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MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

To: Members of the Joint Standing Committee on Health and Human Services

From: Suzanne M. Gresser, Executive Director *smg*

Date: February 4, 2021

Re: Submission of 2020 Annual Report on Agency Rulemaking

The Secretary of State has provided a list by agency of all rules adopted by state agencies during the past calendar year, in compliance with 5 MRSA §8053-A, sub-§5. According to the Secretary of State, 23 agencies adopted 256 rules in 2020, of which 242 were designated as routine technical and 14 were major substantive.

In accordance with section 8053-A, sub-§5, I am referring the list of adopted rules to your committee, along with related attachments, via the Legislature's website: <http://legislature.maine.gov/execdir/rulemaking-reports/>, so you will have convenient online access. The listing is sorted by agency/policy area.

After review of the list, the committee may require an agency that is within its oversight to appear before the committee, and the committee may report out a bill to adjust rulemaking authority related to the rules adopted during the past year, as provided by 5 MRSA §8053-A, sub-§6.

If you have any questions, please contact the Office of Policy and Legal Analysis at 287-1670.

Thank you.

Log #	Umbrella / unit	Agency name	Chapter number	Rule title	Statutory authority	Type of rule	Emergency	Eff. Date
2020-055	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. I Section 4, Telehealth Services	22 MRS §§ 42, 3173; 5 MRS §8054	Routine Technical	Yes	3/16/2020
2020-136	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. I Section 4, Telehealth Services	22 MRS §§ 42, 3173; 5 MRS §8054; 24-A MRS §4136	Routine Technical	No	6/15/2020
2020-057	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. I Section 5, COVID-19 Public Health Emergency Services	22 MRS §§ 42, 3173; 5 MRS §§ 8054, 8073	Routine Technical	No	3/20/2020
2020-116	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. I Section 5, COVID-19 Public Health Emergency Services	22 MRS §§ 42, 3173; 5 MRS §§ 8054, 8073	Routine Technical	Yes	5/13/2020

2020-121	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II & III Section 65, Behavioral Health Services	22 MRS §§ 42(8), 3173; 5 MRS §8054; PL 2019 ch. 343; Resolves 2019 ch. 110; PL 2019 ch. 616	Routine Technical	Yes	5/21/2020
2020-178	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II & III Section 65, Behavioral Health Services	22 MRS §§ 42, 3173; 5 MRS §8054\3; PL 2019 ch. 4 and 343; Resolves 2019 ch. 99 and 110; PL 2019 ch. 616	Routine Technical	No	8/19/2020
2020-215	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. III Section 5, Ambulance Services	22 MRS §§ 42, 3173; PL 2019 ch. 530 part B	Routine Technical	No	10/12/2020

2020-242	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II Section 103, Rural Health Clinic Services	22 MRS §§ 42, 3173; PL 2019 ch. 530	Routine Technical	No	12/8/2020
2020-233	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. III Section 45, Principal of Reimbursement: Hospital Services	22 MRS §§ 42(1)&(8), 3173	Routine Technical	No	11/23/2020
2020-234	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. VII Section 5, Estate Recovery	22 MRS §§ 42, 3173	Routine Technical	No	11/30/2020
2020-118	10-144	Department of Health and Human Services	Ch. 104	Maine State Services Manual: Section 8 (New), Wholesale Prescription Drug Importation Program	PL 2019 ch. 472 (5) MRS ch. 167 and 22-A MRS §205)	Major Substantive	No	6/14/2020
2020-111	10-144	Department of Health and Human Services, Division of Licensing and Certification	Ch. 110	Regulation Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities	22 MRS §§ 1817, 1820	Routine Technical	Yes	4/28/2020

2020-169	10-144	Department of Health and Human Services, Division of Licensing and Certification	Ch. 110	Regulation Governing the Licensing and Functioning of Skilled Nursing Facilities and Nursing Facilities	22 MRS §§ 1817, 1820	Routine Technical	No	8/1/2020
2020-099	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 124	Emergency Medical Services Personnel Reporting Rule (<i>New</i>)	22 MRS §§ 42, 1951, 3173	Major Substantive	Yes	4/22/2020
2020-165	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 201	Administration and Enforcement of Establishments Regulated by the Health Inspection Program	22 MRS §§ 2496, 2664, 1551-A; 32 MRS §§ 4251, 4252, 4325, 4326	Routine Technical	No	7/29/2020
2020-187	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 233	Rules Relating to Testing Private Water Systems for Hazardous Contaminants (<i>Repeal</i>)	22 MRS §§ 565(3), 2602-A, 2609, 2660-U, 2660-X	Routine Technical	No	8/26/2020

2020-188	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 257	Schedule of Charges for Testing and Services Provided by the Maine Health and Environmental Testing Laboratory	22 MRS §§ 565(3), 2602-A 2609, 2660-U, 2660-X	Routine Technical	No	8/26/2020
2020-117	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 258	Rules for the Control of Notifiable Diseases and Conditions	5 MRS §§ 8054, 8073; 22 MRS §§ 802, 822	Routine Technical	Yes	5/12/2020
2020-051	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 287	Rules for Family Planning Funding (<i>Repeal</i>)	22 MRS §1904	Routine Technical	No	3/16/2020
2020-088	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 292	Rules Relating to The Lead Poisoning Control Act	22 MRS §§ 1320,1320-A, 1323; 5 MRS §8054	Routine Technical	Yes	4/1/2020
2020-168	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 292	Rules Relating to The Lead Poisoning Control Act	22 MRS §§ 1320,1320-A, 1323	Routine Technical	No	7/29/2020

2020-137	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #211A (2019 Updates to the Lottery Rule): Sections 444-12, 666-6	22 MRS §42(1); 7 USC §2015(s)(1)-(3); 7 CFR §§ 273.11(r), 273.12, 273.17	Routine Technical	No	7/1/2020
2020-198	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #213A: Section 777-3, Administrative Procedures Claims and Collections	22 MRS §42(1), 7 CFR §273.18	Routine Technical	No	9/1/2020
2020-213	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #215E: Section 999-3 (Charts), FFY 2021 Budgeting Figures	22 MRS §§ 42(1), 3104; 5 MRS §8054; 7 CFR §273.9(d)	Routine Technical	Yes	10/1/2020
2020-244	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #214A: Section 999-2, FFY 2021 ABAWD	22 MRS §42(1) and (8); PL 116-127 §2301; 7 CFR §273.24	Routine Technical	No	12/17/2020

2020-250	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #215A: Section 999-3, FFY 2021 Budgeting Figures	22 MRS §42(1) and (8); 3107; 7 CFR §273.9(d)	Routine Technical	No	12/30/2020
2020-145	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 323	Maine General Assistance Manual, General Assistance Rule #23A (Changes Pursuant to LD 459): Sections II, IV, VI	22 MRS §42(1); 22 MRS §4301 sub-§5A; 22 MRS §4308 sub-§2	Routine Technical	No	7/1/2020
2020-017	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	Maine Public Assistance Manual (TANF), Rule #115E (TANF Relationship Changes)	22 MRS §§ 42(1), 3762(3)(A), 3763(6), 3769-A; 5 MRS §8054	Routine Technical	Yes	1/30/2020

2020-022	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	Maine Public Assistance Manual (TANF), Rule #114E (Changes to Budgeting)	PL 2019 ch. 485; PL 2019 ch. 484; 22 MRS §§ 42(1) and 3762(3)(A), 3763(6), 3769-A; 5 MRS §8054; 45 CFR §§ 400.301	Routine Technical	Yes	2/4/2020
2020-053	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	Maine Public Assistance Manual (TANF), Rule #C19E (Changes to In-person Requirements)	22 MRS §§ 42(1), 3762(3)(A), 3763(6), 3769-A; 5 MRS §8054	Routine Technical	Yes	3/13/2020
2020-098	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	Maine Public Assistance Manual (TANF), Rule #114A (Changes to Household and Budgeting)	5 MRS §8054; 22 MRS §§ 42(1), 3762(3)(A), 3763(6), 3769-A; 45 CFR §400.301	Routine Technical	No	4/29/2020

2020-119	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 332	Ch. 332, MaineCare Eligibility Manual, MC Rule #298E: Part 9, Limited Benefit Groups	22 MRS §42(1),(8); PL 116-127; 5 MRS §854	Routine Technical	Yes	3/18/2020
2020-122	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 332	MaineCare Eligibility Manual, MC Rule #292A: Part 10, Medically Needy Coverage	22 MRS §42(1)	Routine Technical	No	7/1/2020
2020-138	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 332	MaineCare Eligibility Manual, MC Rule #296A (Transitional MaineCare 2019 Changes): Parts 2, 3	22 MRS §42(1)	Routine Technical	No	1/1/2020
2020-174	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 332	MaineCare Eligibility Manual, MC Rule #293A (MSP and DEL Income Limit Changes): Part 8, Medicare Savings Program (Buy-In)	22 MRS §§ 42(1), 42(8), 254-D(4)(D), 254-D(7), 258(7); PL 2019 ch. 343	Routine Technical	No	2/1/2020 (Retroactive)

2020-175	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 333	Low Cost Drugs for the Elderly and Disabled (DEL), MC Rule #293A (MSP and DEL Income Limit Changes)	22 MRS §§ 42(1), 42(8), 254- D(4)(D), 254-D(7), 258(7); PL 2019 ch. 343	Routine Technical	No	7/1/2019 <i>(Retroactive)</i>
2020-179	10-144	Department of Health and Human Services, Office for Family Independence, Division of Support Enforcement and Recovery	Ch. 351	Maine Child Support Enforcement Manual: ch. 4, Fees (Annual Service Fee for Obligees)	22 MRS §42(1); 19- A MRS §2103(3-A); <i>Social Security Act</i> , Section 454(6)(B)(ii)	Routine Technical	No	8/18/2020
2020-146	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 607	ASPIRE-TANF Program Rules: ASPIRE Rule #27A (Good Cause), Section 4	22 MRS §§ 42(1), 3785- A; 45 CFR 261.62, 400.301; Resolves 2019 ch. 67	Routine Technical	No	7/20/2020

2020-199	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 607	ASPIRE-TANF Program Rules: ASPIRE Rule #26A (Support Services Changes), Sections 1, 11, 14	22 MRS §§ 42(1), 3762(3)(A), 3769-A	Routine Technical	No	9/1/2020
2020-200	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 609	Food Supplement – Employment and Training (FSET) Program Rules (FSET Rule #FSET4A) <i>(Repeal and replace)</i>	22 MRS §42(1); 7 CFR §273.7	Routine Technical	No	10/1/2020
2020-173	10-146	Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research, and Vital Statistics	Ch. 15	Death with Dignity Act Reporting Rule <i>(New)</i>	22 MRS §2140	Major Substantive	No	8/30/2020
2020-154	10-146	Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research, and Vital Statistics	Ch. 16	Gender Marker on Birth Record Rule <i>(New)</i>	22 MRS §2705	Routine Technical	No	7/13/2020
2020-092	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 21	Rules for the Provision of Payments for Residential Programs Serving Children	22 MRS §§ 42(8), 3174-Z, 4062; 5 MRS §8073	Major Substantive	Yes	4/10/2020

2020-210	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 34	Child Care Provider Background Check Licensing Rule (New)	22 MRS §§ 42(1), 8302-A(1)(J),(2)(K); 5 MRS §8073; 42 USC §9858f(b)	Major Substantive	Yes	9/25/2020
2020-251	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 202	Child Protective Central Case Record Research Fee	22 MRS §4008(6)(D)	Routine Technical	No	12/23/2020
2020-054	94-178	Kim Wallace Adaptive Equipment Loan Program Fund Board	Ch. 502	Procedures Governing Administration of the Adaptive Equipment Loan Program Fund Board	10 MRS §374	Routine Technical	No	3/18/2020