

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
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October 9, 2019

Senator Geoffrey M. Gratwick, Chair
Representative Patricia Hymanson, Chair
Members of the Joint Standing Committee on Health and Human Services
#100 State House Station
Augusta, Maine 04333-0100

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

I am pleased to submit the report on rulemaking for the first quarter of FY 2020, 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 cursive script 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 rule-making 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 rule-making, 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 first quarter FY 2020:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
7-18-19	10-144/ 2019-124	Office for Family Independence	Emergency	Ch. 323, Maine General Assistance Manual: Section II, Definitions; Section IV, Eligibility www.maine.gov/dhhs/ofi/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
7-20-19	10-144/ 2019-103	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml
7-28-19	10-144/ 2019-108	Office of MaineCare Services	Amend.	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
7-29-19	10-144/ 2019-115	Maine Center for Disease Control and Prevention	Repeal	Ch. 288, Parenting Education Scholarship Program www.maine.gov/dhhs/mecdc/rules/index.shtml
8-11-19	10-144/ 2019-122	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II & III, Section 40, Home Health Services www.maine.gov/dhhs/oms/rules/index.shtml
8-11-19	10-144/ 2019-123	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. III, Section 97, Private Non-Medical Institution Services, and Appendices B, C, D, E, F www.maine.gov/dhhs/oms/rules/index.shtml
8-13-19	10-144/ 2019-144	Office of Substance Abuse and Mental Health Services	Amend.	Ch. 19, Rules Governing Community-Based Drug Overdose Prevention Programs www.maine.gov/dhhs/oms/rules/samhs-rules.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
8-29-19	10-144/ 2019-143	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. III, Section 28, Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations www.maine.gov/dhhs/oms/rules/index.shtml
9-3-19	10-144/ 2019-159	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program Manual, Rule 207A: Section FS-555-5, Homeless Shelter Deduction www.maine.gov/dhhs/ofi/rules/index.shtml
9-16-19	10-144/ 2019-163	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II Section 90, Physician Services www.maine.gov/dhhs/oms/rules/index.shtml
9-19-19	10-144/ 2019-169	Office of MaineCare Services	New	Ch. 104, Maine State Services Manual: Section 7, Abortion Services for MaineCare Members www.maine.gov/dhhs/oms/rules/index.shtml
9-19-19	10-144/ 2019-170	Maine Center for Disease Control and Prevention	New Emergency (Maj. Sub.)	Ch. 15, Death with Dignity Act Reporting Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
9-23-19	10-144/ 2019-167	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II Section 28, Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations www.maine.gov/dhhs/oms/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
9-30-19	10-144/ 2019-172	Office for Family Independence	Emergency	CH. 301, Food Supplement Program, FS Rule #210E (ABAWD Geographic Exemption). Sections: Alpha Index, Table of Contents, FS-111-8, FS-999-2 www.maine.gov/dhhs/ofi/rules/index.shtml
10-1-19	10-144/ 2019-174	Office for Family Independence	Emergency	CH. 331, Public Assistance Manual (TANF): TANF 113E (TANF Max Benefit 2019) www.maine.gov/dhhs/ofi/rules/index.shtml

Rules proposed by DHHS in the first quarter FY 2020:

DATE	PROPOSED RULE NUMBER	Rules proposed by DHHS in the first quarter FY 2020	CHAPTER NUMBER AND TITLE
7-3-19	2019-P099	Office of Child and Family Services	Ch. 6, Child Care Subsidy Program Rules www.maine.gov/dhhs/ocfs/policy.shtml
7-3-19	2019-P100	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual; Ch. II, Section 28, Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations www.maine.gov/dhhs/oms/rules/index.shtml
7-10-19	2019-P105	Maine Center for Disease Control and Prevention	Ch. 259 (Repeal), Rules Establishing Blind Seroprevalence Surveys for Occurrence of HIV in Newborns www.maine.gov/dhhs/mecdc/rules/index.shtml
7-10-19	2019-P106	Maine Center for Disease Control and Prevention	Ch. 273 (Repeal), Rules for the SSI Children's Program of Services www.maine.gov/dhhs/mecdc/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the first quarter FY 2020	CHAPTER NUMBER AND TITLE
7-10-19	2019-P107	Maine Center for Disease Control and Prevention	Ch.282 (Repeal), Prenatal Care Program www.maine.gov/dhhs/mecdc/rules/index.shtml
8-7-19	2019-P136	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual: Ch. III, Section 2, Adult Family Care Services www.maine.gov/dhhs/oms/rules/index.shtml
8-7-19	2019-P137	Office for Family Independence	Ch. 323, Maine General Assistance Manual: Sections II and IV, General Assistance Rule #22 – Access for Certain Non-Citizens www.maine.gov/dhhs/ofl/rules/index.shtml
8-14-19	2019-P139	Office for Family Independence	Ch. 330, Higher Opportunity for Pathways to Employment (HOPE) Program Rules, HOPE Rule #100P www.maine.gov/dhhs/ofl/rules/index.shtml
8-28-19	2019-P152	Office for Family Independence	Ch. 332, MaineCare Eligibility Manual, Rule #291P, SBW Premium Rule: Chart 3.8, Premiums for Special Benefits Waiver (Maine Section 1115 Health Care Reform Demonstration for Individuals with HIV/AIDS) www.maine.gov/dhhs/ofl/rules/index.shtml
9-11-19	2019-P139 (2nd publication)	Office for Family Independence	Ch. 330, Higher Opportunity for Pathways to Employment (HOPE) Program Rules: HOPE Rule #100P www.maine.gov/dhhs/ofl/rules/index.shtml
10-2-19	2019-P173	Office for Family Independence	Ch. 301, Food Supplement Program Manual, FS-208P (Removal of the Elderly and Disabled Asset Limit): Sections FS-333-1, FS-444-8 www.maine.gov/dhhs/ofl/rules/index.shtml
10-2-19	2019-P174	Office of MaineCare Services	Ch. 104, Maine State Services Manual: Section 7, Abortion Services for MaineCare Members www.maine.gov/dhhs/oms/rules/index.shtml