

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
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February 12, 2020

Senator Geoffrey M. Gratwick, Chair
Representative Patricia Hymanson, Chair
Members of the Joint Standing Committee on Health and Human Services
#100 State House Station
Augusta, Maine 04333-0100

Dear Senator Gratwick, Representative Hymanson, and Members of the Joint Standing Committee on Health and Human Services:

I am pleased to submit the report on rulemaking for the second quarter of FY 2020, 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 cursive script that reads "Jeanne M. Lambrew".

Jeanne M. Lambrew
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 rule-making 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 rule-making, 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 second quarter FY 2020:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the second quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
10-1-19	10-144/ 2019-173	Office for Family Independence	Emergency	Ch. 301, Food Supplement Program, FS Rule #209E (COLA SUA FFY 2020). Sections: FS-000-1, Basis of Issuance; FS-555-1, Treatment of Income; FS-555-5, Deductions; FS-666-6, Changes During the Certification Period www.maine.gov/dhhs/ofi/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the second quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
10-1-19	10-144/2019-174	Office for Family Independence	Emergency	Ch. 331, Public Assistance Manual (TANF): TANF 113E (TANF Max Benefit 2019) www.maine.gov/dhhs/ofi/rules/index.shtml
10-16-19	10-144/2019-176	Office for Family Independence	Amend.	Ch. 323, Maine General Assistance Manual: GA 22, Access for Certain Non-Citizens (Sections II, IV) www.maine.gov/dhhs/ofi/rules/index.shtml
10-28-19	10-144/2019-183	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. II & III Section 45, Hospital Services www.maine.gov/dhhs/oms/rules/index.shtml
11-26-19	10-144/2019-206	Office of Child and Family Services	Amend.	Ch. 6, Child Care Subsidy Programs Rules www.maine.gov/dhhs/ocfs/policy.shtml
12-1-19	10-144/2019-254	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program Manual, FS 208A (Removal of the Elderly Disabled Asset Limit) www.maine.gov/dhhs/ofi/rules/index.shtml
12-4-19	10-144/2019-212	Maine Center for Disease Control and Prevention	Repeal	Ch. 259, Rules Establishing Blind Seroprevalence Surveys for Occurrence of HIV in Newborns www.maine.gov/dhhs/mecdc/rules/index.shtml
12-4-19	10-144/2019-213	Maine Center for Disease Control and Prevention	Repeal	Ch. 273, Rules for the SSI Children's Program of Services www.maine.gov/dhhs/mecdc/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the second quarter – FY 2020	TYPE OF RULE	CHAPTER NUMBER & TITLE
12-4-19	10-144/2019-219	Maine Center for Disease Control and Prevention	Emergency Repeal	Ch. 287, Rules for Family Planning Funding www.maine.gov/dhhs/mecdc/rules/index.shtml
12-11-19	10-144/2019-220	Maine Center for Disease Control and Prevention	Repeal	Ch. 282, Prenatal Care Program www.maine.gov/dhhs/mecdc/rules/index.shtml
12-17-19	10-144/2019-228	Office of MaineCare Services	New	Ch. 104, Maine State Services Manual: Section 7 (New), Abortion Services for MaineCare Services www.maine.gov/dhhs/oms/rules/index.shtml
12-24-19	10-144/2019-252	Office of MaineCare Services	Amend.	Ch. 101, MaineCare Benefits Manual: Ch. III Section 2, Adult Family Care Service www.maine.gov/dhhs/oms/rules/index.shtml
12-29-19	10-144/2019-253	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program, FS #210A (ABAWD Geographic Waiver) www.maine.gov/dhhs/ofi/rules/index.shtml
12-29-19	10-144/2019-257	Office for Family Independence	Amend.	Ch. 301, Food Supplement Program, FS 209A (COLA SUA FFY 2020) www.maine.gov/dhhs/ofi/rules/index.shtml

Rules proposed by DHHS in the second quarter FY 2020:

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the second quarter FY 2020	CHAPTER NUMBER AND TITLE
10-2-19	2019-P173	Office for Family Independence	Ch. 301, Food Supplement Program Manual, FS-208P (Removal of the Elderly and Disabled Asset Limit): Sections FS-333-1, FS-444-8 www.maine.gov/dhhs/ofi/rules/index.shtml
10-2-19	2019-P174	Office of MaineCare Services	Ch. 104, Maine State Services Manual: Section 7, Abortion Services for MaineCare Members www.maine.gov/dhhs/oms/rules/index.shtml
10-30-19	2019-P242	Office for Family Independence	Ch. 301, Maine Food Supplement Program, FS #210P (ABAWD Geographic Exemption): Alpha Index, Table of Contents, FS 111-7, FS 999-2 www.maine.gov/dhhs/ofi/rules/index.shtml
10-30-19	2019-P243	Office for Family Independence	Ch. 331, Maine Public Assistance Manual (TANF); TANF #113P (TANF Max Benefit 2019): Appendices www.maine.gov/dhhs/ofi/rules/index.shtml
11-6-19	2019-P250	Office for Family Independence	Ch. 301, Food Supplement Program, Rule #209P (COLA SUA FFY 2020). Sections Alpha Index; Table of Contents; FS-000-1, Basis of Issuance; FS-111-1, Household Concept; FS-111-2, Resolving Questionable Citizenship Status and Verifying Alien Status; FS-333-1, Maximum Allowable Assets; FS-444-1, Sponsored Aliens; FS-444-5, Residents of Drug and Alcohol Treatment Centers or Group Living Arrangements for the Disabled; FS-444-6, Shelters for Battered Persons; FS-444-8, Categorically Eligible Households; FS-555-1, Treatment of Income; FS-555-5, Deductions; FS-555-6, Calculating Eligibility and Monthly Benefit; FS-666-6, Changes During the Certification Period; and FS-99-3, Charts www.maine.gov/dhhs/ofi/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the second quarter FY 2020	CHAPTER NUMBER AND TITLE
11-13-19	2019-P258	Commissioner's Office	Ch. 104, Maine State Services Manual: Section 8, Wholesale Prescription Drug Importation Program https://www.maine.gov/dhhs/dhhs-rulemaking.shtml
11-27-19	2019-P267	Maine Center for Disease Control and Prevention	Ch. 15 (New) Death with Dignity Act Reporting Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
12-4-19	2019-P270	Maine Center for Disease Control and Prevention	Ch. 287, Rules for Family Planning Funding (Repeal) www.maine.gov/dhhs/mecdc/rules/index.shtml
12-18-19	2019-P275	Maine Center for Disease Control and Prevention	Ch. 234, Lead Testing in School Drinking Water Rule www.maine.gov/dhhs/mecdc/rules/index.shtml