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EXECUTIVE DIRECTOR
OF THE LEGISLATIVE
COUNCIL



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 3, 2022

Re: Submission of 2021 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, 21 agencies adopted 262 rules in 2021, of which 237 were designated as routine technical and 25 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.

Annual List of Rule-making Activity
Rules Adopted 1/1/2021 to 12/31/2021
Prepared by the Secretary of State

Log #	Umbrella / unit	Agency name	Chapter number	Rule title	Statutory authority	Type of rule	Emergency	Effective date
2021-130	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II Section 17 , Community Support Services	22 MRS §§ 42(1), 3173; PL 2017, ch. 407	Routine Technical	No	7/1/2021
2021-090	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II & III Section 19 , Home and Community Benefits for the Elderly and Adults with Disabilities	22 M.R.S. §§ 42, 42(8), 3173; P.L. 2019, ch. 616 (emergency, effective Mar. 20, 2020); Resolves 2019, ch. 104	Routine Technical	No	5/2/2021
2021-069	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. III Section 21 , Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder	22 MRS §§ 42, 42(8); 5 MRS §8054; PL 2019 ch. 616 part A §A-7	Major Substantive	Yes	4/7/2021
2021-070	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. III Section 29 , Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder	22 MRS §§ 42, 42(8), 3173; 5 MRS §8054; PL 2019 ch. 616 part A §A-7	Major Substantive	Yes	4/7/2021

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2021-131	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II Section 92, Behavioral Health Home Services	22 MRS §§ 42(1), 3173; PL 2017, ch. 407	Routine Technical	No	7/1/2021
2021-129	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II Section 97, Private Non-Medical Institution Services	22 MRS §§ 42, 3173	Routine Technical	No	7/1/2021
2021-223	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. II Section 97, Private Non-Medical Institution Services	22 MRS §§ 42, 3173; 22 MRS §8110; PL 115-123	Routine Technical	No	11/1/2021
2021-224	10-144	Department of Health and Human Services, Office of MaineCare Services, Division of Policy	Ch. 101	MaineCare Benefits Manual: Ch. III Section 97, Private Non-Medical Institution Services	22 MRS §§ 42, 3173; 5 MRS §§ 8054, 8073...	Major Substantive	Yes	11/1/2021
2021-240	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; 5 MRS §8054	Routine Technical	Yes	11/24/2021
2021-119	10-144	Department of Health and Human Services, Division of Licensing and Certification	Ch. 113	Regulations Governing the Licensing and Functioning of Assisted Housing Programs, Infection Prevention and Control	22 MRS § 7853	Major Substantive	No	6/4/2021
2021-148	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 124	Emergency Medical Services Personnel Reporting Rule	22 MRS §§ 820(1)(C)	Major Substantive	No	8/20/2021

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2021-257	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 234	Lead Testing in School Drinking Water Rule (<i>New</i>)	22 MRS §2604-B	Major Substantive	No	1/12/2022
2021-035	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 258	Rules for the Control of Notifiable Diseases and Conditions	5 MRS §8052; 22 MRS §§ 802(3), 821, 835	Routine Technical	No	2/17/2021
2021-187	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (<i>jointly with</i> 05-071, Department of Education)	Ch. 261 (DOE: ch. 126)	Immunization Requirements for School Children	20-A MRS §§ 6352-6358; 22 MRS §806	Routine Technical	No	9/25/2021
2021-154	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 262	Post-Secondary School Immunization Rule	20-A MRS § 6359(6)	Routine Technical	No	8/11/2021
2021-068	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 264	Immunization Requirements for Healthcare Workers	22 MRS §§ 802(1)(D), 802 (3), PL 2019 ch. 154 §11	Routine Technical	No	4/14/2021
2021-166	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 264	Immunization Requirements for Healthcare Workers	22 MRS §§ 801(1)(D), 802(3)	Routine Technical	Yes	8/12/2021

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2021-226	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 264	Immunization Requirements for Healthcare Workers	22 MRS §802	Routine Technical	No	11/10/2021
2021-063	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 283	Newborn Bloodspot Screening Rule	20-A MRS §210	Major Substantive & Routine Technical	Yes	3/11/2021
2021-118	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC)	Ch. 283	Newborn Bloodspot Screening Rule	20-A MRS §210	Routine Technical	No	6/1/2021
2021-221	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 297	Dental Care Access Credit Program Rule	36 MRS §5219-DD; 22 MRS §42	Routine Technical	No	11/3/2021
2021-201	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention	Ch. 298	Primary Care Tax Credit Certification Rule	22 MRS §42; 22-A MRS §205; 36 MRS §5219-LL	Routine Technical	No	10/12/2021
2021-032	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #217E: Section 999-3 (Charts), Increases Pursuant to PL 116-260	22 MRS §§ 42(1) and (8), 3104(1); 5 MRS §8054; PL 116-260	Routine Technical	Yes	2/1/2021

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2021-042	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #219E (Temporary Student Policy): Section 444-7, Households with Special Circumstances, Students	22 MRS §§ 42(1) and (8), 3104(1); 5 MRS §8054; PL 116-260	Routine Technical	Yes	2/18/2021
2021-082	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #217A: Section 999-3 (Charts), Increases Pursuant to PL 116-260 and PL 117-2	22 MRS §§ 42(1) and (8), 3104(1); 5 MRS §8054; PL 116-260, 117-2	Routine Technical	No	5/1/2021
2021-093	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #219E (Temporary Student Policy): Section 444-7, Households with Special Circumstances, Students	22 MRS §§ 42(1) and (8), 3104(1); PL 116-260	Routine Technical	No	5/19/2021
2021-147	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #218, Updates to Card Replacement and Benefit Use and Expungement; Section FS 777-7 Administrative Procedures, Electronic Benefit Transfer (EBT)	22 MRS §§ 42(1) and (8)	Routine Technical	No	8/2/2021
2021-155	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #216, Interview Waivers; Sections FS 222-4, 444-5, 666-9 and 999-1	22 MRS §§ 42(1) and (8)	Routine Technical	No	8/15/2021

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2021-156	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #220A, ABA WD FFY 2022; Section FS 999-2, Geographic Exemptions from ABA WD Work Requirements	22 MRS §§ 42(1) and 7 CFR § 273.24(f)	Routine Technical	No	10/1/2021
2021-199	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Food Supplement Program, FS Rule #222E: Section 999-3, Charts	22 MRS §§ 42(1), 3104; 5 MRS §8054; 7 CFR §273-9(d)	Routine Technical	Yes	10/1/2021
2021-256	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 301	Supplemental Nutrition Assistance Program (SNAP) Rules (<i>formerly</i> Food Supplement Program), 2021 Omnibus Rule Change (<i>many sections</i>)	22 MRS §42(1) and (8), 3104(13),(17)	Routine Technical	No	12/30/2021
2021-191	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	Maine Public Assistance Manual (TANF), Rule #117A : FFY 2022 COLA, Application Process Updates, and Post TANF Services Budgeting Updates	22 MRS §§ 42(1) and (8), 3769-A, 3769-C	Routine Technical	No	10/1/2021
2021-092	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 331	MaineCare Eligibility Manual, Rule #MC295A: Part 9, (Special) Limited Benefit Groups; Part 18, Presumptive Eligibility Determined by Hospitals	22 MRS §§ 42(1), and 3173-G; 42 U.S.C. §1396r-a; and 22 MRS §42(8)	Routine Technical	Yes	5/10/2021

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2021-213	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. 2, Definitions; ch. 5, Limitation of Debt; Bar Against Collection (19-A MRS §2302); SSI	22 MRS §42(1); 19-A MRS §2103(3-A); <i>Social Security Act</i> , Section 454(6)(B)(ii)	Routine Technical	No	10/17/2021
2021-114	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 607	ASPIRE-TANF Program Rules: ASPIRE Rule #28A (TANF Earnings Disregard Extensions)	22 MRS §§ 42(1), and 3762(3)(A) and (18)	Routine Technical	No	6/1/2021
2021-086	10-144	Department of Health and Human Services, Office for Family Independence	Ch. 609	Food Supplement – Employment and Training (FSET) Program Rules (FSET Rule #5: Bachelors Programs Approved)	22 M.R.S. § 42(1) and (8)	Routine Technical	No	5/1/2021
2021-247	10-144	Department of Health and Human Services, Maine Center for Disease Control and Prevention - Data, Research, and Vital Statistics	Ch. 730	Interagency Reporting of Cancer Registry and Vital Statistics Data (<i>New; jointly with 90-590 ch. 730, Maine Health Data Organization</i>), <i>filing 2021-246</i>	PL 2021 ch. 423; 22 MRS §§ 1406-A, 2706 sub-§2-A, 8715-A	Routine Technical	No	12/14/2021
2021-001	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	1/6/2021

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2021-188	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 32	Child Care Facility Licensing Rule - Child Care Centers, Small Child Care Facilities, Other Programs	22 M.R.S. §§ 7702-B, 7703, 7704, 7707, 7802, 8301, 8301-A, 8302-A, 8303-A	Routine Technical	No	9/27/2021
2021-189	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 36	Rules for the Licensing of Nursery Schools (<i>Repeal</i>)	22 M.R.S. §§ 7702-B, 7703, 7704, 7707, 7802, 8301, 8301-A, 8302-A, 8303-A	Routine Technical	No	9/27/2021
2021-112	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 33	Family Child Care Provider Licensing Rule	5 MRS §§ 8054, 8073; 22 MRS §§ 7702-B(1), 7703(6), 7704, 7707(3), 7802(7), 8301(8), 8302-A(2), 8303- A(l)	Major Substantive	Yes	5/27/2021
2021-243, 244	10-148	Department of Health and Human Services, Office of Child and Family Services	Ch. 35 (<i>replaces ch. 36</i>)	<i>Children's Residential Care Facilities Licensing Rule (Repeal and replace)</i>	22 MRS §§ 42, 7801, 7802, 8102; 22-A MRS §205(2); 34-B MRS §1203-A	Routine Technical	No	12/12/2021

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2021-041	10-149	Department of Health and Human Services, Office of Aging and Disability Services	Ch. 5 §16	Adult Protective Services: Administration	22 MRS §§ 42, 3493	Routine Technical	No	2/27/2021
2021-121	14-197	Department of Health and Human Services, Office of Aging and Disability Services	Ch. 6	Crisis Prevention and Intervention Services (<i>New</i>)	22 MRS §§ 42(1), 3089(3); 34-B MRS §5206(8)	Major Substantive	No	7/1/2021

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2021-186	05-071	Department of Education (<i>jointly with</i> 10-144, Department of Health and Human Services, Maine Center for Disease Control and Prevention)	Ch. 126 (DHHS: ch. 261)	Immunization Requirements for School Children	20-A MRS §§ 6352-6358; 22 MRS §806	Routine Technical	No	9/25/2021