



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1626

S.P. 536

In Senate, December 20, 2011

An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 16, 2011. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec.
Cosponsored by Representative STRANG BURGESS of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1951** is amended to read:

3 **§1951. Health improvement program**

4 The department, ~~through its Bureau of Health,~~ is authorized to administer a program
5 to extend and improve its services for promoting the health of mothers and children,
6 especially in rural areas and in areas suffering from severe economic distress. ~~Nothing in~~
7 ~~this~~ This chapter ~~shall~~ may not be construed as authorizing any public official, agent or
8 representative, in carrying out ~~said~~ this chapter, to take charge of any child over the
9 objections of either the father or the mother of ~~such~~ that child, or of the person standing in
10 loco parentis to ~~such~~ that child, except pursuant to a proper court order.

11 **Sec. 2. 22 MRSA §3107,** as enacted by PL 1989, c. 777, is repealed and the
12 following enacted in its place:

13 **§3107. Women, Infants and Children Special Supplemental Food Program vendor,**
14 **provider and participant penalties**

15 The department, as part of its administration of the Women, Infants and Children
16 Special Supplemental Food Program of the federal Child Nutrition Act of 1966, referred
17 to in this section as "the program," shall adopt rules defining prohibited conduct under the
18 program and establishing penalties for such conduct and as necessary to implement this
19 section. After providing an opportunity for a hearing in accordance with Title 5, chapter
20 375, subchapter 4 and 7 Code of Federal Regulations, Section 246.18 and making a
21 determination that the affected party has violated a provision of the program, including
22 rules that apply to the program, the department may:

23 **1. Vendors.** Assess and impose a fine or penalty against a vendor under the
24 program;

25 **2. Providers.** Disqualify a local agency provider under the program; or

26 **3. Participants.** Require repayment of benefits made under the program to a
27 participant or disqualify a participant from program benefits.

28 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
29 chapter 375, subchapter 2-A.

30 **SUMMARY**

31 This bill clarifies that the Department of Health and Human Services has the
32 authority to impose fines or penalties upon Women, Infants and Children Special
33 Supplemental Food Program vendors, disqualify local agency providers and require
34 repayment from participants or disqualify participants from program benefits for violation
35 of program laws or rules. This authority is consistent with federal statutes and
36 regulations. The department is required to adopt routine technical rules to define
37 prohibited conduct and to establish penalties for such conduct.

