

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
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July 29, 2022

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 fourth 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, Ph.D.
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 fourth quarter FY 2022:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
4-13-22	10-144/ 2022-037	Maine Center for Disease and Prevention	Amend.	Ch. 283, Newborn Bloodspot Screening Rule www.maine.gov/dhhs/mecdc/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
4-25-22	10-144/ 0222-062	Office for Family Independence	Amend.	Ch. 330, Higher Opportunity for Pathways to Employment (HOPE) Program Rules (Sections 1,2,3,4,5, and 7): HOPE Rule #101 – Internet Access, Updates to Eligible Careers and Degree Programs, Increased Program Participant Cap, and Additional Updates www.maine.gov/dhhs/ofi/rules/index.shtml
5-12-22	10-144/ 2022-059	Office of Child and Family Services	New (major substantive)	Ch. 34, Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule www.maine.gov/dhhs/ocfs/policy.shtml
5-14-22	10-144/ 2022-079	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 90, Physician Services www.maine.gov/dhhs/oms/rules/index.shtml
5-22-22	10-144/ 2022-087	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml
5-27-22	10-144/ 2022-069	Office of Child and Family Services	Amend.	Ch. 33, Family Child Care Provider Licensing Rule www.maine.gov/dhhs/ocfs/policy.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
5-29-22	10-144/2022-101	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. I Section 1, General Administrative Policies and Procedures www.maine.gov/dhhs/oms/rules/index.shtml
5-30-22	10-144/2022-086	Office for Family Independence	Amend.	Ch. 301, Supplemental Nutrition Assistance Program (SNAP) Rules, Section 999-3 Charts (SNAP 224A: March 2022 Standard Utility Allowance Updates) www.maine.gov/dhhs/ofi/rules/index.shtml
6-15-22	10-144/2022-118	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml
6-15-22	10-1044/2022-119	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder www.maine.gov/dhhs/oms/rules/index.shtml
6-21-22	10-144/2022-083	Office of MaineCare Services	Repeal/ Replace	Ch. 101, MaineCare Benefits Manual (MBM): Ch. VI, Section, 3: Primary Care Plus, and Ch. 101 MaineCare Benefits Manual (MBM), Ch. VI, Section 1, Primary Care Case Management (PCCM) www.maine.gov/dhhs/oms/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the fourth quarter – FY 2022	TYPE OF RULE	CHAPTER NUMBER & TITLE
6-21-22	10-144/ 2022-084	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II and III, Section 91: Health Home Services www.maine.gov/dhhs/oms/rules/index.shtml

Rules proposed by DHHS in the fourth quarter FY 2022:

DATE	PROPOSED RULE NUMBER	Rules proposed by DHHS in the fourth quarter FY 2022	CHAPTER NUMBER AND TITLE
5-25-22	2022-P074	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual: Ch. II, Section 45, Hospital Services and Ch. III, Section 45, Principles of Reimbursement for Hospital Services www.maine.gov/dhhs/oms/rules/index.shtml
6-1-22	2022-P084	Office for Family Independence	Ch. 332, MaineCare Eligibility Manual, Parts 2, 3, and 5: MaineCare Rule #300, Changes to Post-Partum Coverage, and Coverage for Young Adults www.maine.gov/dhhs/ofl/rules/index.shtml
6-8-22	2022-P085	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Chapter II, Section 65, Behavioral Health Services www.maine.gov/dhhs/oms/rules/index.shtml
6-8-22	2022-P086	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Chapter III, Section 65, Behavioral Health Services www.maine.gov/dhhs/oms/rules/index.shtml
6-8-22	2022-P087	Office for Family Independence	Ch. 323, Maine General Assistance Manual, Sections: II, IV, V, and VI: Rule GA24, Recovery Residences www.maine.gov/dhhs/ofl/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the fourth quarter FY 2022	CHAPTER NUMBER AND TITLE
6-8-22	2022-P088	Center for Disease Control and Prevention	CH. 220, Radiation Protection Rule www.maine.gov/dhhs/mecdc/rules/maine-cdc-rules.shtml
6-22-22	2022-P093	Office of Aging and Disability Services	Ch. 1, Rights and Basic Protections of Persons with an Intellectual Disability, Autism Spectrum Disorder or Acquired Brain Injury www.maine.gov/dhhs/oads/trainings-resources/policy.html
6-22-22	2022-P094	Office of Aging and Disability Services	Office of Aging and Disability Services Policy Manual, Ch. 8, Grievance Process for Persons with an Intellectual Disability, Autism Spectrum Disorder or Acquired Brain Injury www.maine.gov/dhhs/oads/trainings-resources/policy.html