

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

August 5, 2021

Senator Ned Claxton, Chair
Representative Michele Meyer, Chair
Members of the Joint Standing Committee on Health and Human Services
#100 State House Station
Augusta, Maine 04333-0100

Dear Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

I am pleased to submit the report on rulemaking for the fourth quarter of FY 2021, pursuant to Public Law 2003, c. 689, §A-2, requiring the Department of Health and Human Services to submit quarterly reports to the Committee, summarizing the rulemaking activity of the Department.

We have based our report on the format and information supplied by the Secretary of State, Bureau of Corporations, Elections and Commissions, to tally rules that have been adopted and proposed for this Department.

Please let me know if you have any questions or comments concerning this report.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne M. Lambrew".

Jeanne M. Lambrew
Commissioner

JML/klv

cc: Governor's Office

DHHS Quarterly Report on Rulemaking

**Submitted to the
Joint Standing Committee on Health and Human Services**

(Pursuant to P.L. 2003 Chapter 689. Part A. § A-2)

P.L. 2003, c. 689, Part A. § A-2, requires the Department of Health and Human Services to submit quarterly reports on rulemaking, pursuant to:

“Sec. A-2. Quarterly report; rulemaking. Beginning October 1, 2004, the Commissioner of Health and Human Services shall provide the joint standing committee of the Legislature having jurisdiction over health and human services matters with a quarterly report that summarizes rule—making activity of the Department of Health and Human Services.”

About the APA: The intent of the Maine Administrative Procedure Act (A.P.A.), [5 MRSA sec. 8001 through 11008](#) is to improve public access to agency decision-making and to increase awareness of agency rules. In Maine, the Administrative Procedure Act was adopted at the First Session of the 108th Legislature, with some amendments since. It applies uniform requirements to state agencies which have rulemaking power, and sets minimum standards for agencies to follow in adopting and implementing rules. Very generally, the A.P.A. establishes a uniform, comprehensive set of procedures covering:

- The administrative actions of state agencies, including rulemaking, advisory rulings, adjudicatory proceedings, and licensing; and
- Judicial review of those actions.

We have based our report on the format used by the Secretary of State’s Office, Bureau of Corporations, Elections, and Commissions, to tally rules that are promulgated, and separately those that are proposed, for the Department of Health and Human Services.

In addition to the “subject matter” noted in the right-most column, additional summary statements for each of these rules are filed as paper-copy “basis statements” in the office of the Secretary of State’s APA Coordinator, and are available for review.

Rules promulgated by DHHS in the fourth quarter FY 2021:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2021	TYPE OF RULE	CHAPTER NUMBER & TITLE
4-7-21	10-144/ 2021-069	Office of MaineCare Services	Emergency	Ch. 101, MaineCare Benefits Manual: Ch. III Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2021	TYPE OF RULE	CHAPTER NUMBER & TITLE
4-7-21	10-144/2021-070	Office of MaineCare Services	Emergency	Ch. 101, MaineCare Benefits Manual: Ch. III Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml
4-14-21	10-144/2021-068	Maine Center for Disease Control and Prevention	Amend.	Ch. 264, Immunization Requirements for Healthcare Workers www.maine.gov/dhhs/mecdc/rules/index.shtml
5-1-21	10-144/2021-082	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program, Section FS 999-3 (Charts): FS 217A, Increases Pursuant to PL 116-260 and PL 117-2 www.maine.gov/dhhs/ofi/rules/index.shtml
5-1-21	10-144/2021-086	Office for Family Independence	Amend.	Ch. 609, Food Supplement-Employment and Training (FSET) Program Rules: FSET Rule #5, Bachelors Programs Approved www.maine.gov/dhhs/ofi/rules/index.shtml
5-2-21	10-144/2021-090	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II and III Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities www.maine.gov/dhhs/oms/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2021	TYPE OF RULE	CHAPTER NUMBER & TITLE
5-10-21	10-144/ 2021-092	Office for Family Independence	Amend.	Ch. 332, MaineCare Eligibility Manual: MaineCare Rule #295A, Updates to Parts 9, (Special) Limited Benefit Groups, and 18, Presumptive Eligibility Determined by Hospitals www.maine.gov/dhhs/ofi/rules/index.shtml
5-19-21	10-144/ 2021-093	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program, Section FS 444-7, Households with Special Circumstances, Students: FS 219A, Temporary Student Policy www.maine.gov/dhhs/ofi/rules/index.shtml
5-27-21	10-148/ 2021-112	Office of Child and Family Services	Emergency/ Major Substantive	Ch. 33, Family Child Care Provider Licensing Rule www.maine.gov/dhhs/ocfs/policy.shtml
6-1-21	10-144/ 2021-114	Office for Family Independence	Amend.	Ch. 607, ASPIRE-TANF Program Manual: ASPIRE Rule # 28A, TANF Earnings Disregard Extensions www.maine.gov/dhhs/ofi/rules/index.shtml
6-1-21	10-144/ 2021-118	Maine Center for Disease Control and Prevention	Hybrid Rule (routine technical & Major Substantive)	Ch. 283, Newborn Bloodspot Screening Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
6-4-21	10-144/ 2021-119	Division of Licensing and Certification	Amend.	Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Infection Prevention and Control www.maine.gov/dhhs/dlc/about-us/rules-regulations/rulemaking

Rules proposed by DHHS in the fourth quarter FY 2021:

DATE	PROPOSED RULE NUMBER	Rules proposed by DHHS in the fourth quarter FY 2021	CHAPTER NUMBER AND TITLE
4-21-21	2021-P060	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 17, Community Support Services www.maine.gov/dhhs/oms/rules/index.shtml
4-21-21	2021-P061	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 92, Behavioral Health Home Services www.maine.gov/dhhs/oms/rules/index.shtml
5-5-21	2021-P070	Maine Center for Disease Control and Prevention	Ch. 262, Rules and Regulations Post-Secondary School Immunizations Required (New title: Post-Secondary School Immunization Rule) www.maine.gov/dhhs/mecdc/rules/index.shtml
5-12-21	2021-P071	Office for Family Independence	Ch. 301, Food Supplement Program Manual, §§ FS 222-4, 444-5, 666-9, and 999-1; Food Supplement Rule #216, Review Interview Waiver www.maine.gov/dhhs/ofi/rules/index.shtml
5-19-21	2021-P074	Office for Family Independence	Ch. 301, Food Supplement Program, Section FS 777-7, Administrative Procedures, Electronic Benefit Transfer (EBT): FS 218P, Updates to Card Replacement and Benefit Use and Expungement www.maine.gov/dhhs/ofi/rules/index.shtml
5-19--21	2021-P089	Maine Center for Disease Control and Prevention	Ch. 297, Dental Care Access Credit Program Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
5-19-21	2021-P090	Maine Center for Disease Control and Prevention	Ch. 298, Rules Governing the Certification Program for Primary Care Tax Credit www.maine.gov/dhhs/mecdc/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the fourth quarter FY 2021	CHAPTER NUMBER AND TITLE
5-26-21	2021-P095	Office for Family Independence	Ch. 301, Food Supplement Program, Food Supplement Rule # FS220P (ABAWD FFY 2022): Section FS 999-2, Geographic Exemptions from ABAWD Work Requirements www.maine.gov/dhhs/ofi/rules/index.shtml
6-23-21	2021-P108	Office for Family Independence/ Division of Support Enforcement and Recovery	Ch. 351, Maine Child Support Enforcement Manual: Ch. 2, Definitions, page 11; Ch. 5, Limitation of Debt; Bar Against Collection (19-A MRSA §2302); SSI. Rule 5(1), Limitation of Debt, page 23 www.maine.gov/dhhs/ofi/rules/index.shtml
6-30-21	2021-P112, P113	Office of Child and Family Services	Ch. 32 (Repeal and Replace: New title), Child Care Facility Licensing Rule – Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs; Ch. 36 (Repeal), Rules for the Licensing of Nursery Schools www.maine.gov/dhhs/ocfs/policy.shtml