

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 1174 - L.D. 1586

**Resolve, Regarding Legislative Review of Portions of Chapter 101,
MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health
Services, a Major Substantive Rule of the Department of Health and Human
Services**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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, be it

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101, MaineCare Benefits Manual, Section 40, Chapters II and III: Home Health Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. That portion of the rule concerning psychotropic medications is amended to correct references to persons who receive in-home psychotropic medications; and
2. That portion of the rule concerning face-to-face encounters between a member and the member's physician is amended to require documentation of the face-to-face encounter only at the start of care.

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

In House of Representatives, 2011

Read and passed finally.

..... Speaker

In Senate, 2011

Read and passed finally.

..... President

Approved 2011

..... Governor