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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1324, L.D. 1773, “An Act To Make MaineCare Rules Pertaining to Global Home and Community-based Services Waiver Programs and Person-centered Planning and Settings Major Substantive Rules”

Amend the bill in the 3rd paragraph after the title in the first line (page 1, line 7 in L.D.) by striking out the following: "physical"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 22 MRSA §3197 is enacted to read:

§3197. Rulemaking relating to certain federal requirements for home and community-based services

The department shall adopt rules governing home and community-based services for an adult MaineCare member with a disability or an adult who is elderly and who is receiving MaineCare services under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the federal requirements of Section 1915(c) of the United States Social Security Act relating to person-centered planning, requirements to facilitate an individual’s dignity and individual choice, requirements for provider-owned or provider-controlled residential settings, provider qualifications and department oversight and enforcement. Notwithstanding sections 42 and 3173 and any other provision of law to the contrary, rules adopted pursuant to this section after January 19, 2022 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Health and Human Services may not enforce routine technical rules adopted to implement Section 1915(c) of the United States Social Security Act. The Department of Health and Human Services may not enforce the routine technical rules adopted and legally effective on January 19, 2022 as the department's rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 6, Global HCBS Waiver Person-Centered Planning and Settings Rule, until January 1, 2023.

COMMITTEE AMENDMENT

