essential support worker increases), and Part OOO of the Act (for the COLA-related increases) even though Ch. III, Section 21 is generally a major substantive rule. See, e.g., 22 M.R.S. 3195.

Section GGGG-1 of the Act provides the Department with authority to enact these routine technical changes on an emergency basis, without the need to make findings in support of an emergency per 5 M.R.S. 8054. These routine technical emergency rule changes shall be effective for up to 90 days. The Department intends to proceed with proposed routine technical rulemaking to make permanent the increases to reimbursement rates enacted through this emergency adoption.

These increased rates will be effective retroactive to January 1, 2022, as directed by the Act. The retroactive application of this rule comports with 22 M.R.S. 42(8), which provides state authority for the Department to adopt rules with a retroactive application for a period not to exceed eight (8) calendar quarters where there is no adverse financial impact on any MaineCare member or provider. Here, the rule change is a beneficial change for the providers.

Separately, effective December 31, 2021, and coinciding with the adoption of this emergency routine technical rule, the Department shall repeal an emergency major substantive rule that was adopted on April 7, 2021, and that included reimbursement rate increases for certain services under Ch. III, Section 21 pursuant to P.L. 2019, ch. 616; emergency major substantive rules are effective for up to twelve months, or until Legislative review. The Department has not yet initiated the proposed major substantive rulemaking associated with the April 7, 2021, emergency major substantive rule, and thus there is no provisional major substantive rule pending for review before the Legislature. There is no

decrease in reimbursement for any service affected by the repeal of the April 2021 emergency major substantive rule.

The Department shall seek approval from the Centers for Medicare & Medicaid Services (CMS) for the increased reimbursement rates. In addition, the Governor's proposed budget will ask the legislature for additional funds to support these increases and to meet the intent of Part AAAA of the Act ensuring labor components of all rates are at least equal to 125% of minimum wage.

<http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: March 22, 2022

MaineCare Benefits Manual, Chapter VII, Section 5, Estate Recovery

CONCISE SUMMARY: This emergency rulemaking implements P.L. 2021, ch. 398, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023, Part A, A-1, pg. 99, an initiative that provides funding to modify MaineCare estate recovery rules to conform with the minimum mandatory federal requirements (The Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66)). Chapter VII, Section 5, Estate Recovery, of the MaineCare Benefits Manual (MBM), is modified as follows: Effective November 24, 2021, the Department's claim is limited to the amount paid by MaineCare for all nursing facility services, home and community-based services, and related hospital and prescription drug services paid on behalf of the Member prior to their death. These services for which recovery is required under federal law. Pursuant to Act, the Legislature provided the Department with rulemaking authority to implement these services on an emergency basis, per 5 M.R.S. 8054, without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety, or general welfare. Emergency rules are effective immediately and valid for ninety days. The Department shall hereafter initiate "regular" routine technical proposed rulemaking to implement this rule permanently.

<http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: November 24, 2021

MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services

CONCISE SUMMARY: The Department of Health and Human Services (the "Department") adopts the following emergency major substantive rule changes in 10-144 C.M.R. Ch. 101, MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, including Chapter III (the Main Rule) and Appendices B (Substance Abuse Treatment Facilities) and D (Child Care Facilities).

In Chapter III, the Department is updating the Main Rule and corresponding appendices for Appendix B and Appendix D to support the final adopted changes in Chapter II, Section 97, with the rules intended to be filed simultaneously. The Chapter II rule changes implement various new requirements on Appendix D providers per the Family First Prevention Services Act (FFPSA), and also adds new covered MaineCare services. Chapter II also imposes new requirements on Appendix B providers and broadens those covered services.

In recognition of these new requirements, the Department implements these emergency major substantive reimbursement rate increases. The new rates were authorized by the Legislature pursuant to P.L. 2021, Ch. 29, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023 (the Budget) and P.L. 2021, Ch. 398, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023 (the Supplemental Budget). The rates are also consistent with independent rate studies completed for Appendix B and Appendix D services.

Section GGGG-1 of the Supplemental Budget provides the Department with authority to enact these changes on an emergency basis, without the need to make findings in support of an emergency per 5 M.R.S. 8054. Emergency major substantive rules are effective for up to 12 months or until the Legislature has completed review of the provisionally adopted major substantive rule. 5 M.R.S. 8073. The Department shall seek approval from the Centers for Medicare and Medicaid Services (CMS) for the increased Appendix B and Appendix D rates. The Department shall file the corresponding Chapter III, Section 97 proposed major substantive rules in order to begin the process for implementing these changes permanently.

In addition to the above, the Main Rule and relevant Appendices has been updated to reflect changes to certain services in order to gain consistency with Chapter II, including updating Crisis Residential services to Crisis Stabilization services, Treatment Foster Care to Therapeutic Foster Care, and Substance Abuse treatment to Substance Use treatment.

Appendix B implements rate updates from an independent rate study, recommending substantial increases, consistent with appropriations approved by the Budget and the Supplemental Budget. Additional changes are required to ensure that the terminology in Appendix B is consistent with what is utilized in the finally adopted Chapter II rule; for example, Detoxification programs are changed to Medically Supervised Withdrawal Services. This rulemaking creates two tiers of reimbursement, one tier incorporating all medical personnel, and another tier as an exception rate for low nursing staff, given substantial workforce challenges. Lastly, service components of the rate in 2400.1 were updated to clarify social workers as licensed clinical social workers and to add licensed marriage and family therapists, to align with changes adopted in Chapter II.

Appendix D updates the name from Childcare Facilities to Children's Residential Care Facilities in order to align with changes adopted in Chapter II. In Section 2400.1, board certified behavioral analyst services, board certified assistant behavior analyst services, and registered behavior technician services were added to align with changes in Chapter II. Following the independent rate study, rate recommendations are incorporated, including consolidating Mental Health Level I and Level II services into a single Mental Health level of reimbursement, and consolidating Intellectual Disabilities and Autism Spectrum Disorder Levels I and II into a single Intellectual Disabilities/Developmental Disabilities residential treatment rate. Due to the rate changes and finally adopted changes in Chapter II, Section 97, this rule removes language from Section 6000 because the referenced member assessment is no longer required. Chapter III also establishes rates for a proposed new MaineCare covered service, Aftercare Services, for the service itself and for mileage reimbursement. Aftercare is a required component of the FFPSA, and establishing the rate is necessary in order to meet the requirements of the FFPSA and the changes adopted in Chapter II, Section 97. The Department shall

seek approval from CMS for the new Aftercare Services and the additional practitioners allowable under this Appendix.

Finally, in order to be consistent with the changes that will be finally adopted in Chapter II, the Department implements necessary updates to further address potentially stigmatizing language pursuant to P.L. 2017, ch. 407, and to update references to the Office of Behavioral Health from the Office of Substance Abuse.

<http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: 11/1/2021

CONSENSUS BASED RULEMAKING: None

EXPECTED RULEMAKING ACTIVITY- October 1, 2022- September 30, 2023:

CHAPTER 101: MaineCare Benefits Manual: Chapters I, II, III, IV, V, VI, VII, VIII, X and relevant Principles of Reimbursement

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 42, § 3173; P.L. 99 Chapter 777
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the MaineCare (formerly, Maine Medicaid and State Child Health Insurance Program (SCHIP), also known as Cub Care) program. It also describes certain administrative functions necessary for the operation of the MaineCare Program. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** MaineCare members, MaineCare providers, and Managed Care Organizations

CHAPTER 104: Maine State Services Manual

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 257
- **PURPOSE:** These rules describe requirements for the provision and reimbursement of services under the state funded services including Drugs for the Elderly (DEL) Benefit and Maine Rx+ Benefit. It also describes certain administrative functions necessary for the operation of these Benefits. They will be amended to comply with federal changes, to update policy and to implement new services and regulations, as necessary.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when all of the changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes as a result of identified problems require the timely amendment or adoption of new rules over the course of the year.
- **AFFECTED PARTIES:** Participants and providers in DEL and other state funded benefits.

CHAPTER 107: Medical Eye Care Program

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 3521
- **PURPOSE:** These rules govern the operation of Maine's **State-funded Eye Care Program**. They will be amended to reflect administrative changes found necessary through monitoring of this program.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. It is anticipated this chapter will be incorporated into Chapter 104.
- **AFFECTED PARTIES:** Children and adults not eligible for Medicaid for whom the State would reimburse for certain eye care services as well as the providers of these services

CHAPTER 275: Reporting Requirements for Pharmaceutical Manufacturers and Labelers

- **STATUTORY AUTHORITY:** 22 MRSA § 2698-A, 22 MRSA § 2700-A
- **PURPOSE:** These rules define statutory obligations of manufacturers and labelers of prescription drugs and biological products to publicly register and report results of clinical trials and also report gifts to prescribers and marketing costs in Maine.
- **ANTICIPATED SCHEDULE:** It is not possible to predict when additional changes will be made to the above regulations because of the nature of this policy. State-initiated changes as a result of identified problems will require the timely amendment of the rules. Two changes for the upcoming year include new requirements for prescriber confidentiality and academic detailing.
- **AFFECTED PARTIES:** Residents of Maine

AGENCY NAME: Office for Family Independence (OFI): Eligibility, Employment and Training and Support Enforcement and Recovery

ELIGIBILITY AND EMPLOYMENT AND TRAINING CONTACT PERSON: Anthony Pelotte, Director, Office for Family Independence, #11 State House Station, 109 Capitol Street Augusta, ME 04333-0011. Telephone: (207) 624-4104. E-mail: anthony.pelotte@maine.gov

SUPPORT ENFORCEMENT AND RECOVERY CONTACT PERSON: Jerry Joy, Director, Division of Support Enforcement and Recovery, #11 State House Station, 109 Capitol Street, Augusta, ME 04333-0011. Telephone: (207) 624-6985. E-mail: Jerry.Joy@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

ELIGIBILITY:

CHAPTER 301 (Supplemental Nutrition Assistance Program (SNAP) Rules):

Rule #222E – FFY 2022 Budgeting Figures.

ADOPTED RULE NUMBER: 2021-199 (Emergency)

CONCISE SUMMARY: This emergency rule implements updates to: maximum and minimum allotments; the standard, homeless and maximum shelter deductions; and asset limits for the Food Supplement program as of October 1, 2021. As a result, Food Supplement benefits will change for some households.

An emergency rule change is necessary to remain in compliance with Federal regulation 7 C.F.R. § 273.9(d). 7 C.F.R. §273.9 requires that Food Supplement Program income and asset limits, maximum and minimum allotments, standard deductions, maximum shelter deductions, homeless shelter deductions, standard utility allowances (SUAs) and income change reporting thresholds be updated each year, effective October 1. This year, the United States Department of Agriculture (USDA) COLA Memo FY2022 provided more generous income limits, maximum and minimum allotments, standard deductions, maximum shelter deduction, homeless shelter deduction, asset limits, and income change reporting thresholds. Each state agency is charged with determining standard utility allowances and having those approved by USDA. The utility allowance values were calculated to increase using The Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, and were submitted to and approved by USDA.

Pursuant to 5 M.R.S. § 8054, the Department finds that emergency rulemaking is necessary for the health, safety, and general welfare in order to ensure that Food Supplement benefits are issued appropriately, accurately, and in a timely fashion consistent with federal law.

The USDA memoranda providing these figures were not provided in a timeframe that would allow the Department to comply with the non-emergency rulemaking process and still implement by the required date of October 1, 2020. Therefore, the Department finds that an emergency rule change is necessary to remain in compliance with Federal regulation 7 C.F.R. § 273.9(d), which requires annual calculation of federal poverty levels, the standard deduction and SUAs. Non-compliance could result in federal penalties or loss of federal funds.

EFFECTIVE DATE: October 1, 2021

Rule #224E - March 2022 Standard Utility Allowance Updates
ADOPTED RULE NUMBER: 2022-031 (Emergency)

CONCISE SUMMARY: Each state agency is charged with determining standard utility allowances and having those approved by the United States Department of Agriculture (USDA). Each year, Maine proposes figures based on the best available data in July for implementation in October. The utility allowance values for Federal Fiscal Year 2022 were calculated to increase using The Consumer Price Index (CPI) of 240.778% for June 2021 published by the Bureau of Labor Statistics of the Department of Labor, and were submitted to and approved by the USDA. Between June and October 2021, the CPI increased another 11.88 percentage points. This increase is indicative of an additional \$2 per month in phone expenses, an additional \$14 per month in utility expenses for households without a heating or cooling expense, and an additional \$42 per month in utility expenses for households with a heating or cooling expense. To accurately reflect the expense of Maine families, the Department has submitted and the USDA has approved updated standard utility allowances for the remainder of Federal Fiscal Year 2022.

Pursuant to 5 M.R.S. § 8054, the Department finds that emergency rulemaking is necessary for the health, safety, and general welfare in order to ensure that SNAP

benefits are issued appropriately and accurately taking into account the high utility expenses experienced by Maine residents as verified by the Maine Public Utilities Commission¹ and attested to by various media outlets².

EFFECTIVE DATE: March 1, 20220

CHAPTER 323 (Maine General Assistance Manual): None

CHAPTER 331 (Maine Public Assistance Manual (TANF – Temporary Assistance for Needy Families)): None

CHAPTER 332 (MaineCare Eligibility Manual): None

CHAPTER 333 (Low Cost Drugs for The Elderly and Disabled (DEL) - Eligibility): None

CHAPTER 334 (Maine Rx Plus - Eligibility): None

EMPLOYMENT AND TRAINING:

CHAPTER 330 (Higher Opportunity for Pathways to Employment (HOPE) Program Rules): None

CHAPTER 607 (ASPIRE-TANF Program Rules): None

CHAPTER 609 (Food Supplement Employment and Training (FSET) Program Rules): None

SUPPORT ENFORCEMENT AND RECOVERY:

CHAPTER 351 Child Support Enforcement Manual: None

EXPECTED RULEMAKING ACTIVITY- October 1, 2022 - September 30, 2023:

ELIGIBILITY:

CHAPTER 301: Supplemental Nutrition Assistance Program (SNAP) Rules

- **STATUTORY AUTHORITY:** 22 M.R.S.A. § 3104
- **PURPOSE:** These rules establish requirements for eligibility for the Food Supplement Program. The rules will be amended to reflect policy and law changes as well as to clarify requirements already in effect.
- **ANTICIPATED SCHEDULE:** Year round
- **AFFECTED PARTIES:** Individuals who receive or apply for Food Supplement Program benefits.

¹ [maine.gov/tools/whatsnew/index.php?topic=puc-pressreleases&id=6112651&v=article088](https://www.maine.gov/tools/whatsnew/index.php?topic=puc-pressreleases&id=6112651&v=article088), and [maine.gov/tools/whatsnew/index.php?topic=puc-pressreleases&id=6040934&v=article088](https://www.maine.gov/tools/whatsnew/index.php?topic=puc-pressreleases&id=6040934&v=article088)

² [thedenverchannel.com/news/national/with-rising-heating-cost-more-people-are-expected-to-ask-for-assistance-with-bills-this-winter](https://www.thedenverchannel.com/news/national/with-rising-heating-cost-more-people-are-expected-to-ask-for-assistance-with-bills-this-winter), [pressherald.com/2021/11/09/mainers-to-face-double-digit-shock-in-electricity-supply-rates-next-year](https://www.pressherald.com/2021/11/09/mainers-to-face-double-digit-shock-in-electricity-supply-rates-next-year), and [mainepublic.org/business-and-economy/2021-11-16/maine-utility-regulators-are-warning-electricity-customers-to-brace-for-a-big-rate-hike](https://www.mainepublic.org/business-and-economy/2021-11-16/maine-utility-regulators-are-warning-electricity-customers-to-brace-for-a-big-rate-hike)

CHAPTER 323: Maine General Assistance Manual

- STATUTORY AUTHORITY: 22 M.R.S.A. §§ 4300-4323
- PURPOSE: These rules establish overall requirements for eligibility for the General Assistance program. Rules are further delineated by municipal ordinances. These rules will be amended to reflect policy and law changes as well as to clarify rules already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals who apply for or receive General Assistance benefits.

CHAPTER 331: Maine Public Assistance Manual (TANF – Temporary Assistance for Needy Families)

- STATUTORY AUTHORITY: 22 M.R.S.A. §§ 3761-3789
- PURPOSE: These rules establish overall requirements for eligibility for the Temporary Assistance for Needy Families and other cash assistance programs. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Families who apply for or receive Temporary Assistance for Needy Families and other cash assistance.

CHAPTER 332: MaineCare Eligibility Manual

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3173
- PURPOSE: These rules establish requirements for eligibility for Maine's MaineCare and State Supplement to Supplemental Security Income programs. The rules will be amended to reflect changes in law, including health care reform, and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving MaineCare or State Supplement benefits.

CHAPTER 333: Low Cost Drugs for the Elderly and Disabled (DEL) - Eligibility

- STATUTORY AUTHORITY: 22 M.R.S.A. § 254-D
- PURPOSE: These rules establish requirements for eligibility for Low Cost Drugs for the Elderly and Disabled (DEL) program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving DEL benefits.

CHAPTER 334: Maine Rx Plus - Eligibility

- STATUTORY AUTHORITY: 22 M.R.S.A. § 2681
- PURPOSE: These rules establish requirements for eligibility for Maine Rx Plus Program. The rules will be amended to reflect changes in law and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families applying for or receiving Maine Rx Plus benefits.

EMPLOYMENT AND TRAINING:

CHAPTER 330: Higher Opportunity for Pathways to Employment (HOPE) Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3790
- PURPOSE: These rules establish overall requirements for eligibility for the Higher Opportunity for Pathways to Employment program. The rules will be amended to reflect policy, law changes, and federal program instructions as well as to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Families who apply for or receive Higher Opportunity for Pathways to Employment.

CHAPTER 607: ASPIRE-TANF Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3781-A
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Temporary Assistance for Needy Families benefits. They will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE/TANF program.

CHAPTER 609: Food Supplement Employment and Training (FSET) Program Rules

- STATUTORY AUTHORITY: 22 M.R.S.A. § 3104
- PURPOSE: These rules establish requirements for participants in the ASPIRE program who are receiving Food Supplement Program benefits. The rules will be amended to reflect changes in law and policy and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals participating in the ASPIRE program who are receiving Food Supplement Program benefits.

SUPPORT ENFORCEMENT AND RECOVERY:

CHAPTER 351 Child Support Enforcement Manual: None

EXPECTED RULEMAKING ACTIVITY- October 1, 2022 - September 30, 2023:

CHAPTER 351: Maine Child Support Enforcement Manual

- STATUTORY AUTHORITY: Title 19-A, Chapters 63 and 65
- PURPOSE: These rules establish requirements and procedures for enforcement and recovery of child support pursuant to court and administrative orders. The rules will be amended to reflect changes in law, and to clarify requirements already in effect.
- ANTICIPATED SCHEDULE: Year round
- AFFECTED PARTIES: Individuals and families for whom the Division of Support Enforcement and Recovery collects child and spousal support.

CHAPTER 351; Maine Child Support Enforcement Manual; Chapter 6, Maine Child Support Guidelines

- STATUTORY BASIS: 19-A M.R.S. § 2011.
- PURPOSE: This Rulemaking updates the Maine Child Support Table in response to the mandatory quadrennial review performed by the Center for Policy Research to reflect cost of living changes in the amount necessary to support children through emancipation. The Child

Support Table reflects the percentage of combined gross income that parents living in the same household in Maine ordinarily spend on their children.

- SCHEDULE FOR ADOPTION: 2022
- AFFECTED PARTIES: Parents of minor children and families for whom the Maine District Court, Family Division, or the Division of Support Enforcement and Recovery calculates and establishes child support using the Child Support Table.
- CONSENSUS-BASED RULE DEVELOPMENT: N/A
- CONTACT PERSON: Jerry Joy, Director, Division of Support Enforcement and Recovery, #11 State House Station, 109 Capitol Street, Augusta, ME 04333-0011. Telephone: (207) 624-6985. E-mail: Jerry.Joy@Maine.gov

AGENCY UMBRELLA-UNIT NUMBER: **10-144 and 10-146**
AGENCY NAME: **Maine Center for Disease Control and Prevention**

MAINE CDC RULEMAKING LIAISON: Tera Pare, JD, Manager, Policy and Compliance, Maine CDC, 11 SHS- 286 Water Street, Augusta, ME 04333-0011; (207) 287-5680; tera.pare@maine.gov

EXPECTED FY 2021-2022 RULEMAKING ACTIVITY: October 1, 2022 to September 30, 2023

CHAPTER 124. EMERGENCY MEDICAL SERVICES REPORTING RULE

- STATUTORY BASIS: 22 MRS §820(1)(C)
- PURPOSE: To enable the surveillance of the personnel aspect of Maine emergency medical system during a state of civil emergency, to ensure that the Department can assist in responding appropriately to public health emergencies and support the Maine EMS as a comprehensive and effective system for optimizing patient care during a state of civil emergency.
- AFFECTED PARTIES: EMS staff; MEMA
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 200. STATE OF MAINE FOOD CODE

- STATUTORY BASIS: 22 MRS §2496(1) & 7 MRS §12
- PURPOSE: To update any recent protocols for this rule, which addresses controls for risk factors and further establishes 5 key public health interventions to protect consumer health. Specifically, these interventions demonstrate knowledge, implement employee health controls, control hands as a vehicle of contamination, set time and temperature parameters for controlling pathogens, and govern the consumer advisory.
- AFFECTED PARTIES: Eating establishments licensed in the State of Maine by the Health Inspection Program and food establishments licensed in the State of Maine by the Department of Agriculture, Conservation and Forestry.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 201. RULES RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF ESTABLISHMENTS REGULATED BY THE HEALTH INSPECTION PROGRAM

- STATUTORY AUTHORITY: 22 MRS §2496
- PURPOSE OF THE RULE: To describe application, licensing, and inspection requirements, licensing fees and enforcement sanctions for Maine eating establishments, lodging places, campgrounds, sporting/recreational camps, youth camps, public pools and spas regulated by the Health Inspection Program.
- AFFECTED PARTIES: Owners of eating establishments, lodging places, recreational camps, youth camps, campgrounds, public pools and spas in the State of Maine
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated

SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 202. RULES RELATING TO PUBLIC SWIMMING POOLS AND SPAS

- STATUTORY AUTHORITY: 22 MRS §§2496 and 2664
- PURPOSE OF THE RULE: To protect public health and provide specific compliance and enforcement requirements regarding public pools and spas licensed by the Health Inspection Program.
- AFFECTED PARTIES: Owners/operators of public swimming pools and spas.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 203: RULES RELATING TO THE SALE AND DELIVERY OF TOBACCO PRODUCTS IN MAINE

- STATUTORY AUTHORITY: 22 MRS Ch. 262-A; 22 MRS §42(1)
- PURPOSE OF THE RULE: To regulate the licensing of retail tobacco sales.
- AFFECTED PARTIES: Licensed tobacco retailers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 205. RULES RELATING TO CAMPGROUNDS

- STATUTORY AUTHORITY: 22 MRS § 2496
- PURPOSE OF THE RULE: To clarify definitions of recreational vehicle classification, event camping and the definitions of temporary campground, and agricultural fair campground.
- AFFECTED PARTIES: Public, fairs, event promoters, and owners/operators of campgrounds.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 206. RULES RELATING TO LODGING ESTABLISHMENTS

STATUTORY AUTHORITY: 22 M.R.S. §2496

- PURPOSE OF THE RULE: To protect public health by regulating and licensing lodging places. Amendments will update requirements and clarify lodging definitions.

- **AFFECTED PARTIES:** Lodging places licensed by the Health Inspection Program in the State of Maine.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 208. RULES RELATING TO BOYS, GIRLS, BOYS AND GIRLS, DAY CAMPS AND PRIMITIVE AND TRIP CAMPING

- **STATUTORY AUTHORITY:** 22 MRS §2496
- **PURPOSE OF THE RULE:** To clarify requirements for youth camps licensed by the Health Inspection Program, in order to ensure greater protection of health and safety .
- **AFFECTED PARTIES:** Youth camp counselors and staff, children who attend summer youth camps.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 209. RULES RELATING TO BODY PIERCING

- **STATUTORY AUTHORITY:** 32 MRS §4326.
- **PURPOSE OF THE RULE:** To provide health and safety standards for persons engaged in the practice of body piercing and licensed by the Health Inspection Program.
- **AFFECTED PARTIES:** Body piercers and the public who receive body piercings.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 210. RULES RELATING TO TATTOOING

- **STATUTORY AUTHORITY:** 32 MRS §4251
- **PURPOSE OF THE RULE:** To provide health and safety standards for persons engaged in the practice of tattooing.
- **AFFECTED PARTIES:** Tattoo artists and the public who receive tattoos.
- **INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 211. RULES RELATING TO MICROPIGMENTATION PRACTITIONERS

- **STATUTORY AUTHORITY:** 32 MRS §4313
- **PURPOSE OF THE RULE:** To provide health and safety standards for persons engaged in the practice of micropigmentation.
- **AFFECTED PARTIES:** Micropigmentation practitioners and the public who receive micropigmentation.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 212. RULES FOR THE PRACTICE OF ELECTROLOGY

- STATUTORY AUTHORITY: 32 MRS §1242.
- PURPOSE OF THE RULE: To provide health and safety standards for persons engaged in the practice of electrology.
- AFFECTED PARTIES: Electrologists and the public who receive electrology.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 214. MASS GATHERING RULES AND INFORMATIONAL GUIDELINES

- STATUTORY AUTHORITY: 22 MRS §1602
- PURPOSE OF THE RULE: To describe the requirements for applying for permits, determining event populations, and properly managing mass gatherings in Maine.
- AFFECTED PARTIES: Public, municipalities, and event promoters.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 220. RULES RELATING TO RADIATION PROTECTION

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health and administer both State and federal rules required under an agreement with the U.S. Nuclear Regulatory Commission to regulate radioactive materials.
- AFFECTED PARTIES: All persons who receive, possess, use, transfer, own or acquire any source of radiation in Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART A, GENERAL PROVISIONS

- PURPOSE OF THE RULE: To protect public health by establishing provisions to control hazards associated with use of radiation.
- AFFECTED PARTIES: All users of ionizing radiation.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART B, ENFORCEMENT ACTIONS, PROCEDURES AND CIVIL PENALTIES

- PURPOSE OF THE RULE: To establish administrative and civil remedies to address violations of the rule.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: FY2022-2023

PART C, LICENSING OF RADIOACTIVE MATERIAL

- PURPOSE OF THE RULE: To establish protocols, fees and procedures for the licensing of use of radioactive material.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART D, STANDARDS FOR PROTECTION AGAINST RADIATION

- PURPOSE OF THE RULE: To administer specific state and federal standards and protect public health from radiation.
- AFFECTED PARTIES: All users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART E, RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS.

- PURPOSE of the rule: To protect public health by administering standards for the licensing of industrial radiographic operations.
- AFFECTED PARTIES: All industrial radiography licensees.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART F, X-RAYS IN THE HEALING ARTS

- PURPOSE OF THE RULE: To protect public health by administering standards for licensure of anyone administering x-rays.
- AFFECTED PARTIES: All users of x-ray machines.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART G, USE OF RADIONUCLIDES IN THE HEALING ARTS

- PURPOSE OF THE RULE: To protect public health by administering standards for use of radionuclides in the healing arts.
- AFFECTED PARTIES: All medical users of radioactive material.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART H, RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL AND OTHER INDUSTRIAL RADIATION MACHINES

- PURPOSE OF THE RULE: To protect public health by administering standards for analytical and other industrial radiation machines.
- AFFECTED PARTIES: All industrial users of x-ray machines.
- SCHEDULE FOR ADOPTION: FY2022-2023

PART I, RADIATION SAFETY REQUIREMENTS FOR PARTICLE ACCELERATORS

- PURPOSE OF THE RULE: To protect public health by administering standards for use of particle accelerators.
- AFFECTED PARTIES: All industrial users of particle accelerators.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART J, NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All employers using radiation.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART K, RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

- PURPOSE OF THE RULE: To protect public health by administering standards over any employers using radiation.
- AFFECTED PARTIES: All persons using sources of radiation for wireline service operations including mineral logging, radioactive markers, and subsurface tracer studies.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART L, TRANSPORTATION OF RADIOACTIVE MATERIAL

- PURPOSE OF THE RULE: To protect public health by administering standards over the transportation of radioactive material.
- AFFECTED PARTIES: All shippers of radioactive materials.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART N, REGULATION AND LICENSING OF TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIALS

- PURPOSE OF THE RULE: To protect public health through regulating and licensing the use of naturally occurring radioactive materials.
- AFFECTED PARTIES: All users of naturally occurring radioactive elements.
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART S, PHYSICAL PROTECTION OF CATEGORY 1 AND CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

- PURPOSE OF THE RULE: To establish security requirements for the use and transport of the most risk-significant quantities of radioactive materials, as well as shipments of small amounts of irradiated reactor fuel.
- AFFECTED PARTIES: All users of radioactive materials
- SCHEDULE FOR ADOPTION: FY 2022-2023

PART X, THERAPEUTIC X-RAY MACHINES

- PURPOSE OF THE RULE: To protect public health by administering standards for medical users of therapeutic x-ray machines.
- AFFECTED PARTIES: All medical users of therapeutic x-ray machines.
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 221. SELECTION OF VOLUNTEER PERSONNEL TO ESTABLISH/ MAINTAIN RADIATION MONITORING PROGRAM

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To establish and maintain a continuous airborne radiation monitoring system consisting of volunteers who are required to report their findings to the Radiation Control Program.
- AFFECTED PARTIES: Volunteers of airborne radiation
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 222. RULES RE: PUBLIC NOTIFICATION OF RADIOACTIVE EMISSIONS FROM NUCLEAR POWER PLANT

- STATUTORY AUTHORITY: 22 MRS §674 and 35-A MRS §4332
- PURPOSE OF THE RULE: To govern the public notice requirements in the event of a radioactive release or specific safety-related events at any nuclear power plant.
- AFFECTED PARTIES: DHHS Staff, MEMA
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 223. RULES RELATING TO TANNING FACILITIES

- STATUTORY AUTHORITY: 22 MRS §674
- PURPOSE OF THE RULE: To protect public health by administering standards to regulate tanning and other changes in the industry.
- AFFECTED PARTIES: Tanning facility owners and users of tanning facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY2022-2023

10-144

CHAPTER 224. AIR AND WATER RADON SERVICE PROVIDER REGISTRATION RULES

- STATUTORY AUTHORITY: 22 MRS §781
- PURPOSE OF THE RULE: To protect public health by administering standards for individuals/companies providing radon testing/mitigation services in Maine and describe testing and mitigation requirements for property owners of multi-family apartment buildings.
- AFFECTED PARTIES: Radon Service Providers and the general public that contract such services, as well as property owners/landlords of multi-family residential properties.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 225. RULES RELATING TO THE LICENSING OF SUPPLIERS OF COMPRESSED AIR USED IN SELF-CONTAINED BREATHING APPARATUS

- STATUTORY AUTHORITY: 22 MRS §1585
- PURPOSE OF THE RULE: To provide standards for the accurate testing of air and provide for third party testing.
- AFFECTED PARTIES: Dive shops, fire departments, other suppliers of compressed air.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 226. RULES RELATING TO CROSS CONNECTIONS

- STATUTORY AUTHORITY: 22 MRS §2612(5)
- PURPOSE OF THE RULE: To regulate, control, and prevent the contamination of drinking water by the backflow of water or other liquids, mixtures or substances into the distribution pipes of a public water system from a source or sources other than its intended source.

- AFFECTED PARTIES: All public drinking water systems serving greater than 1,000 people or have an industrial account.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 227. RULES RELATING TO LICENSING AND INSPECTION OF
CREMATORIA**

- STATUTORY AUTHORITY: 32 MRS §1405
- PURPOSE OF THE RULE: To license crematoria to insure the proper cremation of bodies and disposal of ashes.
- AFFECTED PARTIES: Owners/operators of crematoria.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

**CHAPTER 230. RULES RELATING TO DRINKING WATER STATE REVOLVING LOAN
FUND**

- STATUTORY AUTHORITY: 30-A MRS §§5959(1) and 6006-B
- PURPOSE OF THE RULE: To implement federal rules for administering the Drinking Water State Revolving Loan Fund to public water systems, establish a prioritization system for distributing funds, outline the process for certifying project eligibility, and administer the environmental review process.
- AFFECTED PARTIES: All community public drinking water systems and non-community non-profit public drinking water systems.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY None anticipated

10-144

CHAPTER 231. RULES RELATING TO DRINKING WATER

- STATUTORY AUTHORITY: 22 MRS §§2605, 2611-2613; and 2618.
- PURPOSE OF THE RULE: To protect residents and visitors of Maine in their consumption of drinking water. This rule administers the federal Safe Drinking Water Act and the Maine Water for Human Consumption Act for all public water systems in Maine.
- AFFECTED PARTIES: All public water systems regulated by the Maine CDC Drinking Water Program.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 232. WELL DRILLERS AND PUMP INSTALLERS RULES

- STATUTORY AUTHORITY: 32 MRS §4700-H
- PURPOSE OF THE RULE: To administer examination and license requirements for well drilling, pump installation and hydro-fracturing, as well as prescribe a code of conduct for well drillers and pump installers
- AFFECTED PARTIES: Well drillers and pump installers registered in the State of Maine, as well as public water systems with groundwater sources.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

CHAPTER 234. LEAD TESTING IN SCHOOL DRINKING WATER RULE

- STATUTORY AUTHORITY: 22 MRS §2604-B(3); 30-A MRS §6006-F(3)
- PURPOSE: This new rule will establish testing protocols, lead mitigation/abatement guidance measures from Maine CDC and public notification requirements for lead testing in all Maine schools.
- AFFECTED PARTIES: School administrators, municipalities/water districts, Maine CDC Drinking Water Program
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 235. RULES RELATING TO BULK WATER

- STATUTORY AUTHORITY: 22 MRS §2660-A
- PURPOSE OF THE RULE: To regulate the water quality standards associated with transport of bulk water.
- AFFECTED PARTIES: Bottled water suppliers, water haulers and vendors.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 240. RULES FOR APPOINTMENT AND ADMINISTRATION OF LOCAL PLUMBING INSPECTORS

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(1)(3-A), 42(3-B); 30-A MRS §§ 4211(5), 4212(1), 4215(4), 4221, and 4451.
- PURPOSE OF THE RULE: To refine and clarify established procedures for the eligibility requirements, appointment, and duties of local plumbing inspectors.
- AFFECTED PARTIES: Persons certified as Local Plumbing Inspectors, and those seeking such certification.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 241. MAINE SUBSURFACE WASTEWATER DISPOSAL SYSTEM RULES

- STATUTORY AUTHORITY: 22 MRS §§ 42(3), 42(3-A), 42(3-B); 30-A MRS §§4211(5), 4215(4), 4211 & 4452; 22-A MRS §205(2).
- PURPOSE OF THE RULE: To regulate the design, permitting, and installation of subsurface wastewater disposal systems as necessary, and to correct mistakes from the last rulemaking.
- AFFECTED PARTIES: Any person, establishment, and/or institution using an on-site subsurface wastewater disposal system for sanitary wastewater.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 242. RULES FOR CONVERSION OF SEASONAL DWELLING UNITS INTO YEAR-ROUND RESIDENCES IN THE SHORELAND ZONE

- STATUTORY AUTHORITY: 22 MRS §42; 30-A MRS §§ 4211-4212 & 4215.
- PURPOSE OF THE RULE: To regulate the conversion of seasonal residences using onsite subsurface wastewater disposal to year-round use. This Rule is intended to complement municipal planning, zoning, and land use control.

- **AFFECTED PARTIES:** Anyone wishing to convert a seasonal residence to year-round use.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023 – Repeal planned at the same time that Chapter 241 is amended.

10-144

CHAPTER 243. MINIMUM LOT SIZE LAW VARIANCE RULES

- **STATUTORY AUTHORITY:** 12 MRS §4807
- **PURPOSE OF THE RULE:** To update and clarify established provisions for approval of subsurface wastewater disposal systems on lots with less than 20,000 square feet and 100 feet of frontage if the lot abuts a water body.
- **AFFECTED PARTIES:** Anyone wishing to develop a lot meeting the exemption requirements of 12 MRS §4807.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated

10-144

CHAPTER 245. MAINE RULES FOR SITE EVALUATORS OF SUBSURFACE WASTEWATER DISPOSAL SYSTEMS

- **STATUTORY AUTHORITY:** 22 MRS §42
- **PURPOSE OF THE RULE:** To update established standards of professional conduct and practice related to the examination and licensing of Site Evaluators.
- **AFFECTED PARTIES:** Approximately 330 individuals are licensed to determine soil suitability and prepare designs for subsurface wastewater disposal systems handling less than 2,000 gallons per day of wastewater.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** None anticipated.

10-144

CHAPTER 249. RULES RELATING TO SMOKING IN PUBLIC PLACES

- **STATUTORY AUTHORITY:** 22 MRS §42
- **PURPOSE OF THE RULE:** These rules delineate the requirements for smoking in public places. Proposed changes include adding definition of “electronic smoking device and amending the definition of “smoking,” due to statutory changes, removing four definitions, amending Section 3 to clarify prohibitions and limitations to prohibitions on smoking, and clarifying Section 4 for posting.
- **AFFECTED PARTIES:** Public, employees, owners/operators of restaurants.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated
- **SCHEDULE FOR ADOPTION:** FY 2022-2023

10-144

CHAPTER 250. RULES RELATING TO SMOKING IN THE WORKPLACE

- **STATUTORY AUTHORITY:** 22 MRS §1580-A
- **PURPOSE OF THE RULE:** This rule defines where smoking in the workplace is allowed, addresses outdoor smoking areas and operation of childcare/day care related to smoking. Proposed changes would be to upgrade and clarify rules as related to non-smoking areas in restaurants, and to increase the fee to \$50 annually.
- **AFFECTED PARTIES:** Public, employees, owners/operators of restaurants.
- **CONSENSUS-BASED RULE DEVELOPMENT:** None anticipated

- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 251. RULES GOVERNING RABIES MANAGEMENT

- STATUTORY AUTHORITY: 22 MRS §1313(1)
- PURPOSE OF THE RULE: To ensure consistency between State procedures and national guidelines for the prevention and control of rabies in humans and among domestic animals.
- AFFECTED PARTIES: Human and animal health professionals, members of the public
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 252. RULES GOVERNING THE IMPLEMENTATION OF HYPODERMIC APPARATUS EXCHANGE PROGRAMS

- STATUTORY AUTHORITY: 22 MRS §1341(2)
- PURPOSE OF THE RULE: To establish requirements for hypodermic apparatus exchange programs and for program certification requirements.
- AFFECTED PARTIES: People who share needles, people who administer certified needle exchange programs
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 253. MAINE CHRONIC DISEASE SURVEILLANCE DATA QUALITY AND FOLLOW-UP STUDY RULES

- STATUTORY AUTHORITY: 22 MRS §1692-B
- PURPOSE OF THE RULE: This rule governs the operation of Maine chronic disease surveillance methods of data quality assurance and follow-up investigations. They establish the objectives, responsibilities and duties pertinent to the validation and operation of Maine chronic disease surveillance programs and set forth guidelines for the operation, conduct, and implementation of follow-up investigations.
- AFFECTED PARTIES: Hospitals, physicians, institutions, and/or State departments
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 254. OCCUPATIONAL DISEASE REPORTING RULES AND REGULATIONS

- STATUTORY AUTHORITY: 22 MRS §1491
- PURPOSE OF THE RULE: To set forth criteria for submission of patient information by hospitals, and medical personnel, and establish the objectives, responsibilities, and duties pertinent to the operation of Maine's Occupational Disease Reporting Program.
- AFFECTED PARTIES: Health care providers, health care facilities, medical laboratories.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 255. CANCER INCIDENCE REGISTRY REGULATIONS

- STATUTORY BASIS: 22 MRS §1402
- PURPOSE OF THE RULE: To protect public health by establishing standards for reporting on all persons diagnosed with cancer living in Maine and to tabulate and summarize patient data to determine the frequency and incidence rates. Changes would include updating the Maine Cancer Registry Rules and Regulations reflect current cancer surveillance standards and revised definitions. These include, but are not limited to, required reporting procedures.
- AFFECTED PARTIES: Reporting sources (hospital registrars and others) and Registry Staff of hospitals, hospices, health care providers and facilities, medical laboratories and other related facilities and associated administrative personnel.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 257. SCHEDULE OF CHARGES OF THE DIAGNOSTIC LABORATORY OF DHHS

- STATUTORY AUTHORITY: 22 MRS §565(3)
- PURPOSE OF THE RULE: To amend and revise charges as required by budgetary needs and by law.
- AFFECTED PARTIES: DHHS labs, programs and citizens served by DHHS labs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 258. CONTROL OF NOTIFIABLE DISEASES AND CONDITIONS RULE

- STATUTORY AUTHORITY: 22 MRS §802(3)
- PURPOSE: To establish requirements for: reporting and other surveillance methods for measuring the occurrence of communicable, occupational and environmental diseases and the potential for epidemics; designate and classify communicable, environmental and occupational diseases; investigate cases, epidemics and occurrences of communicable, environmental and occupational diseases; and establish procedures for the control, detection, prevention, and treatment of communicable, environmental and occupational diseases, including public immunization and contact notification programs.
- AFFECTED PARTIES: Physicians, physician's assistants, and nurse practitioners; medical laboratories; healthcare facilities; healthcare administrators; health officers; veterinarians and veterinary medical laboratories
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY None anticipated

10-144

CHAPTER 260. RABIES IMMUNIZATION REQUIREMENTS FOR DOG LICENSURE

- STATUTORY AUTHORITY: 7 MRS §3922(3)
- PURPOSE OF THE RULE: To explain the requirements for rabies vaccination of puppies and dogs, as required for licensure. This rule is consistent with 7 MRS§ 3922(3) and with current veterinary practice and vaccine specifications.
- AFFECTED PARTIES: Municipalities, dog owners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 261. IMMUNIZATION REQUIREMENTS FOR SCHOOL CHILDREN

- STATUTORY AUTHORITY: 20-A MRS §§6358(1), 6359(6)
- PURPOSE: To specify those diseases for which immunization is required and establish school record keeping and reporting requirements and procedures for the exclusion of nonimmunized children from school, and to establish medical exceptions to receiving vaccines or toxoids for each disease.
- AFFECTED PARTIES: School nurses, school age children and parents of school age children.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

**CHAPTER 262. RULES AND REGULATIONS POST-SECONDARY SCHOOL
IMMUNIZATIONS REQUIRED**

- STATUTORY AUTHORITY: 22 MRS §6359(6)
- PURPOSE: This rule outlines the immunization requirements of post-secondary school students. It prescribes the dosage for required immunizations and defines responsibilities, exclusion periods, record keeping and reporting requirements for school officials.
- AFFECTED PARTIES: Post-secondary facilities and school health providers and their students, parents
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

**CHAPTER 263. MAINE COMPREHENSIVE AND LIMITED ENVIRONMENTAL
LABORATORY ACCREDITATION RULE**

- STATUTORY AUTHORITY: 22 MRS §567(2)
- PURPOSE OF THE RULE: To establish quality assurance procedures for laboratory data received by the Department of Health and Human Services and the Department of Environmental Protection and establish procedures for the accreditation of labs by setting minimum criteria for lab operations, performance and administration.
- AFFECTED PARTIES: Drinking water labs performing analyses for samples collected in the State of Maine; Wastewater labs not exempted by 38 MRS §413, and other labs not permitted for exception by memo between DEP and DHHS.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 264. IMMUNIZATIONS REQUIREMENTS FOR HEALTH CARE WORKERS

- STATUTORY AUTHORITY: 22 MRS §802
- PURPOSE: To outlines the immunization requirements of employees of designated health care facilities, with prescribed dosages for required immunizations. This rule defines responsibilities, exclusion periods, record keeping and reporting requirements for officials of designated health care facilities.
- AFFECTED PARTIES: Hospitals and health care facilities and their employees who provide direct care to residents or patients of the facilities.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 265. MAINE DRUG TESTING LABORATORY RULES

- STATUTORY AUTHORITY: 26 MRS §687; 22 MRS §§ 42 and 565
- PURPOSE OF THE RULE: To establish the substances that employers in the State of Maine may test their employees for. The rule is intended to ensure that employees and applicants receive reliable and accurate testing, and that privacy rights are protected.
- AFFECTED PARTIES: Employers and programs requiring testing of employees and applicants for substances of use; workplace substance of use testing programs. Benefited parties—employees affected by such programs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 266. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING CHEMICAL ANALYSIS FOR DETECTION/IDENTIFICATION OF DRUGS

- STATUTORY AUTHORITY: 17-A MRS §1112(1) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule sets forth the technical qualifications necessary for an individual to be certified by the Department of Health and Human Services to detect and identify drugs. Included in the rule are criteria pertaining to necessary laboratory facilities and equipment, reference standards, record keeping, security and proficiency testing
- LISTING OF AFFECTED PARTIES: Chemists analyzing drugs; suspects in cases of alleged possession of drugs and/or Maine citizens, especially those involved either as suspects or victims in OUI situations.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 267. CERTIFICATION STANDARDS FOR PERSONS CONDUCTING CHEMICAL ANALYSES OF BLOOD AND BREATH FOR THE PURPOSES OF DETERMINING THE BLOOD ALCOHOL LEVEL

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes the qualifications necessary for an individual to be certified by the Department of Health and Human Services to analyze blood and breath samples for alcohol level. Included are criteria pertaining to proficiency testing, sample procedures, accuracy of analyses, reporting data and continuing certification.
- LISTING OF AFFECTED PARTIES: Law enforcement, general public
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 269. RULES GOVERNING SELF-CONTAINED BREATH ALCOHOL TESTING EQUIPMENT

- STATUTORY AUTHORITY: 29-A MRS §2524(6) and 22 MRS §42(1)
- PURPOSE OF THE RULE: This rule establishes procedures for self-contained breath alcohol testing equipment. All self-contained breath alcohol testing equipment must be approved by the U.S. Department of Transportation as stated in the Federal Register and the State of Maine, Department of Health and Human Services rule. Each instrument must be tested and approved by the Maine CDC Public Health Laboratory and retested and re-approved semi-annually.

Certain procedures are specified for calibration checks and use of self-contained breath alcohol testing equipment.

- LISTING OF AFFECTED PARTIES: Law enforcement
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 270. RULES FOR SAMPLE COLLECTION AND DRUG TESTING IN SUSPECTED O. U. I. CASES

- STATUTORY AUTHORITY: 29-A MRS §§1951, 2527
- PURPOSE OF THE RULE: This rule is set forth for law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs. The rule is intended to ensure that subjects are afforded accurate and reliable testing, and that results of such testing will be in compliance with legal requirements for forensic purposes.
- LISTING OF AFFECTED PARTIES: Law enforcement agencies and laboratories involved in testing of persons suspected of operating under the influence of intoxicating liquor or drugs.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 272. CHILDREN WITH SPECIAL HEALTH NEEDS PROGRAM

- STATUTORY AUTHORITY: 22 MRS §§42 (1) and 2001
- PURPOSE: To enhance the provision of and access to comprehensive health services for children with special health care needs.
- AFFECTED PARTIES: Licensed health care providers and families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 274. IMMUNIZATION INFORMATION SYSTEM (IIS) RULES

- STATUTORY AUTHORITY: 22 MRS §1064
- PURPOSE OF THE RULE: To explain the primary purpose of the immunization information system, which is to collect data related to vaccine administration and to promote effective and cost-efficient prevention of vaccine preventable diseases. The rule outlines confidentiality requirements and authorized user access.
- AFFECTED PARTIES: Immunization providers and other entities who have a contract or MOU with DHHS to participate in the vaccine distribution system, the immunization information system or to provide related support services.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

**CHAPTER 276. RULES GOVERNING INFLUENZA IMMUNIZING AGENT
DISTRIBUTION REPORT**

- STATUTORY AUTHORITY: 22 MRS § 1065
- PURPOSE: This rule governed the implementation of the Influenza Immunizing Agent Distribution Reports required by a law change in the 122nd Legislature (LD 2106), to monitor supply and demand for influenza immunizing agents
- AFFECTED PARTIES: Influenza Immunizing Agent Manufacturers and Distributors
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: To be repealed in FY 2022-2023

10-144

CHAPTER 279. RULES RELATING TO THE NEWBORN HEARING PROGRAM

- STATUTORY AUTHORITY: 22 MRS §1686
- PURPOSE: To define reporting requirements, program functions and responsibilities regarding newborn hearing screening, diagnosis and intervention.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEUDLE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 280. RULES RELATING TO THE MAINE BIRTH DEFECTS PROGRAM

- STATUTORY AUTHORITY: 22 MRS §8944
- PURPOSE OF THE RULE: To define reporting requirements, program functions and responsibilities regarding the Maine Birth Defects Program.
- AFFECTED PARTIES: Providers of health care licensed under Title 22 (Hospitals) and Title 32 (Health Professionals).
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: none
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 281. REGULATIONS FOR SPINAL SCREENING

- STATUTORY AUTHORITY: 20-A MRS §6452
- PURPOSE OF THE RULE: To establish requirements for screening children in school settings to assess for spinal abnormalities, including frequency of screening and qualifications of screening personnel.
- AFFECTED PARTIES: School personnel (including school nurses or qualified physical education teachers), students and their families.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal planned for FY 2022-2023 (statute was repealed)

10-144

**CHAPTER 283. RULES AND REGULATIONS RELATING TO TESTING NEWBORN
INFANTS FOR DETECTION OF CAUSES OF COGNITIVE DISABILITIES
AND SELECTED GENETIC CONDITIONS**

- STATUTORY AUTHORITY: 22 MRS §1533(2)(G)

- PURPOSE: To ensure that all infants born in Maine are screened for causes of developmental disabilities and selected genetic conditions.
- AFFECTED PARTIES: Hospitals, health care providers and citizens of Maine.
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 286. WIC PROGRAM RULES

- STATUTORY AUTHORITY: 22 MRS §§42 and 3107
- PURPOSE OF THE RULE: To describe the procedures and standards for WIC participants, local agencies and WIC-authorized vendors.
- AFFECTED PARTIES: WIC participants, local agencies and WIC authorized vendors.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 292. RULES RELATING TO THE LEAD POISONING CONTROL ACT

- STATUTORY AUTHORITY: 22 MRS §1323
- PURPOSE OF THE RULE: To describe the requirements for property owners with environmental lead hazards identified by Department environmental lead investigations; set the responsibilities of licensed lead inspectors and risk assessors when conducting environmental lead investigations; and describe the information, including abatement orders, assessed to owners as a result of these investigations. This rule establishes the requirements for substitute dwellings used to relocate families living in rental units at the time an environmental lead hazard is identified and explains requirements for blood lead screening by health care providers and health care programs, including the requirements for approving health care providers, WIC and Head Start facilities to use in office blood lead testing devices and to report those results electronically to the Department.
- AFFECTED PARTIES: Landlords, tenants, health care facilities, health care providers, medical laboratories, and health care programs.
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 293. LEAD POISONING PREVENTION FUND FEE RULES

- STATUTORY AUTHORITY: 22 MRS §1322-F
- PURPOSE OF THE RULE: To identify the manufacturers subject to the fee, provide methods of fee calculation, establish a low quantity exemption, describe reporting and payment requirements and establish population blood lead surveillance criteria for when the rules will expire.
- AFFECTED PARTIES: Paint manufacturers and customers of paint in the State of Maine
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 294. RULES GOVERNING QUALIFICATIONS OF LOCAL HEALTH OFFICERS

- STATUTORY AUTHORITY: 22 MRS §451(2)
- PURPOSE: To develop rules to institute qualifications for local health officers
- AFFECTED PARTIES: Municipalities, local health officers
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 295. DENTAL SERVICES DEVELOPMENT AND SUBSIDY PROGRAMS

- STATUTORY AUTHORITY: 22 MRS §2127(7)
- PURPOSE OF THE RULE: To define the terms and conditions for the participation in, and receipt of funding for the Dental Services Development and Subsidy Programs as authorized and funded by 22 MRS §2127, and to address as needed statutory changes in use of funding. This rule addresses the requirements and conditions to which applicants for funds provided must respond in order to receive the funds.
- AFFECTED PARTIES: Eligible non-profit dental clinics
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 296. "FILLINGS: THE CHOICES YOU HAVE - MERCURY AMALGAM AND OTHER FILLING MATERIALS"

- STATUTORY AUTHORITY: 32 MRS §1094-C (Repealed)
- PURPOSE OF THE RULE: To provide a required brochure to reflect current scientific and public health information.
- AFFECTED PARTIES: Providers of clinical dental services offering restorative services
- INFORMATION ON ANY PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: To be repealed in FY 2021-2022

10-144

CHAPTER 297. DENTAL CARE ACCESS CREDIT PROGRAM RULE

- STATUTORY AUTHORITY: 36 MRS 5219-DD(5)
- PURPOSE OF THE RULE: To establish the criteria for receiving the dental care access tax credit from the Maine CDC as well as describe the Maine CDC's procedure in selecting the eligible dentists receiving the tax credit.
- AFFECTED PARTIES: Dentists licensed in Maine on or after January 1, 2009.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 298. RULES GOVERNING THE CERTIFICATION PROGRAM FOR PRIMARY CARE TAX CREDIT

- STATUTORY AUTHORITY: 36 MRS §5219-LL(4)
- PURPOSE: To establish the criteria for receiving the primary care tax credit from the Maine CDC and describe the Department's process in selecting the eligible primary care providers for the tax credit.

- AFFECTED PARTIES: MRS, Eligible primary care professionals working in underserved areas of Maine who apply for the income tax credit
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 504. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT AND MAINE OSTEOPATHIC STUDENT LOAN PROGRAM (PRIMARY CARE)

- STATUTORY AUTHORITY: 20-A MRS §11804
- PURPOSE OF THE RULE: To describe the procedure that the Department will follow in determining areas that are underserved by primary care physicians.
- AFFECTED PARTIES: Primary care physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: Repeal planned FY 2021-2022

10-144

CHAPTER 506. RULES FOR IMPLEMENTING THE 1985 AMENDMENTS TO THE MAINE MEDICAL COMPACT ACT (DENTAL CARE)

- STATUTORY AUTHORITY: 20-A MRS §11804-A(3).
- PURPOSE OF THE RULE: To describes the procedure that the Commissioner of Health and Human Services will follow in determining areas as underserved by dental care practitioners.
- AFFECTED PARTIES: Dental care practitioners and dental facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 508. SELECTION PROCESS FOR IDENTIFYING SITES FOR STATE LOAN REPAYMENT PROGRAM (SLRP)

- STATUTORY AUTHORITY: 20-A MRS §12107
- PURPOSE OF THE RULE: To describe loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021-2022

10-144

CHAPTER 509. RULES FOR DESIGNATING AREAS, POPULATIONS OR HOSPITALS AS UNDERSERVED BY SPECIALTY PHYSICIANS

- STATUTORY AUTHORITY: 20-A MRS §§11810 and 12006
- PURPOSE OF THE RULE: Loan forgiveness through FAME for medical students pursuing qualifying medical specialties in medically underserved regions in Maine.
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021-2022

10-144

CHAPTER 510. REGULATIONS GOVERNING THE RURAL MEDICAL ACCESS PROGRAM

- STATUTORY AUTHORITY: 24-A MRS §6311
- PURPOSE OF THE RULE: Disbursement of financial incentives to promote the availability of physicians to deliver babies in underserved areas of the State
- AFFECTED PARTIES: Physicians and health care facilities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 512. COMMUNITY SCHOLARSHIP PROGRAM

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: To increase availability of primary health care practitioners in designated health, professional shortage areas through cooperative community, state and federal funding,
- AFFECTED PARTIES: Medical health care providers, consumers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 700. MATERNAL, FETAL AND INFANT MORTALITY REVIEW PANEL

- STATUTORY AUTHORITY: 22 MRS §261; PL2019, Ch. 671
- PURPOSE: To identify the factors associated with maternal and infant deaths and make recommendations for system changes to improve services for women and infants in the State. Amendments required to reflect changes to statute in 2017.
- SCHEDULE FOR ADOPTION: None planned
- AFFECTED PARTIES: Hospitals, healthcare providers, Women and infants
- EMERGENCY RULES ADOPTED SINCE LAST AGENDA: None
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 707. RULES RELATING TO THE NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM (NBCCEDP) IN MAINE

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: Add the group of women, age 40-49, who are not high risk or symptomatic, as fourth priority and move women, age 35-59, who are symptomatic, as fifth priority under Priority for Program Expenditures (Section 6.0). If Komen grant is not reissued, will need to change Sections 2.1.1.1 and 6.0 eliminating the 35-39-yearold age group.
- AFFECTED PARTIES: Maine Equal Justice, women in the 35-39-yearold age group, physicians and other health practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2021-2022

10-144

CHAPTER 708. RULES RELATING TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT (BCCPTA) IN MAINE

- STATUTORY AUTHORITY: 22 MRS §42
- PURPOSE OF THE RULE: These rules are created to implement the requirements of the Breast and Cervical Cancer Prevention and Treatment Act, which expand MaineCare full benefits to certain eligible women who are diagnosed with breast or cervical cancer or a pre-cancerous condition. These rules are necessary to process enrollment applications received by the MBCHP and to establish protocol in determining eligibility to the treatment act program.
- AFFECTED PARTIES: Participants in the Program and physicians and other health care providers.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 709. CRITICAL CONGENITAL HEART DISEASE SCREENING

- STATUTORY BASIS: 22 MRS §1532; 22 MRS §42
- PURPOSE : To define screening and reporting requirements, program functions and responsibilities regarding screening for critical congenital heart disease.
- AFFECTED PARTIES: Hospitals, healthcare providers, and parents of newborns.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

CHAPTER 720. RULES GOVERNING THE IMPLEMENTATION OF EXPEDITED PARTNER THERAPY

- STATUTORY AUTHORITY: 22 MRS §1242(5)
- PURPOSE: To implement Expedited Partner Therapy (EPT), which facilitates the treatment and prevention of sexually transmitted infections by prescribing, dispensing, furnishing, or otherwise providing prescription antibiotic drugs to the sexual partner(s) of persons clinically diagnosed with sexually transmitted infections without physical examination of the partner(s).
- AFFECTED PARTIES: Individuals, organizations providing screening and treatment of individuals with sexually transmitted infections.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

Chapter 1. TRANSPORTATION AND FINAL DISPOSITION OF DEAD BODIES

- STATUTORY AUTHORITY: 22 MRS §§2843 and 2846
- PURPOSE: To set the responsibilities of municipal clerks, funeral directors and authorized persons for transportation and final disposition of dead bodies in Maine.
- LISTING OF AFFECTED PARTIES: General public, municipal clerks, funeral directors, crematories and cemetarians
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 2. AMENDMENT OF VITAL RECORDS

- STATUTORY AUTHORITY: 22 MRS §§2705, 2761, 2765 -67, 2768(5), 2769(5)
- PURPOSE: To govern the responsibilities for correcting or completing data on vital records.
- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 3. EVIDENCE OF LEGITIMATION

- STATUTORY AUTHORITY: 22 MRS Ch. 703; 22 MRS §42
- PURPOSE: To govern the requirements for new birth certificate after legitimation.
- LISTING OF AFFECTED PARTIES: Municipal clerks, DHHS, and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 4. PUBLIC ACCESS TO VITAL RECORDS

- STATUTORY AUTHORITY: 22 MRS Ch. 701; 22 MRS §42
- PURPOSE: To explain the responsibilities of public access to Vital Records.
- LISTING OF AFFECTED PARTIES: General public
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULED FOR ADOPTION: None anticipated

10-146

Chapter 5. MEDICAL CERTIFICATION OF CAUSE OF DEATH

- STATUTORY AUTHORITY: 22 MRS §§42, 2842-A, 2847
- PURPOSE: This rule clarifies procedures for completing medical certification and registration of death records and fetal death records.
- LISTING OF AFFECTED PARTIES: Physicians, general public, municipal clerks and medical certifiers
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 6: MARRIAGE LICENSE AND REGISTRATION

- STATUTORY AUTHORITY: 19-A MRS Chapter 23 and 22 MRS §42
- PURPOSE: To describe the responsibilities for the Department's issuance of a marriage license and procedures for applying for marriage intentions, issuing a marriage license, filing cautions, who may officiate, as well as the methods marriages may be solemnized.
- LISTING OF AFFECTED PARTIES: Municipal clerks and the general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 7. VITAL RECORDS FEES

- STATUTORY AUTHORITY: 22-A MRS §210
- PURPOSE: To set the cost applied to search, issue, or apply processes to vital records.
- LISTING OF AFFECTED PARTIES: DHHS and the general public.

- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

Chapter 9. DELAYED BIRTH REGISTRATION

- STATUTORY AUTHORITY: 22 MRS §§42 and 2764
- PURPOSE: Regulations governing responsibilities for filing a delayed record of birth.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

Chapter 10: BIRTH REGISTRATION

- STATUTORY AUTHORITY: 22 MRS §§2706(8), 2761, 2761-B(6) - §2763
- PURPOSE: To govern the registration of live births in Maine.
- LISTING OF AFFECTED PARTIES: Hospitals, physicians, municipal clerks
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

CHAPTER 11. VITAL STATISTICS ADMINISTRATION

- STATUTORY AUTHORITY: 22 MRS Ch. 701, 22 MRS §42
- PURPOSE: To describe the responsibilities for registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required; and activities including the tabulation, analysis, publication, and dissemination of vital statistics.
- LISTING OF AFFECTED PARTIES: DHHS, municipal clerks, and general public.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-146

CHAPTER 12. ADULT ADOPTEES ACCESS TO ORIGINAL BIRTH RECORD

- STATUTORY AUTHORITY: 22 MRS §2768(5)
- PURPOSE: To establish data elements required in the contact preference form, medical history form and application form and to establish procedures for the Department issuing copies of original sealed birth records to adult adoptees.
- LISTING OF AFFECTED PARTIES: Adult adoptees.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

CHAPTER 13. STATE SHARE OF VITAL RECORDS FEE

- STATUTORY AUTHORITY: 22 MRS §263
- PURPOSE: To allocate funds from increased municipal fees as revenue for program operating expenses for the Maine CDC Office of Data, Research and Vital Statistics
- LISTING OF AFFECTED PARTIES: Maine Municipalities
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-146

Chapter 15. DEATH WITH DIGNITY REPORTING RULE

- STATUTORY AUTHORITY: 22 MRS §2140 (17)
- PURPOSE: This new rule will describe what medical providers must report to the Department's Maine CDC, as well as what the Department will maintain for records, when a qualified patient with a terminal disease requests a lethal dose of medication to end their life.
- AFFECTED PARTIES: Providers who prescribe lethal doses of medication; consulting physicians, qualified patients.
- SCHEDULE FOR ADOPTION: None anticipated

Chapter 16. GENDER MARKER ON BIRTH RECORD RULE

- STATUTORY AUTHORITY: 22 MRS §2761
- PURPOSE: This new rule will provide administrative processes to designate X on birth records and issue a new record after changes are requested to the assigned gender marker and to change the first and middle name concurrent with gender marker change, through the Maine CDC Office of Data, Research and Vital Statistics.
- LISTING OF AFFECTED PARTIES: Maine citizens interested in receiving a new birth record that reflects their gender identity
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-148

CHAPTER 100 AIDS DRUG REIMBURSEMENT PROGRAM

- STATUTORY AUTHORITY: 5 MRS §19205
- PURPOSE: To govern the operation of the Maine AIDS Drug Assistance Program
- AFFECTED PARTIES: People living with HIV, Physicians, Physician's Assistants, Nurse Practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2022-2023

90-429 BOARD OF LICENSURE OF WATER TREATMENT PLANT OPERATORS

CHAPTER 1: RULES RELATING TO LICENSURE OF WATER TREATMENT AND DISTRIBUTION OPERATORS OF PUBLIC WATER SYSTEMS

- STATUTORY AUTHORITY: 22 MRS §2628
- PURPOSE OF THE RULE: To administer licensing requirements for water treatment operators, establish classifications, set license fees and outline complaint procedures.
- AFFECTED PARTIES: All community and non-transient public water systems, which are required by federal law to designate licensed operators; any transient public water systems specifically required by the Drinking Water Program to obtain a licensed water operator; and all water treatment operators doing business in the State of Maine.
- CONSENSUS-BASED RULE DEVELOPMENT: None planned.
- SCHEDULE FOR ADOPTION: FY 2022-2023

95-659

CHAPTER 248. LIST OF VACCINES TO BE PROVIDED BY THE UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM.

- STATUTORY BASIS: 22 MRS §1066(11)
- PURPOSE OF THE RULE: To allow the Board, after it conducts a public hearing, to consider which vaccines should be covered by the Program, to vote to either maintain the current list of vaccines or amend the list. The governing statute, 22 MRS §1066, requires the Board to review the vaccines covered by the Program on an annual basis.
- AFFECTED PARTIES: Physicians and other healthcare practitioners
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: None anticipated

NEW RULES ANTICIPATED-MAINE CDC

10-144

CHAPTER XXX. HIV/AIDS ASSISTANCE

- STATUTORY AUTHORITY: 5 MRS §19205, 22 MRS §42
- PURPOSE: This new rule will set forth the eligibility requirements and govern the operation of HIV/AIDS Assistance granted through the HIV Care Program.
- AFFECTED PARTIES: People living with HIV/AIDS
- CONSENSUS-BASED RULE DEVELOPMENT: None planned
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144

Chapter XXX. UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS RULE

- STATUTORY AUTHORITY: PL2017 C 396
- PURPOSE OF THE RULE: To implement statute that establishes a registry of volunteer health practitioners who may provide health services subject to an emergency proclamation.
- AFFECTED PARTIES: Health care practitioners, Maine Emergency Management Agency
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144

CHAPTER 730 CANCER-INCIDENCE REGISTRY REPORTING RULE

- STATUTORY AUTHORITY: 22 MRS § 8715-A
- PURPOSE: To establish requirements related to reporting data from the cancer-incidence registry established pursuant to 22 MRS § 1404 and data related to the registration of vital statistics, pursuant to 22 MRS § 2701
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: None anticipated

10-144 CMR CHAPTER XXX AMYOTROPHIC LATERAL SCLEROSIS INCIDENCE REGISTRY RULE

- STATUTORY AUTHORITY: 22 MRS § 1415
- PURPOSE: This new rule would require healthcare providers to report cases of ALS to the Maine CDC Data Records and Vital Statistics within 6 months of diagnosis. This rule will govern the Maine CDC's operation of the ALS registry, reporting requirements to the registry, and data release protocols.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144 CMR CHAPTER XXX - AGING AND DISABILITY MORTALITY REVIEW

- STATUTORY AUTHORITY: 22 MRSA §264
- PURPOSE: To implement Maine’s Aging and Disability Mortality Review Panel and establish rules for collecting information and data, selecting and setting any limits on the number of terms for the members of the panel, managing and avoiding conflicts of interest of members, collecting and using individually identifiable health information and conducting reviews.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

10-144 CMR CHAPTER XXX – PARENTAGE ACT RULE

- STATUTORY AUTHORITY: 19-A MRS, CHAPTER 61
- PURPOSE: To adjudicate the parentage of a child.
- CONSENSUS-BASED RULE DEVELOPMENT: None anticipated
- SCHEDULE FOR ADOPTION: FY 2022-2023

AGENCY UMBRELLA-UNIT NUMBER: 10-144, 10-148, and 14-472

AGENCY NAME: Office of Child and Family Services, Division of Child Welfare

CONTACT PERSON: Brianna Gutierrez, Communication and Compliance Manager, Office of Child and Family Services, #11 State House Station, 2 Anthony Avenue, Augusta, ME 04333-0011. Telephone: (207) 626-8670. E-mail: brianna.gutierrez@maine.gov

EXPECTED 2022-2023 RULE-MAKING ACTIVITY: List of all rules agency expects to propose between now and October, 2023.

10-144

CHAPTER 2: Community Services Block Grant Program

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1477
- PURPOSE: These rules provide consistent statewide guidelines for the use of federal funds appropriated under the Community Services Block Grant Act of 1981, including funding and program requirements. These rules ensure consistency with the Community Opportunities, Accountability, and Training and Educational Services Human Services Reauthorization Act of 1998 (P.L. 105-285).
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023
- AFFECTED PARTIES: Community Action Agencies that receive and distribute CSBG funding and individuals who receive support via these agencies.

10-148

CHAPTER 6: Child Care Subsidy Policy Manual

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1052-A
- PURPOSE: These rules establish, define, and clarify the primary responsibilities and processes for the planning and administration of child care subsidies funded with the Child Care Development Fund. The Child Care and Development Fund (“CCDF”) Block Grant Act of 1990, as amended, 42 USC § 9858b (b)(1)(A), (the “Act”) requires the Lead Agency to “administer, directly, or through other governmental or non-governmental agencies” the funds received. The regulations at 45 CFR 98.11 provide that, in addition to retaining “overall

responsibilities” for the administration of the program, the Lead Agency must also (among other things) promulgate all rules and regulations governing the overall administration of the CCDF Program.

- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023
- **AFFECTED PARTIES:** Parents in need of child care services and assistance with obtaining and payment of those services; individuals who provide child care services; and children who receive child care services.

10-148

- **CHAPTER 7:** Rules for Authorization of Background Checks for Prospective Adoptive Parents

STATUTORY AUTHORITY: Title 18-C, Article 9

- **PURPOSE:** These rules provide for and describe the procedures for completion of background checks for prospective adoptive parents. These rules are designed to protect the health, safety, and wellbeing of children adopted in the State of Maine.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023
- **AFFECTED PARTIES:** Child placing agencies, prospective adoptive parents, and children who are eligible for adoption in the State of Maine.

10-148

CHAPTER 8: Rules for the Licensure of Shelters for Homeless Children

- **STATUTORY AUTHORITY:** 22 MRS Chapters 1661, 1663, and 1669.
- **PURPOSE OF THE RULE:** This rule governs the licensing of shelters for homeless children in Maine to protect the health, safety, and welfare.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **AFFECTED PARTIES:** Homeless children’s shelter providers, parents/guardians, and recipients of services

10-148

CHAPTER 9: Rules for the Licensure of Emergency Shelters for Children

- **STATUTORY AUTHORITY:** 22 MRS Chapters 1661, 1663, and 1669.
- **PURPOSE OF THE RULE:** This rule governs the licensing of shelters for homeless children in Maine to protect the health, safety, and welfare.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **AFFECTED PARTIES:** Homeless children’s shelter providers, parents/guardians, and recipients of services.

10-148

CHAPTER 12: Rules for Permanency Guardianship

- **STATUTORY AUTHORITY:** Title 22, Chapter 1071
- **PURPOSE:** These rules set forth eligibility requirements and guidelines for permanency guardianship assistance to eligible families, including the terms of the agreement between the family and the state.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023
- **AFFECTED PARTIES:** Children in the State’s custody and caregivers who are or will become engaged in a permanency guardianship of a child in the State’s custody.

10-148

CHAPTER 13: Rules for the Adoption Assistance Program

- **STATUTORY AUTHORITY:** Title 18-C, Article 9
- **PURPOSE:** These rules establish the eligibility requirements for adoption assistance available to adoptive families and outline the terms of the agreement between the adoptive family and the State.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023
- **AFFECTED PARTIES:** Children in the State’s custody and caregivers who have or will adopt a child from the State’s custody.

10-148

CHAPTER 14: Rules for Levels of Care for Foster Homes

- **STATUTORY AUTHORITY:** Title 22 MRS §4062.
- **PURPOSE:** These rules describe the procedures, requirements, and rates for the Office of Child and Family Services’ levels of care system. This system provides for placement of children in state custody in the appropriate setting based on their medical and behavioral health needs, as well as ensuring appropriate reimbursement to resource parents for the cost of caring for children based on their needs.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Proposed rule will be presented for input to a variety of groups that are involved in rate setting.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **AFFECTED PARTIES:** Children in care, individuals who care for children in foster care, treatment foster care agencies, children in foster care.

10-148

CHAPTERS 15 and 16: Rules for the Licensing of Family Foster Homes* for Children and Rules Providing for the Licensing of Specialized Children’s Foster Homes* (*Planned name change to Resource Homes)

- **STATUTORY AUTHORITY:** Title 22 MRS §8102.
- **PURPOSE:** These rules describe the procedures and requirements for licensing of resource families providing for care of children in state custody.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Rule changes are presented to a variety of groups that are involved in caring for children in state custody and supporting resource parents who provide care for children in state custody. The Kinship Advisory Board will be a part of providing feedback.

- SCHEDULE FOR ADOPTION: FY 2023.
- AFFECTED PARTIES: Children in care, individuals who care for children in foster care, treatment foster care agencies, and kinship families.

10-148

CHAPTER 17: Rules for Licensing of Family Foster Homes Providing Respite Care for Children

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1669
- PURPOSE: These rules describe the procedures and standards for licensing of family foster homes that provide only respite care for children in the State's custody.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023
- AFFECTED PARTIES: Children in the State's custody and caregivers who have provide respite care for children in the State's custody.

10-148

CHAPTER 19: Rules Providing for Licensing of Child Placing Agencies With and Without Adoption Programs, including Addendum, Home Certification Process

- STATUTORY AUTHORITY: Title 22 MRS, Chapter 1671
- PURPOSE: These rules provide the requirements for the Department's licensing of child placing agencies, including the criteria for denying, revoking, or suspending such a license. These rules govern operation of child placing agencies including the organization and administration, personnel, and standards utilized by the agency, as well as ensuring confidentiality of records.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- AFFECTED PARTIES: Child placing agencies and the members of the public who interact with these agencies.

10-148

CHAPTER 21: Rules for the Provision of Room and Board Payments for Residential Programs Serving Children

- STATUTORY AUTHORITY: Title 22 MRS §4062.
- PURPOSE: These rules provide for reimbursement for room and board for residential programs serving children at a standard rate within the available funds, to ensure that the payments are reasonable and consistently applied to like programs while meeting the needs of the children in the facility.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- AFFECTED PARTIES: Agencies and businesses that provide residential care for children, children receiving residential services, parents of children receiving residential services.

10-148

CHAPTER 24: Rules on the Disclosure of HIV Status Information on a Child in the Custody of the Department of Human Services

- STATUTORY AUTHORITY: 22 MRS Chapter 1071.

- **PURPOSE OF THE RULE:** This rule governs the disclosure of HIV test results for a child in the legal custody of the Department of Health and Human Services.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **AFFECTED PARTIES:** Children, parents/guardians, resource parents, and other caregivers.

10-148

CHAPTER 35: Children’s Residential Care Facilities Licensing Rule

- **STATUTORY AUTHORITY:** 22 MRS Chapter 1661, 1663, 1669.
- **PURPOSE OF THE RULE:** This rule governs the licensing of children’s residential care facilities in Maine to protect the health, safety, and welfare of residents.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **AFFECTED PARTIES:** Children’s residential care providers, parents/guardians, recipients of services.

10-148

CHAPTER 201: Procedures for the Abuse or Neglect Substantiation Process, for Appeals for Persons Substantiated as Perpetrators of Abuse or Neglect of Children, and Appeals for Denial of Access to Confidential Records

- **STATUTORY AUTHORITY:** Title 22 MRS §4004.
- **PURPOSE:** These rules outline procedures to govern the substantiation/indicated process, and to notify and provide an appeal to persons who have been substantiated or indicated by the Department of Health and Human Services as having abused or neglected a child or children. In addition, this rule provides an appeal process for individuals denied access to their confidential child protective records.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **LISTING OF AFFECTED PARTIES:** Individuals found to be substantiated or indicated for abuse of children, families and children affected by abuse. Individuals seeking access to their confidential child protective records.

10-148

CHAPTER 577: Alumni Transition Grant Program Rules

- **STATUTORY AUTHORITY:** Title 22 MRS §4010-C.
- **PURPOSE:** These rules govern the implementation and operation of the transition grant program which provides support to individuals who exited the Department’s custody and who are enrolled in a postsecondary educational program.
- **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
- **SCHEDULE FOR ADOPTION:** FY 2023.
- **LISTING OF AFFECTED PARTIES:** Individuals who were previously in the Department’s custody and who exited the voluntary extended care program due to their age.

10-148
NEW RULES ANTICIPATED

10-148

Chapter XXX: Rules for the Quality Rating and Improvement System

- STATUTORY AUTHORITY: Title 22 MRS §3737
- PURPOSE: These rules govern the implementation and operation of the quality rating system for child care providers.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- LISTING OF AFFECTED PARTIES: Child care providers and their staff and parents, guardians, and children who are served by child care providers.

10-148

Chapter XXX: Rules for Child Care Provider Salary Supplement Payments

- STATUTORY AUTHORITY: Title 22 MRS §3737-A
- PURPOSE: These rules govern the implementation and operation of the State's salary supplement program for staff in child care programs.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- LISTING OF AFFECTED PARTIES: Child care providers and their staff and parents, guardians, and children who are served by child care providers.

14-472

CHAPTER 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment

- STATUTORY AUTHORITY: Title 34-B MRS §§3003 and 15002.
- PURPOSE: To provide for the rights of children receiving mental health services.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- LISTING OF AFFECTED PARTIES: Providers of mental health services to children, children, family members of children.

14-472

CHAPTER 4: Regulations to Establish a Sliding Fee Methodology for State Grant Funded Children's Services

- STATUTORY AUTHORITY: 34-B MRS §1208
- PURPOSE: To set forth requirements for contracts with providers which require those providers to charge fees for certain grant funded services, primarily OCFS' respite program.
- PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT: Stakeholders will be consulted.
- SCHEDULE FOR ADOPTION: FY 2023.
- LISTING OF AFFECTED PARTIES: Providers of state grant funded children's services and the parents and children who utilize these services.

14-472
NEW RULES ANTICIPATED

14-472

CHAPTER XXX: Rules Governing Behavior Plan Development and Implementation

- **STATUTORY AUTHORITY:** 34-B MRS, Chapter 5
 - **PURPOSE:** To set forth requirements for behavioral health providers who serve children in the development and implementation of behavior plans. These rules will ensure the protection of the child's rights and wellbeing during the course of their treatment and provide a standardized system for review and approval of behavior plans when needed.
 - **PLANNED USE OF CONSENSUS-BASED RULE DEVELOPMENT:** Stakeholders will be consulted.
 - **SCHEDULE FOR ADOPTION:** FY 2023.
 - **LISTING OF AFFECTED PARTIES:** Providers of behavioral health services to children, children who receive behavioral health services, and the parents/caregivers of those children.
-

AGENCY UMBRELLA-UNIT NUMBER: 14-118

AGENCY NAME: **Office of Behavioral Health Services** (formerly Office of Substance Abuse and Mental Health Services)

CONTACT PERSON: Amy Heino, Senior Policy Advisor. #11 State House Station, 41 Anthony Avenue, Augusta, Maine, 04333-0011 Telephone (207) 287-2595. Email: Amy.M.Heino@maine.gov

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

14-193, Chapter 1, Bureau of Substance Abuse and Mental Health Services, Rights of Recipients of Mental Health Services

- **STATUTORY BASIS:** 34-B M.R.S.A. § 3003
- **PURPOSE (of the rule):** These rules govern the rights of recipients of Mental Health Services. The rules set the framework for interaction with the department, and the process by which consumers receive services. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary. The pending private right of action statute will have accompanying rules.
- **SCHEDULE FOR ADOPTION:** It is expected that the rules will be promulgated by July 1, 2025, per Resolve Ch. 132. The rules are currently undergoing a complete review for accuracy, clarity, and efficacy.
- **LISTING OF AFFECTED PARTIES:** Other state agencies, providers, and adults who receive mental health services.

14-118, Chapter 2-Driver Education and Evaluation Program Procedure Manual

- **STATUTORY BASIS:** 5 M.R.S.A. § 20005 and 5 M.R.S.A. Part 25, c. 521 Sub-ch 5
- **PURPOSE (of the rule):** These rules govern the Driver Education and Evaluation Program (DEEP) Procedures. They set forth the framework of how the system should function as well as the requirements for both consumers and providers. An internal review of the program has been occurring which will result in changes to the regulatory framework that governs DEEP.
- **SCHEDULE FOR ADOPTION:** It is expected that the rules will be implemented over the course of the next year. The rules are currently undergoing a complete review for accuracy, clarity, and efficacy.

- **AFFECTED PARTIES:** Community Based Service Providers and OUI Offenders.

14-118, Chapter __-Rules Governing the Bridging Rental Assistance Program

- **STATUTORY BASIS:** 34-B M.R.S.A. § 3011
- **PURPOSE (of the rule):** These rules will govern the Bridging Rental Assistance Program (BRAP). They will set the framework of how the transitional housing voucher program should function as well as the requirements for consumers.
- **SCHEDULE FOR ADOPTION:** It is expected that the rules will be implemented over the course of the next year, as these rules are currently in development.
- **LISTING OF AFFECTED PARTIES:** Providers and individuals with mental illness.

14-118, Chapter __-Rules Governing the Certification of Recovery Residences

- **STATUTORY BASIS:** 5 M.R.S.A. § 20005 (P.L. 2019 ch. 524)
- **PURPOSE (of the rule):** These rules will establish criteria for the certification of recovery residences. The criteria will be based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder and certification will be voluntary.
- **SCHEDULE FOR ADOPTION:** It is expected that the rules will be implemented over the course of the next year, as these rules are currently in development.
- **LISTING OF AFFECTED PARTIES:** Other state agencies, providers, and individuals who receive substance use disorder services.

AGENCY UMBRELLA-UNIT NUMBER: 10-149 and 14-197

AGENCY NAME: **Office of Aging and Disability Services**, formerly two separate offices: the Office of Elder Services; and the Office of Adults with Cognitive and Physical Disability Services

CONTACT PERSON: Hilary Gove, Policy Writer; Office of Aging and Disability Services; 11 State House Station, Augusta, ME 04333-0011; 207-446-8305; hilary.gove@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

10-149, Chapter 1, Adult Protective Services System

- **STATUTORY BASIS:** 22 M.R.S. § 3470 *et seq.*; 34-B M.R.S. § 5604-A.
- **PURPOSE (of the rule):** These rules govern the operation of the Adult Protective Services unit. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- **SCHEDULE FOR ADOPTION:** Summer 2023
- **LISTING OF AFFECTED PARTIES:** Other State Agencies, Providers, Older Adults, and Incapacitated and Dependent Adults.

10-149, Chapter 5, Sections 1-76, Office of Elder Services [Office of Aging and Disability Services] Policy Manual

- STATUTORY BASIS: 22-A M.R.S. § 205; 22 M.R.S. §§ 342, 3493, 5106, 6108, 6203, 7303, 7312, 7853, 8602, and 9002; and 24 M.R.S. § 6214
- PURPOSE (of the rule): These rules govern the operation of programs administered by the Office of Aging and Disability Services, including the State Unit on Aging programs (under the *Older Americans Act*), the long term supports and services system of care, as well as the Adult Protective Services unit. These rules will be proposed and amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

10-149, Chapter 6, Section 5, Nutrition Services Program, Office of Elder Services [Office of Aging and Disability Services] Policy Manual

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 342, 5106(10), 6108, 7303(2)
- PURPOSE (of the rule): This rule governs the operation of Maine's Nutrition Services Program pursuant to the *Older Americans Act*. This rule assists older adults in remaining healthy and active in their communities and avoids premature or inappropriate institutionalization by providing nutrition services to certain groups of older adults. This rule will be proposed to comply with state and federal law, to update policy, and to implement changed services and regulations.
- SCHEDULE FOR ADOPTION: Spring 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

10-149, Chapter 6, Section 6, Long-Term Care Ombudsman Program, Office of Elder Services [Office of Aging and Disability Services] Policy Manual

- STATUTORY BASIS: 22 M.R.S. §§ 5106(10), (11-C), 5107-A
- PURPOSE (of the rule): This rule governs the operation of Maine's Long-Term Care Ombudsman Program pursuant to the *Older Americans Act*. Maine's Long-Term Care Ombudsman Program investigates complaints received on behalf of individuals receiving long term services and supports. This rule will be proposed to comply with state and federal law and to implement services and regulations.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

10-149, Chapter 6, Section 7, Legal Services for Older Adults, Office of Elder Services [Office of Aging and Disability Services] Policy Manual

- STATUTORY BASIS: 22 M.R.S. §§ 42(1), 5106(10), (11-A)
- PURPOSE (of the rule): These rules govern the operation of legal services for older adults pursuant to the *Older Americans Act*. These rules are intended to provide important assistance for older adults in accessing long term services and supports options, as well as to protect older adults against direct challenges to their independence, choice, and financial security. These rules will be proposed to comply with state and federal changes, to update policy, and to implement changed services and regulations.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, Older Adults and Adults with Disabilities

14-197, Chapter 1, Rights and Basic Protections for Persons with an Intellectual Disability, Autism Spectrum Disorder or Acquired Brain Injury

- STATUTORY BASIS: 22 M.R.S. § 206(4); 34-B M.R.S. § 5604(3)
- PURPOSE (of the rule): This new rule sets forth the rights and basic protections of persons with an intellectual disability, autism spectrum disorder or acquired brain injury. The rule also describes the procedures for notifying persons receiving services of their rights and basic protections, and states the remedies available for alleged violations of rights and basic protections.
- SCHEDULE FOR ADOPTION: End of 2022
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities, Autism Spectrum Disorder or Acquired Brain Injuries

14-197, Chapter 3, Definition of Mental Retardation and Autism; Appeal Procedure

- STATUTORY BASIS: 22-A M.R.S. § 205; 34-B M.R.S. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules set out definitions, policies and appeal procedures for persons with intellectual disabilities or autism spectrum disorder. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Fall 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 4, Joint Regulations Between Division of Special Education and Bureau of Mental Retardation

- STATUTORY BASIS: 22-A M.R.S. § 205; 34-B M.R.S. §§ 5432, 5465, and 6003
- PURPOSE (of the rule): These rules are intended to coordinate the delivery of services for individuals with intellectual disabilities or autism spectrum disorder transitioning from receiving services in a school setting into the adult service system (although the rule is no longer relied upon by DHHS offices).
- SCHEDULE FOR ADOPTION: This rule will be repealed, and the Department will consider replacement. It is not possible to establish a timeline.

- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 5, Regulations Governing Behavioral Support, Modification and Management for People with Intellectual Disabilities or Autism in Maine

- STATUTORY BASIS: 34-B M.R.S. § 5201(9), and § 5601 *et seq.*
- PURPOSE (of the rule): These regulations are designed to implement Maine law regarding the rights of persons with intellectual disabilities and autism spectrum disorder particularly when an individual is engaging in a challenging behavior. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Summer 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 7, Pilot Program for Transitional Services

- STATUTORY BASIS: 34-B M.R.S. § 5609
- PURPOSE (of the rule): The intent of the rule was to carry out a Pilot Program for Transitional Services, offering a method of funding for innovative services which are otherwise unavailable or not reimbursable under existing funding systems. This rule is no longer in effect.
- SCHEDULE FOR ADOPTION: This rule will be repealed, although it is not possible to establish a timeline.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 8, Rule Describing Grievance and Appeals Procedures for Persons with Intellectual Disabilities and Autism

- STATUTORY BASIS: 22-A M.R.S. § 205; and 34-B M.R.S. §§ 5201, 5465, and 5604
- PURPOSE (of the rule): This rule sets forth the grievance and appeal process for persons with intellectual disabilities or autism spectrum disorder receiving services from the Department. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: End of 2022
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 10, Certification Requirements for Agencies Seeking to Provide Community Based Targeted Case Management for Adults with Intellectual Disabilities and Autism

- STATUTORY BASIS: 22-A M.R.S. § 205; and 34-B M.R.S. §§ 5201, 5432 and 5465
- PURPOSE (of the rule): These rules set out the requirements for certification for agencies seeking to provide community based targeted case management for adults with intellectual disorders or autism spectrum disorder.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 11, Consumer Directed Personal Assistance Services

- STATUTORY BASIS: 22-A M.R.S. § 205; and 34-B M.R.S. §§ 5201, 5432, and 5465
- PURPOSE (of the rule): These rules govern the Consumer-Directed Personal Assistance Services program that provides services, subject to the availability of funds, for adults with severe disabilities. This program allows them to remain in their homes and communities and out of institutional settings. This rule will be repealed.
- SCHEDULE FOR ADOPTION: Summer 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 12, Reportable Events System

- STATUTORY BASIS: 34-B M.R.S. § 5604-A
- PURPOSE (of the rule): This rule sets out the Department's policy on reportable events and the investigation of allegations of abuse, neglect and exploitation of adults with intellectual disorders and autism spectrum disorder and the process for individuals appealing a substantiation of abuse, neglect and exploitation. These rules will be amended to comply with state and federal changes, to update policy, and to implement changed services and regulations, as necessary.
- SCHEDULE FOR ADOPTION: Summer 2023
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Intellectual Disabilities or Autism Spectrum Disorder

14-197, Chapter 14, Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors

- STATUTORY BASIS: 22 M.R.S. § 3088-A.
- PURPOSE (of the rule): The purpose of the rule is to comply with P.L. 2019, ch. 488, *An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors*. Within the limits of its available resources, the department may enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury, including, but not limited to, individuals who experienced an opioid drug overdose resulting in anoxic or hypoxic brain injury, who are veterans, who are victims of domestic violence, who are experiencing homelessness, who are ineligible for MaineCare and who have a newly acquired brain injury. For the purposes of this section, "core brain injury support" includes, but is not limited to, resource facilitation, brain injury support groups, outreach designed for individuals who have a newly acquired brain injury, access to a joint state and national helpline, information and resource education and family caregiver training. The department may adopt rules to implement this section.
- SCHEDULE FOR ADOPTION: It is not possible to predict when changes will be made to these regulations because of the nature of this work. Federal regulation changes, state legislation, and state-initiated changes because of identified problems and budget considerations require the timely amendment or adoption of new rules over the course of the year.
- LISTING OF AFFECTED PARTIES: Other State Agencies, Providers, and Persons with Acquired Brain Injuries receiving services from the Department

95-659

**CHAPTER 248. LIST OF VACCINES TO BE PROVIDED BY THE UNIVERSAL
CHILDHOOD IMMUNIZATION PROGRAM.**

- **STATUTORY BASIS:** 22 MRS §1066(11)
- **PURPOSE OF THE RULE:** To allow the Board, after it conducts a public hearing, to consider which vaccines should be covered by the Program, to vote to either maintain the current list of vaccines or amend the list. The governing statute, 22 MRS §1066, requires the Board to review the vaccines covered by the Program on an annual basis.
- **AFFECTED PARTIES:** Physicians and other healthcare practitioners
- **CONSENSUS-BASED RULE DEVELOPMENT:** None planned
- **SCHEDULE FOR ADOPTION:** None anticipated

