

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

May 7, 2021

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 third quarter of FY 2021, 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
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 third quarter FY 2021:

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the third quarter – FY 2021	TYPE OF RULE	CHAPTER NUMBER & TITLE
1-6-21	10-144/ 2021-001	Office of Child and Family Services	Emergency (major substantive)	Ch. 21, Rules for the Provision of Payments for Residential Programs Serving Children www.maine.gov/dhhs/ocfs/policy.shtml
2-1-21	10-144/ 2021-032	Office for Family Independence	Emergency	Ch. 301, Food Supplement Program, Section FS 999-3 (Charts): FS 217E, Increases Pursuant to PL 116-260 www.maine.gov/dhhs/ofl/rules/index.shtml

Effective Date (may have been published later)	Citation/ Adopted Rule Number	Promulgated by DHHS in the third quarter – FY 2021	TYPE OF RULE	CHAPTER NUMBER & TITLE
2-17-21	10-144/2021-035	Maine Center for Disease Control and Prevention	Amend.	Ch. 258, Control of Notifiable Diseases and Conditions www.maine.gov/dhhs/mecdc/rules/index.shtml
2-18-21	10-144/2021-042	Office for Family Independence	Emergency	Ch. 301, Food Supplement Program, FS 444-7 Households with Special Circumstances, Students: FS 219E, Temporary Student Policy www.maine.gov/dhhs/ofi/rules/index.shtml
2-27-21	10-144/2021-041	Office of Aging and Disability Services	Repeal	Ch. 5, Section 16, Adult Protective Services: Administration (repeal) www.maine.gov/dhhs/oads/trainings-resources/policy.html
3-11-21	10-144/2021-063	Maine Center for Disease Control and Prevention	Hybrid Rule: Emergency: both Routine Technical & Major Substantive	Ch. 283, Newborn Bloodspot Screening Rule www.maine.gov/dhhs/mecdc/rules/index.shtml

Rules proposed by DHHS in the third quarter FY 2021:

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the third quarter FY 2021	CHAPTER NUMBER AND TITLE
1-20-21	2021-P007	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 97, Private Non-Medical Institution Services www.maine.gov/dhhs/oms/rules/index.shtml

DATE	PROPOSED RULE NUMBER	Rules <i>proposed</i> by DHHS in the third quarter FY 2021	CHAPTER NUMBER AND TITLE
2-3-21	2021-P011	Office of MaineCare Services	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II, Section 101, Medical Imaging Services www.maine.gov/dhhs/oms/rules/index.shtml
2-3-21	2021-P013	Office for Family Independence	Ch. 609, Food Supplement—Employment and Training (FSET) Program Rules, FSET Rule #5 – Bachelors Programs Approved www.maine.gov/dhhs/ofirules/index.shtml
2-17-21	2021-P022	Office for Family Independence	Ch. 301, Food Supplement Program, FS217P – Increases Pursuant to PL 116-260: Section FS 999-3, Charts www.maine.gov/dhhs/ofirules/index.shtml
2-17-21	2021-P023	Office for Family Independence	Ch. 332, MaineCare Eligibility Manual, Parts 9, 18: MaineCare Rule #295, Updates to Parts 9, (Special) Limited Benefit Groups, and 18, Presumptive Eligibility Determined by Hospitals www.maine.gov/dhhs/ofirules/index.shtml
3-10-21	2021-P043	Office for Family Independence	Ch. 301, Food Supplement Program, FS 219P (Temporary Student Policy): Section FS 444-7, Households with Special Circumstances, Students www.maine.gov/dhhs/ofirules/index.shtml
3-17-21	2021-P049	Maine Center for Disease Control and Prevention	Ch. 283, Newborn Bloodspot Screening Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
3-24-21	2021-P049 (2 nd publication)	Maine Center for Disease Control and Prevention	Ch. 283, Newborn Bloodspot Screening Rule www.maine.gov/dhhs/mecdc/rules/index.shtml
3-24-21	2021-P053	Office for Family Independence	Ch. 607, ASPIRE-TANF Program Manual: ASPIRE Rule #28P, TANF Earnings Disregard Extension www.maine.gov/dhhs/ofirules/index.shtml