

Committee: HHS
Drafter: ATB
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LR (item)#: 321002
New Title?: Yes
Add Emergency?: Yes
Date: July 1, 2020

Committee Amendment “ ” to LD 2141, Resolve, To Ensure Continued Services for Children with Disabilities by Imposing a Delay on MaineCare Rulemaking until an Impact Study is Completed

New Title: **Resolve, Relating to Rulemaking Authority To Ensure Continued Services for Children with Disabilities**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, school-based services provided to children are critical to child development and must be available to the maximum extent possible under federal law; and

Whereas, the Legislature has an important role in ensuring that rules adopted by the Department of Health and Human Services result in school-based services being provided to children; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. School-based services rulemaking; major substantive. Resolved: That any amendments to Department of Health and Human Services rules that affect school-based services provided by developmental preschools to children up to five years of age including those provided under 10-144 C.M.R. Chapter 101: MaineCare Benefits Manual, Sections 28 or 65, or any new rules relating to these services made prior to January 1, 2023, must be major substantive rules as defined in the Maine Revised Statutes, Title 5, Chapter 375, subchapter 2-A. The department may not adopt rules pursuant to this section as an emergency.

Sec. 2. Stakeholder group; review of early childhood special education services. Resolved: That the Department of Health and Human Services shall convene a stakeholder group to participate in any rulemaking pursuant to this resolve, including the drafting of draft rules and proposed changes after the public hearing process to the extent permitted by the Maine Revised Statutes, Title 4, chapter 375. Stakeholders include representative of providers,

advocates, parents of children receiving services, Child Development Services and the Department of Education. The department shall also take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV.

Sec. 3. Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

SUMMARY

This amendment replaces the resolve. It requires any amendments or new rules made prior to January 1, 2023, governing school-based services provided by developmental preschools to children up to five years of age to be major substantive rules. It requires the department to convene a stakeholder group when drafting those rules and take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV. The amendment also adds an emergency preamble and emergency clause.