

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
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October 20, 2021

Senator Ned Claxton, Chair
Representative Michele Meyer, Chair
Members of the Joint Standing Committee on Health and Human Services
#100 State House Station
Augusta, Maine 04333-0100

Dear Senator Claxton, Representative Meyer, 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 2022, 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 blue ink 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 rulemaking 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 rulemaking, 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 2022:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
7-1-21	10-144/ 2021-121	Office of Aging and Disability Services	Maj. Substantive	Ch. 6 (New): Crisis Prevention and Intervention Services www.maine.gov/dhhs/oads/trainings-resources/policy.html
7-1-21	10-144/ 2021-129	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II Section 97, Private Non-Medical Institution Services 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 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
7-1-21	10-144/2021-130	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II Section 17, Community Support Services www.maine.gov/dhhs/oms/rules/index.shtml
7-1-21	10-144/2021-131	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II Section 92, Behavioral Health Home Services www.maine.gov/dhhs/oms/rules/index.shtml
8-2-21	10-144/2021-147	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program: Section FS 777-7, Administrative Procedures, Electronic Benefit Transfer (EBT); FS 218, Updates to Car Replacement and Benefit Use and Expungement www.maine.gov/dhhs/ofl/rules/index.shtml
8-11-21	10-144/2021-154	Maine Center for Disease Control and Prevention	Amend.	Ch. 262, Post-Secondary School Immunization Rule (formerly Rules and Regulations Post-Secondary School Immunizations Required) www.maine.gov/dhhs/mecdc/rules/index.shtml
8-12-21	10-144/2021-166	Maine Center for Disease Control and Prevention	Emergency	Ch. 264, Immunization Requirements for Healthcare Workers www.maine.gov/dhhs/mecdc/rules/index.shtml
8-15-21	10-144/2021-155	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program Manual §§ FS 222-4, 444-5, 666-9, and 999-1: Food Supplement Rule #216A – Interview Waivers www.maine.gov/dhhs/ofl/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the first quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
8-20-21	10-144/ 2021-148	Maine Center for Disease Control and Prevention	New	Ch. 124 (New), Emergency Medical Services Personnel Reporting Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
9-25-21	10-144/ 2021- 186-DOE 187-CDC	Maine Center for Disease Control and Prevention (with Department of Education)	Amend.	Ch. 261 (10-144) and Ch. 126 (05-071) Ch. 126, Immunization Requirements for School Children (DHHS) www.maine.gov/dhhs/mecdc/rules/index.shtml
9-27-21	10-144/ 2021-188, 189	Office of Child and Family Services	Repeal & Replace	Ch. 32, Child Care Facility Licensing Rule – Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs (repeal and replace; also repeals Ch. 36, Rules for the Licensing of Nursery Schools) www.maine.gov/dhhs/ocfs/policy.shtml

Rules proposed by DHHS in the first quarter FY 2022:

DATE	PROPOSED RULE NUMBER	Rules proposed by DHHS in the first quarter FY 2022	CHAPTER NUMBER AND TITLE
7-7-21	2021-P116, P117	Maine Center for Disease Control and Prevention (w/Department of Education)	Ch. 261 (10-144) & Ch. 126 (05-071): Immunization Requirements for School Children www.maine.gov/dhhs/mecdc/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the first quarter FY 2022	CHAPTER NUMBER AND TITLE
7-21-21	2021-P24	Office for Family Independence	Ch. 331, Public Assistance Manual (TANF): Introduction and General Definitions; Ch. I, Eligibility Process; Ch. V, Post TANF Benefits; Ch. IX, Alternative Aid Assistance Program; and Appendices – TANF Rule #117P – FFY 2022 COLA, application process updates and Post TANF services budgeting updates. www.maine.gov/dhhs/ofirules/index.shtml
7-28-21	2021-P128	Office of Child and Family Services	Ch. 34, Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule www.maine.gov/dhhs/ocfs/policy.shtml
8-11-21	2021-P137	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual Ch. II, Section 97, Private Non-Medical Institution Services www.maine.gov/dhhs/oms/rules/index.shtml
8-18-21	2021-P139	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual: Ch. I Section 6 (New), Global Home and Community Based Services Waiver Person-Centered Planning and Settings Rule www.maine.gov/dhhs/oms/rules/index.shtml
9-8-21	2021-P139 (Hearing Scheduled)	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual: Ch. I Section 6 (New) Global Home and Community Based Services Waiver Person-Centered Planning and Settings Rule www.maine.gov/dhhs/oms/rules/index.shtml
9-8-21	2021-P151	Maine Center for Disease Control and Prevention	Ch. 264, Immunization Requirements for Healthcare Workers www.maine.gov/dhhs/mecdc/rules/index.shtml
9-22-21	2021-P173	Office of Child and Family Services	Ch. 35, Children's Residential Care Facilities (formerly 10-144, Ch. 36) www.maine.gov/dhhs/ocfs/policy.shtml