



JANET T. MILLS
ATTORNEY GENERAL

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TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
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AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
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415 CONGRESS ST., STE. 301
Portland, Maine 04101
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CARIBOU, MAINE 04736
TEL: (207) 496-3792

Memorandum

TO: Joint Standing Committee on Appropriations and Financial Affairs

FROM: Janet T. Mills, Attorney General

DATE: March 28, 2018

SUBJECT: LD 1867, An Act To Reestablish Certain Positions within the Department of Health and Human Services

This will address some questions raised and some factually incorrect statements made on behalf of DHHS at Monday's hearing.

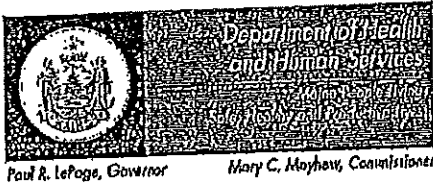
- Mr. Maher, DHHS representative, stated that the work of these in-house legal positions consists of contract and rule drafting. This assertion is contradicted by a January 15, 2016 memo from Kevin Wells to all DHHS attorneys, which is attached.
- Mr. Maher also asserted that the function of these attorneys is to improve the work product that is then presented to the AAGs assigned to DHHS within the Office of the Attorney General for review and approval. This is not our experience.

With respect to contracts, the DHHS AAGs have not reviewed a contract from the Department since at least January 2016. This includes the \$62.6 million Fedcap contract effective 10/1/2016 and the \$22.9 million Maine Children's Trust sole source contract effective 04/01/2016.

With respect to rule review, DHHS routinely keeps information from its assigned attorneys about rulemaking projects so that generally the first opportunity to provide advice is at the point when the rule is sent over for final review under the APA. As a result, the AAG review process becomes more time-consuming and can become problematic because of legal concerns that could have been addressed in a pre-review (consult with AAG prior to proposing a rule). As an example, with one rulemaking the AAG's memo explaining the legal problems was 16 pages.

Our Office is willing and ready to work with the Department regarding counsel positions. We have done so in the past; it is noted that there exists a counsel position in the Office of the Commissioner that was approved by my Office. Even as we do so, I would ask that you strike Section 2 of the LD that removes the Attorney General's authorization authority. There is solid reasoning for why counsel positions should be reviewed by the Attorney General, no matter who sits in that position. It would not be appropriate to leave these eight positions open to the discretion of future Commissioners without the involvement of future Attorney Generals.

Thank you.



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

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

To: Department Attorneys

From: Kevin Wells, General Counsel

Cc: Mary Mayhew, Commissioner
Sam Adolphsen, Chief Operating Officer
Ricker Hamilton, Deputy Commissioner of Programs
Alec Porteous, Deputy Commissioner of Finance
Cynthia Montgomery, Chief Counsel, Governor's Office

Date: January 15, 2016

Subject: Legal services provided by Department Attorneys

I. Purpose of memo

The purpose of this memo is to set forth the legal services that may be provided by a "Department Attorney" (an attorney who is an employee of the Department).

II. Department Attorneys shall *not* represent the Department in any litigation

To ensure the Department's compliance with 5 MRSA § 191(3), Department Attorneys shall *not* do any of the following:

- Accept service of pleadings, notices, or other legal documents regarding pending or anticipated litigation on behalf of the Department
- Independently communicate with legal counsel for another party regarding pending or anticipated litigation involving the Department
- File a pleading or other document with, appear before, or communicate to a Court on behalf of the Department regarding pending litigation involving the Department

Moreover, Department Attorneys shall otherwise refrain from any other conduct which could reasonably create an appearance to a third party that the attorney is representing the Department in pending or anticipated judicial litigation.

COPY HOUSE

SENATE

ERIC L. BRAKEY, DISTRICT 28, CHAIR
JAMES M. HAMPER, DISTRICT 18
BENJAMIN M. CHIPMAN, DISTRICT 27



PATRICIA HYMANSON, YORK, CHAIR
ANNE C. PERRY, CALAIS
SCOTT M. HAMANN, SOUTH PORTLAND
COLLEEN M. MADIGAN, WATERVILLE
DALE J. DENNO, CUMBERLAND
JENNIFER ELLEN PARKER, SOUTH BERWICK
DEBORAH J. SANDERSON, CHELSEA
RICHARD S. MALABY, HANCOCK
FRANCES M. HEAD, BETHEL
PAUL B. CHACE, OUNHAM

ANNA BROOME, LEGISLATIVE ANALYST
ERIN LUNDBERG, LEGISLATIVE ANALYST
JILL LAPLANTE, COMMITTEE CLERK

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

March 8, 2017.

Commissioner Mary Mayhew
Department of Health and Human Services
221 State St.
Augusta, ME 04333


Dear Commissioner Mayhew,

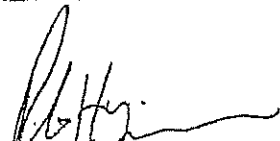
At the work session before the Joint Standing Committee on Health and Human Services on Friday March 3, 2017, the Attorney General discussed attorneys or individuals with law degrees who are working within the Department of Health and Human Services. This question arose at the joint public hearing on the budget related to the Department's management initiatives generally. The Committee is interested in hearing more from the Department on this topic as it considers the budget. Please provide information related to the following:

1. An organizational chart showing where the employees on the list distributed by Attorney General Mills (enclosed) are working and who supervises them.
2. Job descriptions for each position identified on the list.
3. How long have these positions existed?
4. Have the job descriptions changed over time such that the positions now require law degrees?

We can either schedule an opportunity for you or someone from your office to speak with the Committee in person or review a written submission on this topic. We ask that you please provide this information by Friday March 10, 2017, which is the next work session on Department management initiatives. Thank you for your attention to this matter.

Sincerely,


Sen. Eric L. Brakey
Senate Chair


Rep. Patricia Hymanson
House Chair

Enclosure

c: Members, Joint Standing Committee on Health and Human Services
Nick Adolphsen, Director of Government Relations and Policy

APPENDIX A

List of Duties and Responsibilities of the eight (8) positions marked for elimination effective July 1, 2018, pursuant to PL 2017, c. 284, § ZZZZZZ-9:

- Draft and edit contracts, contract amendments, Requests for Proposals, and rules. These tasks included identifying appropriate and enforceable performance measures, communicating with the Division of Contract Management on questions and proposed edits, discussing potential language issues with program staff and Office leadership, and ensuring consistent language across Office contracts.
- Draft and edit correspondence as requested by senior leadership including memorandums to the Commissioner's Office and letters (including standard/template correspondence) to providers, members, and guardians.
- Oversee process of responding to requests from the public and Disability Rights Maine for Developmental Services and Adult Protective Services client records. This responsibility includes ensuring compliance with HIPAA and the APS Act confidentiality provision and supervising necessary redaction activity.
- Facilitate communication with the Attorney General's Office to ensure that appropriate issues requiring Attorney General's Office representation and advice are elevated.
- Serve as Office legislative coordinator, drafting and editing legislative action sheets, testimony, letters, and other documents as requested.
- Serve as Office HIPAA liaison.
- Serve as Office ADA liaison.
- Supervise staff responsible for preparing for and conducting administrative hearings.
- Supervise staff responsible for Court Ordered Diagnostic Evaluations.
- Supervise staff responsible for constituent concerns.
- Draft Office proposed statutory language.
- Serve as the coordinator/liaison for privacy matters.
- Facilitate requests for Office data for research purposes to ensure research protocol is followed.
- Meet regularly with officials from the judicial branch and assist in coordinating the Office's interaction with court administrators.
- Coordinate Office interaction with parents' attorneys.
- Serve as the coordinator/liaison for risk management.
- Research, tracking, and reporting on all Child Deaths and Near Fatalities for internal use and reporting pursuant to federal requirements.
- Public Access Officer for Office under the Freedom of Access Act, including processing of FOAA requests.
- Coordinate and oversee the background check review process for applications to become MaineCare providers and provider revalidation requests.

- Manage the Health Information Technology unit. The HIT unit is responsible for, inter alia, the processes and activities of the Electronic Health Record (EHR) Incentive Payment, to wit: registration and registration and eligibility, payment, appeals (including an informal reconsideration appeal process), reporting, communication, education and outreach, and State oversight.
- Assist the Office and other senior management with the handling and resolution of escalated or complex member and/or provider issues.
- Handle high level union grievances, and implement and coordinate with HR regarding strategy and progressive disciplinary matters.

PUBLIC SERVICE COORDINATOR II

CA32

The primary focus of the Public Service Coordinator series is to provide consultative, professional advice and expertise about significant issues to agency and executive management. The Coordinator is often referred to as the subject matter expert. The Public Service Coordinator regularly exercises independent judgment on important matters affecting the agency's operations, such as, legal, human resources, finance, technological resources, policy development, advocacy, an agency's relationship with other agencies, the Governor's Office, the Legislature and its constituents. A Public Service Coordinator may supervise staff or provide leadership for selected activities, but the primary focus is to provide consultative expertise. The Coordinator may be a member of the agency's senior management team and work is performed under administrative direction.

Positions in this classification provide highly specialized expertise on complex, significant issues to management staff on various programs, administrative, legislative, policy matters and their impact. The Coordinator at this level possesses highly technical or scientific knowledge, such as an advanced degree in law, or substantial experience and seasoning in a program area(s). Responsibilities include consulting, evaluating and integrating operational practices, procedures and activities in support of major program policy or initiatives, having a statewide impact. The Coordinator may serve as a chief staff person before the Legislature with authority to act on matters, and may provide leadership on selected activities involving other personnel, task force or committees, advocates or members of the public. An example of a working title at this level may be Counsel.

PUBLIC SERVICE COORDINATOR II

CA30

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Positions in this classification provide highly specialized expertise on complex, significant issues to management staff on various programs, administrative, legislative, policy matters and their impact. The Coordinator at this level possesses highly technical or scientific knowledge, such as an advanced degree in law, or substantial experience and seasoning in a program area(s). Responsibilities include consulting, evaluating and integrating operational practices, procedures and activities in support of major program policy or initiatives, having a statewide impact. The Coordinator may serve as a chief staff person before the Legislature with authority to act on matters, and may provide leadership on selected activities involving other personnel, task force or committees, advocates or members of the public. An example of a working title at this level may be Counsel.

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Positions in this classification provide highly specialized expertise on complex, significant issues to management staff on various programs, administrative, legislative, policy matters and their impact. The Coordinator at this level possesses highly technical or scientific knowledge, such as an advanced degree in law, or substantial experience and seasoning in a program area(s). Responsibilities include consulting, evaluating and integrating operational practices, procedures and activities in support of major program policy or initiatives, having a statewide impact. The Coordinator may serve as a chief staff person before the Legislature with authority to act on matters, and may provide leadership on selected activities involving other personnel, task force or committees, advocates or members of the public. An example of a working title at this level may be Counsel.

ATTORNEY

DESCRIPTION: This is professional services work in providing legal advice to diverse audiences and involving an extensive range of legal subjects. An employee in this classification may oversee and/or work with other attorneys involved with property, general government, and litigation. This classification is differentiated from the Principal Attorney classification by the complexity of work and the lack of formal lead worker responsibilities. Work is performed under limited supervision.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- Reviews and analyzes cases; researches applicable laws; and writes legal opinions, briefs, and related memoranda in order to present findings, judgments, or an agency's point of view.
- Prepares cases and coordinates testimony with experts and presents cases before the courts in order to obtain a decision or opinion from state, federal, and appellate courts.
- Develops legislation, rules, regulations, and rulemaking procedures with senior management in order to ensure acceptable legal form and content.
- Represents the agency before various boards, councils, committees, and related governing entities either independently or as a member of a team in order to present and defend agency decisions.
- Advises agency staff and outside attorneys regarding legal matters relevant to agency programs, operations, and projects in order to provide legal advice and technical assistance.
- Reviews and interprets contracts, agreements, proposed bids, and quasi-legal documents and develops innovative contract provisions and regulations in order to clarify complex subject matter.
- Coordinates the execution of legal services with the Attorney General's Office in order to receive cases, exchange information, and prepare for litigation/settlements.
- Participates in the development and implementation of agency policies in order to provide input for decision making.

COUNSEL

DESCRIPTION: This is professional services work in representing state agencies in legal matters and/or providing legal advice and assistance to agency heads. Responsibilities include developing evidence and testimony in order to present cases to various boards, administrative bodies, or the courts; and analyzing legal issues in order to make recommendations for proper disposition. Work is performed under administrative direction.

REPRESENTATIVE TASKS: *(A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned).*

- Researches and writes legal opinions and briefs in order to present Department position and resolve legal problems.
- Interprets laws, regulations, and court decisions applicable to the work of the office or agency in order to advise and explain various legal matters.
- Represents the agency before various boards, commissions, or the courts either independently or as a member of a team in order to present and defend agency position.
- Drafts legislation, rules, and regulations in order to ensure acceptable legal form and content.
- Reviews proposed laws, rules, and regulations in order to assess legal impact on agency programs.
- Develops testimony with expert witnesses in order to prepare and present agency case.
- Advises agency staff and outside attorneys regarding legal matters relevant to agency programs in order to provide knowledgeable legal advice and legal opinions.

PUBLIC SERVICE MANAGER III

The primary focus of the Public Service Manager series is to administer one or more statewide policies or programs, and to directly manage and oversee operating, support or administrative functions of an agency or agency subdivision with differing levels of scope, accountability and complexity. The manager implements program policies and initiatives in support of agency goals and objectives established by executive management. The manager may be a member of the agency's senior management team. Supervision is exercised over a variety of personnel and work is performed under administrative direction.

Positions in this classification may direct more than two programs having major statewide or regional impact to the agency mission. This highest level manager requires substantial, broad-ranging experience and seasoning in the program areas managed or post-graduate education plus experience or require technical knowledge specific to a particular position. The scope of responsibility includes directing the comprehensive integration and coordination of diversified activities necessary to implement the objectives of a major program(s). Work involves directing the implementation of policies, initiatives and mandates of an agency, directing staff support activities including financial, human resource, legal, and technology; authorizing and allocating fiscal transactions; and/or ensuring the management and direction of daily program administration for a variety of diverse activities. The impact of the program managed has a large relationship to the overall mission of the agency and the manager has extensive decision-making authority and may significantly influence the management of the program. Examples of working titles at this level may be Regional Managers or Education and Outreach Managers.

PUBLIC SERVICE COORDINATOR III

The primary focus of the Public Service Coordinator series is to provide consultative, professional advice and expertise about significant issues to agency and executive management. The Coordinator is often referred to as the subject matter expert. The Public Service Coordinator regularly exercises independent judgment on important matters affecting the agency's operations, such as, legal, human resources, finance, technological resources, policy development, advocacy, an agency's relationship with other agencies, the Governor's Office, the Legislature and its constituents. A Public Service Coordinator may supervise staff or provide leadership for selected activities, but the primary focus is to provide consultative expertise. The Coordinator may be a member of the agency's senior management team and work is performed under administrative direction.

Positions in this classification provide expertise on significant state-wide issues at the State level to Department management or other agencies, the Governor or the Legislature. The Coordinator at this level possesses highly technical or scientific knowledge generally acquired with post-graduate education, or deep expertise in a complex field of specialization. Responsibilities include consulting, evaluating and integrating operational practices, procedures and activities in support of significant policy or initiatives, which are extensive in nature and have significant state-wide impact. The Coordinator may be a member of the top management staff in an agency commissioner's office. Examples of working titles at this level may be the State Nuclear Safety Advisor, State Economist or Chief Engineer.

APPENDIX B

DEPT_NAME	JOB_CLASS_CODE
COMM. ON GOVERNMENTAL ETHICS	CA27
DEPARTMENT OF LABOR	CU31
DEPARTMENT OF PUBLIC SAFETY	CA29
DEPARTMENT OF TRANSPORTATION	CA30
DEPARTMENT OF TRANSPORTATION	CA32
DEPARTMENT OF TRANSPORTATION	HE17
DEPT OF ADMIN & FINANCIAL SERVICES	CA27
DEPT OF ADMIN & FINANCIAL SERVICES	CA32
DEPT OF ADMIN & FINANCIAL SERVICES	CA35
DEPT OF ADMIN & FINANCIAL SERVICES	MA35
DEPT OF ENVIRONMENTAL PROTECTION	CA27
DEPT OF PROF & FINANCIAL REGULATION	2002
DEPT OF PROF & FINANCIAL REGULATION	2016
DEPT OF PROF & FINANCIAL REGULATION	EA34
EXEC DEPT: PUBLIC ADVOCATE	OC04
MAINE COMM ON INDIGENT LEGAL SERVICES	MA31
MAINE HUMAN RIGHTS COMMISSION	CU34
PUBLIC UTILITIES COMMISSION	OE12
PUBLIC UTILITIES COMMISSION	YC02
SECRETARY OF STATE	CA27
SECRETARY OF STATE	EA34
WORKERS' COMPENSATION BOARD	2017
WORKERS' COMPENSATION BOARD	2018
WORKERS' COMPENSATION BOARD	2019
WORKERS' COMPENSATION BOARD	MA33
WORKERS' COMPENSATION BOARD	OC01
WORKERS' COMPENSATION BOARD	OE21
WORKERS' COMPENSATION BOARD	OM04

JOB_CLASS_TITLE (or Working Title)	COUNT POSITION_NO
STAFF ATTORNEY	1
COUNSEL	1
COUNSEL	1
LEGAL ADMINISTRATIVE COORINATOR	1
COUNSEL	1
CHIEF COUNSEL BUR LEGAL SVCS	1
STAFF ATTORNEY	3
COUNSEL - EMPLOYEE RELATIONS	1
LEGISLATIVE & POLICY COUNSEL	1
DIR REPRESENTATION AND COUNSEL	1
STAFF ATTORNEY	1
STAFF ATTORNEY	1
ATTORNEY	9
PRINCIPAL ATTORNEY	1
SENIOR COUNSEL	3
ATTORNEY	1
COMMISSION COUNSEL MHRC	1
GENERAL COUNSEL PUC	1
STAFF ATTORNEY	9
STAFF ATTORNEY	1
PRINCIPAL ATTORNEY	1
WORKERS COMP ATTORNEY ADVOCATE	7
WC DEPUTY SR STAFF ATTORNEY	1
WC ABUSE ATTORNEY ADVOCATE	3
SENIOR STAFF ATTORNEY	1
ASST TO THE GEN COUNSEL WCB	1
GENERAL COUNSEL WCB	1
DEP GENERAL COUNSEL WCB	1
<u>TOTAL POSITIONS:</u>	<u>56</u>

Appendix C

*Brenda M. Harvey, Commissioner
Maine Department of Health and Human Services
221 State Street, #11 SHS
Augusta, ME 04333-0011*

*Doris A. Harnett, Assistant Attorney General
Chief, Health and Human Services Division
Office of the Attorney General
Six State House Station
Augusta, ME 04333-0006*

MEMORANDUM

To: Barbara Van Burgel, Director, OIAS
Jim Beougher, Director, OCFS
Kim Johnson, Director, OSA
Dora Mills, Director, MCDC
Jane Gallivan, Director, OACPDS
Ron Welch, Director, OAMH
Diana Scully, Director, OES
Tony Marple, Director, OMS
Steven R. Davis, OMS, Policy Division Director
John Archard, Research Assistant, Office of AG
Thomas Bradley, AAG
Carmen L. Coulombe, AAG
Sally DeMartini, AAG
Paul Gauvreau, AAG
Katherine Greason, AAG
Jane Gregory, AAG
Renée Guignard, AAG
Nancy Macirowski, AAG
Christopher Mann, AAG
Janine Raquet, AAG
Richard W. Thackeray, Jr., AAG

From: Brenda M. Harvey, Commissioner, DHHS
Doris A. Harnett, Assistant Attorney General

Date: July 9, 2007

Subject: Rulemaking for the Department of Health and Human Services

DHHS and the AG's Office wish to continue to work together collaboratively and professionally during the rulemaking process. DHHS and the AG's Office recognize that their roles and responsibilities are inherently different, but that each office provides important and valuable contributions to the rulemaking process. Both offices also recognize that the rules processed by DHHS are often complex and require careful scrutiny by the AG's Office to determine compliance with both State and Federal law. DHHS and the AG's office have agreed that professional collaboration can best be achieved by (1) the AG's office providing a comprehensive written memorandum to DHHS analyzing the rule being reviewed, followed by

(2) a meeting between the AAG and DHHS to discuss the issues raised in the memorandum provided by the AG's office.

The purpose of this memorandum is to set forth the roles, responsibilities and expectations of the Department of Health and Human Services (DHHS) and the Office of the Attorney General (AG's Office) regarding rulemaking pursuant to the Maine Administrative Procedures Act (APA). This memorandum will also set forth a protocol for legal pre-review in accordance with Executive Order 17 FY 02/03 (Executive Order) and legal final review in accordance with 5 M.R.S.A. §§ 8052(7)(B) and 8056(1)(A).

DHHS expects that the AG's Office will provide timely and helpful legal review of rules, as well as assistance on all legal issues and procedures involved in rule development. The AG's Office expects that it will be given a meaningful opportunity to provide its legal review consistent with the requirements of the APA.

The protocol outlined below will remain in place for a six-month trial period ending December 30, 2007. DHHS and the AG's Office will evaluate the efficacy of the above-described protocol during the trial period to determine if the protocol should be adopted or modified.

The Role And Responsibilities of DHHS

DHHS is responsible for policy development and drafting the text of the proposed rule. DHHS is responsible for coordinating rulemaking efforts within DHHS, ensuring timely involvement by the AG's Office, providing adequate time for the AG's Office to review rules, timely securing the Commissioner's signature on the final rule and timely filing all MAPA documents with the Secretary of State. DHHS is also responsible for identifying the DHHS employee who has authority to make decisions on behalf of DHHS during the rulemaking process. The DHHS employee will work with the AG's office and respond in writing to any inquiries raised by the AG's office in its written memorandum. In the event that there is litigation regarding a DHHS rule, DHHS will identify DHHS employees who will be available to the AG's Office during the litigation process for purposes of preparing affidavits, providing testimony and attending administrative or court proceedings.

The Role and Responsibilities of the AG's Office

The AG's Office is responsible for assigning an AAG for legal pre-review in accordance with the Executive Order and for legal final review in accordance with the APA. The purpose of the legal review is to determine whether the rule satisfies the form and legality requirements of the APA. The AG's Office will provide legal advice which will include a comprehensive written memorandum identifying legal concerns for DHHS. The AG's Office recognizes that DHHS is responsible for making policy decisions, including those that may involve some legal risks, provided that DHHS' decisions are legally defensible.

PROTOCOL FOR THE RULEMAKING PROCESS

1. **Pre-Review Stage.** DHHS will submit its proposed draft rule in strike out/underlined form to the AAG for legal pre-review in accordance with the Executive Order.
2. Upon receipt of the proposed draft rule, the AAG may confer informally with the client for the purpose of obtaining background information regarding the proposed draft rule including, but not limited to: the purpose of the rule, explanation of the service provided, and issues that have given rise to the draft rule.
3. The AAG will prepare a comprehensive written analysis which will include appropriate recommendations and legal advice and will identify any legal concerns generated by the proposed rules. The written analysis will also identify any topics that need clarification or questions that need to be answered in order for the legal analysis to be completed. To the extent that the proposed rules generate any legal concerns, the written analysis will propose solutions or alternatives that might reduce those concerns.
4. DHHS will promptly respond in writing to any matters that need clarification and provide answers to questions raised by the AAG.
5. DHHS and the AAG will subsequently meet either in person, by phone or through written exchange to discuss the proposed rule and analysis and recommendations provided by the AG's Office.
6. DHHS will notify the AAG in writing if the advice and the recommendations of the AG's Office will be accepted or declined. In the event that DHHS declines the advice of the AG's Office, the AAG will meet with his/her supervisor to discuss and review the matter to determine if the proposed rule will satisfy the form and legality requirements of the APA. If, in the opinion of the AAG and his/her supervisor, the form and legality requirements of the APA are met, the proposed rule will proceed through the rulemaking process.
7. If, in the opinion of the AAG and his/her supervisor, the form and legality requirements of the APA are not met, the AAG and the supervisor will meet with a representative of DHHS to discuss the legal concerns to determine if they can be resolved.
8. **Final Review Stage.** DHHS will submit the final rule review package to the AAG for final review in accordance with the APA. The final rule review package presented to the AG's Office will be in the format required by the Secretary of State and will include all forms, checklists and all other documents to be filed with the Secretary of State. The package will also include:
 - a strikeout/underlined version of the proposed rule showing any changes between the proposed rule and the final rule (green copy);
 - a copy of the current rule;
 - copies of all written comments on the proposed rule;

- DHHS' written summary of and responses to the comments;
- statutes or codes incorporated by reference in the rule, copies of which must be provided to the Secretary of State pursuant to 5 M.R.S.A. § 8056(1)(B) and *An Agency Guide to Rulemaking (draft 2001)*;
- if relevant, any statutes or executive or legislative directive requiring the rulemaking;
- if relevant, any Maine State Plan or State Plan Amendment requests to CMS including any CMS comments; and
- if relevant, any notice of change of Medicaid reimbursement methodology.

The final review package will also include copies of the final rule that DHHS proposed to be adopted. Included with the rule, where applicable, will be citations to relevant state and federal statutes and regulations that will assist the AG's Office in its review.

9. The AAG will prepare a comprehensive written analysis which will include appropriate recommendations and legal advice and will identify any legal concerns generated by the final rules. The written analysis will also identify any topics that need clarification or questions that need to be answered in order for the final legal review to be completed. In addition, the written analysis shall identify the date by which comments must be received and the 120-day deadline identified in 5 M.R.S.A. § 8052(7)(A). To the extent that the final rules generate any legal concerns, the written analysis will propose solutions or alternatives that might reduce those concerns.

10. DHHS will promptly respond in writing to any matters that need clarification and provide answers to questions raised by the AAG.

11. DHHS and the AAG will subsequently meet either in person, by phone or through written exchange to discuss the final rule and analysis and recommendations provided by the AG's Office.

12. DHHS will notify the AAG in writing if the advice and the recommendations of the AG's Office will be accepted or declined. In the event that DHHS declines the advice of the AG's Office, the AAG will meet with his/her supervisor to discuss and review the matter to determine if the final rule will satisfy the form and legality requirements of the APA. If, in the opinion of the AAG and his/her supervisor, the form and legality requirements of the APA are met, the final rule will be approved by the AG's office.

13. If, in the opinion of the AAG and his/her supervisor, the form and legality requirements of the APA are not met, the AAG and the supervisor shall meet with a representative of DHHS to discuss the legal concerns to determine if they can be resolved.

Appendix D

INVOICE

Remit to:

DEPT OF ATTORNEY GENERAL
6 STATE HOUSE STATION
STATE OFFICE BUILDING
AUGUSTA ME 04333

Bill to:

DEPT. OF HUMAN SERVICES
ST #11
AUGUSTA ME 04333

Customer Name DEPT. OF HUMAN SERVICES		Page 1
Customer Number 26AHW	Invoice Number FY18QTR203	Invoice Date 02-20-18
	AR Dept BPRO 26A:ATTY	Due Date 02-20-18
	Amount Due \$142.00	Amount Enclosed

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PLEASE PAY WITH LET



ATTORNEY GENERAL

ORIGINAL

Customer Number 26AHW	Orig. Inv. Date 02-20-18	Orig. Due Date 02-20-18
Customer Name DEPT. OF HUMAN SERVICES	Invoice Number FY18QTR203	Invoice Date 02-20-18

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	FY18 2nd Qtr Legal Services OES - OCFS Other Child & Family Services					\$142.00
TOTAL INVOICE Charges						\$142.00

Other Charges

DESCRIPTION	Date	Charges

Credit Payments Applied	\$0.00
Total Amount Due By 02-20-18	\$142.00

FY18 2nd Qtr Legal Services OES - OCFS Other Child & Family Services

Instructions

CONTACT: Laurie Brann	207-626-8596
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INVOICE

Remit to:

DEPT OF ATTORNEY GENERAL
6 STATE HOUSE STATION
STATE OFFICE BUILDING
AUGUSTA ME 04333

Bill to:

DEPT. OF HUMAN SERVICES
ST #11
AUGUSTA ME 04333

Customer Name DEPT. OF HUMAN SERVICES		Page 1
Customer Number 26AHW	Invoice Number FY18QTR207	Invoice Date 02-20-18
	AR Dept BPRO 26A:ATTY	Due Date 02-20-18
	Amount Due \$7,217.00	Amount Enclosed

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PLEASE PAY WITH IPT



ATTORNEY GENERAL
ORIGINAL

Customer Number 26AHW	Orig. Inv. Date 02-20-18	Orig. Due Date 02-20-18
Customer Name DEPT. OF HUMAN SERVICES		Invoice Number FY18QTR207
		Invoice Date 02-20-18

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	FY18 2nd Qtr Legal Services OMS-Audit-NOT Medicaid					\$7,217.00
TOTAL INVOICE Charges						\$7,217.00

Other Charges

DESCRIPTION	Date	Charges

Credit Payments Applied		\$0.00
Total Amount Due By	02-20-18	\$7,217.00

FY18 2nd Qtr Legal Services OMS-Audit-NOT Medicaid

Instructions

CONTACT:	
Laurie Brann	207-626-8596

INVOICE

Remit to:

DEPT OF ATTORNEY GENERAL
6 STATE HOUSE STATION
STATE OFFICE BUILDING
AUGUSTA ME 04333

Bill to:

DEPT. OF HUMAN SERVICES
ST #11
AUGUSTA ME 04333

Customer Name DEPT. OF HUMAN SERVICES		Page 1
Customer Number 26AHW	Invoice Number FY18QTR208	Invoice Date 02-20-18
AR Dept: EPRO 26A:ATTY		Due Date 02-20-18
Amount Due \$77,195.00		Amount Enclosed

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PLEASE PAY WITH IT



ATTORNEY GENERAL
ORIGINAL

Customer Number 26AHW	Orig. Inv. Date 02-20-18	Orig. Due Date 02-20-18
Customer Name DEPT. OF HUMAN SERVICES		Invoice Number FY18QTR208
		Invoice Date 02-20-18

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	FY18 2nd Qtr Legal Services OMS-Mainecare: All except listed below					\$77,195.00
TOTAL INVOICE Charges						\$77,195.00

Other Charges

DESCRIPTION	Date	Charges

Credit Payments Applied	\$0.00
Total Amount Due By 02-20-18	\$77,195.00

FY18 2nd Qtr Legal Services OMS-Mainecare: All except listed below

Instructions

CONTACT:	
Laurie Brann	207-626-8596

INVOICE

Remit to:

DEPT OF ATTORNEY GENERAL
6 STATE HOUSE STATION
STATE OFFICE BUILDING
AUGUSTA ME 04333

Bill to:

DEPT. OF HUMAN SERVICES
ST #11
AUGUSTA ME 04333

Customer Name DEPT. OF HUMAN SERVICES		Page 1
Customer Number 26AHW	Invoice Number FY18QTR210	Invoice Date 02-20-18
	AF Dept BPRO 26A:ATTY	Due Date 02-20-18
	Amount Due \$8,790.00	Amount Enclosed

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PLEASE PAY WITH IT



ATTORNEY GENERAL

ORIGINAL

Customer Number 26AHW	Orig. Inv. Date 02-20-18	Orig. Due Date 02-20-18
Customer Name DEPT. OF HUMAN SERVICES	Invoice Number FY18QTR210	Invoice Date 02-20-18

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	FY18 2nd Qtr Legal Services OFI-Food Stamps					\$8,790.00
TOTAL INVOICE Charges						\$8,790.00

Other Charges

DESCRIPTION	Date	Charges

Credit Payments Applied		\$0.00
Total Amount Due By	02-20-18	\$8,790.00

FY18 2nd Qtr Legal Services OFI-Food Stamps

Instructions

CONTACT: Laurie Brann	207-626-8596
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INVOICE

Remit to:

DEPT OF ATTORNEY GENERAL
6 STATE HOUSE STATION
STATE OFFICE BUILDING
AUGUSTA ME 04333

Bill to:

DEPT. OF HUMAN SERVICES
ST #11
AUGUSTA ME 04333

Customer Name DEPT. OF HUMAN SERVICES		Page 1
Customer Number 26AHW	Invoice Number FY18QTR221	Invoice Date 02-20-18
	AR Dept BPRO	Due Date
	26A:ATTY	02-20-18
	Amount Due	Amount Enclosed
	\$248.00	

Payment Method: Check Money Order

Please check if address has changed. Write correct address on back of stub and attach with payment

Please write Invoice No on front of check or Money Order. DO NOT MAIL CASH

Please detach the above stub and return with your remittance payable to PLEASE PAY WITH IT



ATTORNEY GENERAL
ORIGINAL

Customer Number 26AHW	Orig. Inv. Date 02-20-18	Orig. Due Date 02-20-18
Customer Name DEPT. OF HUMAN SERVICES	Invoice Number FY18QTR221	Invoice Date 02-20-18

Invoice Charges

Ref Line No.	DESCRIPTION	Date of Service	No. of Units	Unit of Measure	Unit Price	Charges/Credit
1	FY18 2nd Qtr Legal Services MCDC-MCDC UNLESS LISTED BELOW					\$248.00
TOTAL INVOICE Charges						\$248.00

Other Charges

DESCRIPTION	Date	Charges

Credit Payments Applied		\$0.00
Total Amount Due By	02-20-18	\$248.00

FY18 2nd Qtr Legal Services MCDC-MCDC UNLESS LISTED BELOW

Instructions

CONTACT:	
Laurie Brann	207-626-8596