

Annual List of Rule-Making Activity
Rules Adopted January 1, 2016 to December 31, 2016
Prepared by the Secretary of State, pursuant to 5 MRS, §8053-A, sub-§5

Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 254(5)(A-C), 6305(1-9); PL 2013 ch. 526
Chapter number/title: Ch. 40, Rule for Medication Administration in Maine Schools
Filing number: 2016-061
Effective date: 5/11/2016
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

Revisions to address the guidelines and emergency administration of epinephrine autoinjectors pursuant to state statute 20-A MRSA §6305(1-9).

Basis statement / summary:

This rule provides directions to public and private schools approved pursuant to 20-A MRSA §2902 in the administration of medication to students during the students' attendance in school programs. It is to assist school administrative units in implementing the provision of the medication statute [20-MRSA §254(5 (A-C))] that provides direction for training of unlicensed school personnel in the administration of medication, and requires that students be allowed to carry and self-administer prescribed emergency medications; specifically, asthma inhalers or epinephrine auto-injectors with health care provider approval and school nurse assessment demonstrating competency.

Fiscal impact of rule:

N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: None
Chapter number/title: Ch. 23 (*Repeal*), Collection of Staff Information
Filing number: 2016-171
Effective date: 10/18/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement / summary:

The Department of repealing the original regulation of 1979. There is no legal basis for this regulation.

Fiscal impact of rule:
N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §6304
Chapter number/title: **Ch. 41** (*New*), Offering Instruction Related to Cardiopulmonary Resuscitation, and the Use of an Automated Defibrillator in Maine Public Schools
Filing number: **2016-172**
Effective date: 10/18/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement / summary:

This rule requires public schools to offer training to students on how to perform cardiopulmonary resuscitation and use automated external defibrillators. The rules must be designed to ensure that the training requirements can be met without public schools being required to expand or modify its activity so as to necessitate additional expenditures from local revenues.

Fiscal impact of rule:
None

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §8602
Chapter number/title: Ch. 221, Adult Education Administrative Costs Reimbursement
Filing number: 2016-211
Effective date: 12/11/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement / summary:

To update the rule to make accurate statutory references and several minor clarifications as follows:

1. **Definitions**

A. **Administrative salaries**

- Change proposed to align rule with definition of adult education adopted in statute (p.245)
- Replace GED with high school equivalency to align with statute language due to GED no longer being the sole vendor of high school equivalency assessments

B. **Supervisory salaries**

- Change proposed to align rule with definition of adult education adopted in statute
- Counselors deleted because they have a different reimbursement rate and noted specifically in 8607-A. 10 (p.249)

C. **Clerical salaries**

- Change proposed to align rule with definition of adult education adopted in statute

G. Replace GED with high school equivalency to align with statute language due to GED no longer being the sole vendor of high school equivalency assessments

Fiscal impact of rule:

N/A

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §8602
Chapter number/title: Ch. 229, Adult Education Fees
Filing number: 2016-212
Effective date: 12/11/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement / summary:

To update the regulation with several minor clarifications as follows:

1. **Registration fees**
 - A.1. Language change to reflect term used in the federal law
 - A.2. Separate courses are no longer offered specifically for students with disabilities.
 - B.1. College transition program was not offered at time of rule origination
2. **Lab and Materials Fees** –Simple language clarification and removal of “courses for students with disabilities” phrase since they are no longer offered.

Fiscal impact of rule:
None

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Agency name: Department of Education
Umbrella-Unit: 05-071
Statutory authority: 20-A MRS §§ 6352-6358
Chapter number/title: **Ch. 126**, Immunization Requirements for School Children (*jointly with the Department of Health and Human Services, Ch. 261*)
Filing number: 2016-227
Effective date: 12/21/2016
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

These changes include adding a Tdap vaccine to the required school entry for children entering 7th grade, to protect Maine students. Maine is one of only three remaining states yet to implement this requirement. The update to the number of Varicella exclusion days align with recommendations issued by the U.S. Centers for Disease Control and Prevention. These changes also remove outdated implementation language and more clearly reflect the DHHS Office names and structure, to reduce confusion in following the rules.

Basis statement / summary:

These joint rules are established to ensure a safe and healthful school environment for all Maine students by requiring all children attending public or private schools in the State of Maine receive the required vaccines recommended by the federal Centers for Disease Control (CDC) and the Advisory Committee on Immunization Practices (ACIP). These rules prescribe the dosage for required immunization and refine record-keeping and reporting requirements for school officials.

In recent years, new vaccines against pertussis have been introduced to the routine immunization schedule for children and adolescents, recommended for youths aged 11 to 12 years, with a catch-up vaccination for older adolescents. Pertussis is a highly contagious infection often causing school or community outbreaks. Among healthy adolescents, pertussis is usually a self-limited illness characterized by a prolonged cough. However, secondary complications can occur, and adolescents serve as an important reservoir for transmission to infants, for whom infection can lead to pneumonia, respiratory failure, apnea, and even death. The tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine (Tdap) has been shown to be 92% effective in preventing culture-confirmed pertussis. Maine is one of only five states in the nation without a current Tdap school requirement.

Changes to the rules include updating the vaccine dosage requirement to include 1 dose of Tdap vaccine for 7th grade entry. This will align with the CDC and ACIP current recommendations. Additionally, the required number of exclusion dates for varicella disease will change from 16 days to 21 days to reflect the current CDC school exclusion guidelines, an oversight from the previous substantive change to this rule. Outdated implementation requirements for the varicella vaccination have also been removed. A number of non-substantive changes to the rule have also been made, including: (1) inserting a cover page, table of contents, and pagination; (2) updating department names to reflect current DHHS department names; and (3) and making minor formatting changes to align the DOE and DHHS rules.

As this is a joint rule adoption, both DHHS and DOE have concurrently updated their chaptered rules to reflect the above changes.

Fiscal impact of rule:

None