

Chapter 702: RULES FOR THE LOW INCOME SPAY/NEUTER PROGRAM

Summary: This Chapter establishes and implements a low-income spay/neuter program for cats and dogs. Eligibility requirements for participation in the program and procedures for veterinarian reimbursement, and program administration and performance measurements are contained in these rules.

The purpose of the low-income spay/neuter program is to reduce:

- a) Stray and unwanted cats and dogs
 - b) Cat and dog euthanasia rates
 - c) Dog bites
 - d) Feral cats
 - e) Threats to public health and safety from rabies and other zoonotic diseases.
 - f) Community and state animal control costs
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1. DEFINITIONS

- A. CAT – A member of the genus and species known as ~~felis~~Felis catus.
- B. COMMISSIONER – The Commissioner of the State of Maine Department of Agriculture, Conservation and Forestry.
- C. DEPARTMENT – The Department of Agriculture, Conservation and Forestry.
- D. DOG – A member of the genus and species known as ~~canis~~Canis familiaris.
- E. DOG LICENSE – A State of Maine license obtained by the owner or keeper of a dog at the age of 6 months or more, on or before January 1st of each year.
- F. FERAL CAT – A cat without owner identification of any kind that consistently exhibits extreme fear in the presence of people.
- G. KEEPER – A person in possession or control of an animal becomes the keeper of a stray domesticated animal, other than a dog or livestock, if the person feeds that animal for at least 10 consecutive days.
- H. LICENSED ANIMAL SHELTER – ~~A facility, Facility licensed by the state, which includes a physical structure or part of a physical structure that provides temporary or permanent shelter to houses domesticated animals and operates for the purpose of providing stray, abandoned, abused, or owner-surrendered animals; with sanctuary or finding the animals temporary or permanent adoptive homes; or a rescue group licensed by the state.~~
- I. ~~OVERPOPULATION-~~ Pets: a surplus of pets when compared to demand for ownership by people. Feral Cats: the population of feral cats exceeds its sustainable size within a

~~particular environment or habitat.~~ For purposes of the Companion Animal Sterilization Fund, all feral cat populations are considered an overpopulation.

- J. OWNER – Any person, firm, partnership, association or corporation that owns, keeps or harbors a dog or other animal.
- ~~JK.~~ PROGRAM – The Low-Income Spay/Neuter Program for dogs and cats.
- ~~KL.~~ SPAY/NEUTER – To sterilize a female animal by removing the ovaries or to castrate a male animal by removing the testicles or by FDA approved pharmaceutical sterilization.
- ~~L.M.~~ SPAY/NEUTER EVENT- A scheduled event by a veterinary provider, whether in a mobile clinic, pop-up clinic or fixed location, where ten or more surgeries will be provided per day to eligible Help Fix Me participants.
- ~~N.~~ STRAY ANIMAL – A cat or dog with no known owner that may be lost, deserted, sick, or injured.
- ~~MO.~~ VETERINARY PROVIDER- Veterinarian licensed in the state of Maine, Veterinary Clinic licensed in the State of Maine, or Animal Welfare Organization that has at least one veterinarian on staff and regularly provides spay/neuter services to the public.
- P. UNWANTED – A cat or dog abandoned or not wanted by its owner or keeper.

2. ELIGIBILITY

- A. To be eligible for the low-income spay/neuter program for a pet cat or dog a person must:
1. Be an independent adult (18 years or older and not declared as a dependent for tax purposes by another person);
 2. Be a Resident of the State of Maine;
 3. Be the owner or keeper of the cat or dog being spayed or neutered by a participating veterinary provider;~~ian~~;
 4. Make a co-payment determined on an annual basis by the Commissioner. The requirement for a co-payment may be waived if the Director of the Animal Welfare Program and/or the Administrator determines that its payment by the owner or keeper of the animal would create a financial hardship; and
 5. Have a household income less than 133% of the federal poverty level. If program funding allows, the Commissioner may increase the household income limit for the purposes of this requirement up to 150% of the poverty level.
- B. Determination and the approval of any government public assistance program that may be used to indicate eligibility shall be at the Commissioner's discretion.
- C. Dogs and cats imported or transferred from out of state are not eligible for participation in the program.

D. Feral cats will be spayed/neutered without a copay or any requirement of eligibility by the person producing them for surgery as feral cats are unowned.

3. VETERINARIAN PARTICIPATION

~~A. Any veterinarian licensed in this state may participate in the program established under this Chapter. To participate, a veterinarian must file a signed agreement with the Commissioner on a biennial basis on a form provided by the Commissioner agreeing to all pre-set fees and program conditions. Pre-set fees shall be set by the Commissioner on a biennial basis in consultation with the Maine Veterinary Medical Association.~~

~~B. For all cats and dogs sterilized under this program the Commissioner shall reimburse the veterinarians for services on a monthly basis in accordance with the pre-set amount. The pre-set fee shall cover the cost of the pre-surgical exam, the spay/neuter surgery and a rabies vaccination. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.~~

Veterinary Providers may elect the manner in which they receive funding for participation. Veterinary Providers must sign an agreement with the Commissioner on an annual basis on a form provided by the Commissioner electing their manner of payment and agreeing to all pre-set fees and program conditions. Pre-set fees shall be set by the Commissioner on an annual basis in consultation with the Maine Veterinary Medical Association. The pre-set fee per surgery shall cover the cost of the pre-surgical exam, the spay/neuter surgery and a rabies vaccination. The veterinary provider may charge the pre-set fee for necessary additional approved procedures including FVRCP vaccine, DHLPP vaccine, flea and tick treatment, pain management, and e-collar. The owner shall be responsible for the payment of any additional procedures administered by the veterinarian that are not covered under this program.

A. Prepayment/Post Reporting:

1. To participate, a veterinary provider must file an application requesting funding for the surgeries committed to in the 12-month period following application and must sign an agreement with the Commissioner on an annual basis on a form provided by the Commissioner agreeing to all pre-set fees and program conditions.
2. The Administrator shall provide funding to the veterinary provider, pre-paid in a single or multiple installments for the number of surgeries agreed to, with the future installments conditioned upon usage of at least 75% of the first installment monies and availability of funding. Veterinary providers shall collect co-pays and account for them in the reporting process.
3. The Administrator may opt to provide bulk vouchers to the veterinary provider for in clinic eligibility verification and copay collection for clients utilizing this veterinary provider.

B. Post-Surgical submission of individual invoices:

1. The Veterinary Provider must sign an agreement with the Commissioner on an annual basis on a form provided by the Commissioner agreeing to all pre-set fees and program conditions. Pre-set fees shall be set by the Commissioner on an annual basis in consultation with the Maine Veterinary Medical Association

2. For each surgery provided to individuals holding vouchers previously issued by the Administrator to the individual. Invoices submitted under this method shall be submitted to the administrator for payment post-surgery with the associated voucher

4. PROGRAM ADMINISTRATION

A. The Department's Animal Welfare Program (AWP) or an organization ~~or individual~~ that meets the statutory requirements of Title 7 M.R.S. §3910-B ¶1-A (Companion Animal Sterilization Fund) ~~and should show that it has sufficient staff, or plans to add sufficient staff prior to operating as the Administrator, which has sufficient staff to administer the program, or plans to add sufficient staff prior to operating as the Administrator, and which has prior experience managing programs of similar funding on a statewide basis,~~ shall administer the program for the Commissioner and shall be responsible for:

1. ~~Issuing vouchers;~~
1. Issuing unique vouchers or voucher numbers to participants that are coded to indicate the type of animal and issuing batch vouchers or voucher numbers to veterinary providers for spay/neuter events;
2. ~~Procuring veterinarian/veterinary provider participation agreements and maintaining positive relations with the veterinarians/veterinary providers;~~
3. ~~Maintaining a list of participating veterinarians/veterinary providers;~~
4. ~~Determining individual owner eligibility;~~
5. ~~Notifying and/or, in the case of spay/neuter events held by veterinary providers, establishing a process ensuring that participating veterinarians of the co-payment as determined by the Commissioner on a yearly basis; veterinary providers are verifying eligibility.~~
6. ~~Collecting of co-payments; and~~
7. ~~Reimbursing veterinarians in accordance with the agreements and those rules.~~
- B. ~~_____.~~
5. Dispensing funds to veterinary providers in a timely manner once application for funding is approved or invoice for services is received and verified.
6. Collecting and reviewing progress reports from veterinary providers including specific vouchers redeemed, fund expenditures, funds remaining, changes needed for ~~second~~ additional funding installments, accounting for copays paid directly to veterinarians etc.
7. Reporting quarterly to AWP on program progress including a reconciliation of all funding, vouchers issued/redeemed, veterinary provider

B. If the program is contracted to an organization, the Commissioner shall deposit all available funds in the Companion Animal Sterilization Fund directly into the Help Fix ME account of the organization or individual as determined by the Department of Administrative and Financial Services. The contracted organization or individual shall submit quarterly financial reports to the Commissioner. This report shall include a reconciliation of all funding and shall include but not be limited to the number of vouchers issued/redeemed, veterinary provider progress vs funding applications, number and type of surgeries performed, geographical distribution of pet owners benefitting from surgeries, an accounting of funds dispersed, and balance of the account.

C. In avoidance of any conflict of interest, the administrator of the program shall not be eligible to receive payments or vouchers from the fund, with the exception of the administration fee not to exceed 15%.

5. PERFORMANCE MEASUREMENT

Performance Measurement is necessary to determine the success of the program and to assess if any changes in the program should be made. To measure the performance of this program, the AWP shall require standardized reporting of statewide cat and dog intake by type (including but not limited to owner surrenders, stray, seizure, and transfers in from within state and out of state) and euthanasia by type numbers to the AWP by licensed animal shelters, which are required to keep and maintain such information in accordance with 01-001 CMR Chapter 701: Rules Governing Animal Welfare 1C. Additional types of reporting may be required. The reporting will be on forms provided by the Department.

6. DISTRIBUTION OF FUNDS

- A. In order for the Companion Animal Sterilization Fund /Help Fix ME funds to be used effectively and reduce animal overpopulation and euthanasia, the apportionment of the funds ~~to be~~ shall be applied to the program shall be determined as follows:
1. The Director of the Animal Welfare Program and/or Administrator shall apportion available funds between cats and dogs according to the need to control overpopulation of cats or dogs.
 2. If one species is overpopulated but not the other, then no more than 10% of the program's funds can be spent on ~~that~~ the species that is not overpopulated, with priority given to those breeds that are most difficult to place for adoption.
 3. If ~~here~~ there is no overpopulation of either species, then the funds shall be expended according to requests for assistance from qualifying low-income applicants and/or qualified veterinary providers.
 4. The Commissioner shall consult with Maine humane societies, shelters and other stakeholders the Commissioner deems ~~relevant~~ appropriate to make the determinations regarding overpopulation and breeds that are difficult to adopt.

7. FUNDING

A Low-Income Spay/Neuter Fund shall be established for this program. Any monies received by the Commissioner in accordance with the authority provided by 7 M.R.S. ~~§3906~~§3910-B(13), shall be deposited into a separate, non-lapsing account and shall be dedicated for use by the Commissioner exclusively for implementation of this program, including veterinarian ~~reimbursement~~payments, administration, promotions and other costs associated with the program. Interest earnings credited to the assets of the fund shall become part of the fund.

STATUTORY AUTHORITY: 7 M.R.S. §3906-B and §3910-B

EFFECTIVE DATE:

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AMENDED:

May 8, 2011 – filing 2011-137, filing 2011-137

CORRECTIONS:

February, 2014 – agency names, formatting