

**MAINE COUNTY COMMISSIONERS ASSOCIATION**  
Proposed and Adopted Regulations  
September 15, 2023

PROPOSED RULES				
Section	Agency	Summary	Hearing	Written Comments
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<a href="#">Ch. 101, MaineCare Benefits Manual (MBM): ch. VI Section 3, Primary Care Plus</a>  This rulemaking proposes to repeal a section of the MaineCare Benefits Manual (Ch. VI Section 1, Primary Care Case Management) and replace it with a single integrated program for MaineCare’s current primary care programs.	None	<b>Due:</b> 1/21/22 at 11:59 PM <b>To:</b> Henry Eckerson Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 <a href="mailto:Henry.Eckerson@Maine.gov">Henry.Eckerson@Maine.gov</a>
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<a href="#">Ch. 101, MaineCare Benefits Manual (MBM): Ch. 1 Section 1, General Administrative Policies and Procedures</a>  This proposed rule makes major substantive changes to the Maine Care Benefits Manual to comply with federal regulations, make updates to reflect current practices, clarify ambiguous and vague sections of policy, and safeguard against fraud, waste, and abuse.	None	<b>Due:</b> 12/24/2021 by 11:59 PM <b>To:</b> Henry Eckerson Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 <a href="mailto:Henry.Eckerson@Maine.gov">Henry.Eckerson@Maine.gov</a>
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<a href="#">Ch. 101, MaineCare Benefits Manual (OMS): Ch. III Section 97, Private Non-Medical Institutions (PNMI) (Major Substantive)</a>  This rule proposes major substantive changes to 10-144 CMR ch. 101, MaineCare Benefits Manual, ch. III section 97, “Private Non-Medical Institution Services”, including Ch. III (the “Main Rule”) and Appendices B (“Substance Abuse Treatment Facilities”) and D (“Child Care Facilities”).	None	<b>Due:</b> 12/10/2021 by 11:59 PM <b>To:</b> Dean Bugaj, Children’s and Behavioral Health Manager Division of Policy – DHHS-OMS 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 <a href="mailto:Dean.Bugaj@Maine.gov">Dean.Bugaj@Maine.gov</a>
DHHS (Public Hearing Scheduled and Comments Due)	Department of Health and Human Services (DHHS), Office of MaineCare	<a href="#">Ch. 101, Maine Care Benefits Manual (MBM): Ch. I Section 6 (New), Global HCBS Waiver Person-Centered Planning and Settings Rule</a>	9/28/2021 At 11 AM  <a href="#">Zoom</a> Meeting ID: 896 7535 8898	<b>Due:</b> 10/8/21 by 11:59 PM <b>To:</b> Heather Bingelis Comprehensive Health Planner II MaineCare Services 109 Capitol Street

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Date Changed to 10/8/21)	Services (OMS) – Division of Policy	This new rule proposes to implement the federal requirements for Maine’s Section 1915(c) home and community-based waiver programs as set forth in 42 CFR §441.301(c) and implements additional requirements or changes to HCBS waiver programs.		11 State House Station Augusta, ME 04333-0011 <a href="mailto:Heather.Bingelis@Maine.gov">Heather.Bingelis@Maine.gov</a>
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<a href="#">Ch. 101, MaineCare Benefits Manual (MBM): Ch. II Section 97, Private Non-Medical Institution Services</a>  This rules proposes changes to 10-144 CMR ch. 101, <i>MaineCare Benefits Manual</i> , ch. II section 97, “Private Non-Medical Institution Services” to align requirements with the <i>Family First Prevention Services Act</i> (FFPSA), which establishes standards for children in residential treatment programs in order to improve quality and oversight of services.	None  (30- Day Comment Period; Date filed with Sec. of State’s Office: 8/3/21)	<b>Due:</b> 9/10/21 at 11:59 PM <b>To:</b> Melanie Miller Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 <a href="mailto:Melanie.Miller@Maine.gov">Melanie.Miller@Maine.gov</a>
DHHS	Department of Health and Human Services (DHHS), Office of Child and Family Services (OCFS)	<a href="#">Ch. 202, Child Protective Central Case Record Research Fee</a>  These rules set forth a reduced fee charged by the Department of Health and Human Services to conduct child protective background checks as part of the Departments implementation of a new electronic portal (InforME) for requests for such checks.	None	<b>Due:</b> 9/18/2020 <b>To:</b> Debra White DHHS – OCFS Hearings and Appeals Unit 11 State House Station 2 Anthony Avenue Augusta, ME 04330 <a href="mailto:Debra.White@Maine.gov">Debra.White@Maine.gov</a>
DHHS	Department of Health & Human Services (DHHS), Office of Child Care Facility Services (OCFS)	<a href="#">Ch. 32 (Repeal and replace: new title), Child Care Facility Licensing Rule – Child Care Centers, Nursery Schools, Small Child Care Facilities, Other Programs; Ch. 36 (Repeal), Rules for the Licensing of Nursery Schools</a>  This proposed rule repeals and replaces ch. 32, Rules for the Licensing of Child Care Facilities, and ch. 36, Rules for the Licensing of Nursery Schools.	7/20/21 at 1 PM via Zoom	<b>Due:</b> 7/30/21 <b>To:</b> Janet Whitten, DHHS – OCFS 2 Anthony Avenue 11 State House Station Augusta, ME 04333-0011 <a href="mailto:LicensingRules.OCFS@Maine.gov">LicensingRules.OCFS@Maine.gov</a>

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DHHS	Department of Health and Human Services (DHHS), Maine Center for Disease Control and Prevention (Maine CDC)	<p><a href="#">Ch. 297, Dental Care Access Credit Program Rule</a></p> <p>This proposed rule updates and clarifies requirements for the Dental Access Credit Program Rule.</p>	30-Day Comment period, no hearing scheduled.	<p><b>Due:</b> 6/18/2021  <b>To:</b> Andrew Hardy          11 State House Station          286 Water Street          Augusta, ME 04333  <a href="mailto:Andrew.Hardy@Maine.gov">Andrew.Hardy@Maine.gov</a></p>
DHHS	Department of Health and Human Services (DHHS), Office for Family Independence (OFI)	<p><a href="#">Ch. 607, ASPIRE-TANF Program Manual: ASPIRE Rule 28P, TANF Earnings Disregard Extension</a></p> <p>This rule changes the ASPIRE Program rules to align with changes to the Maine Public Assistance Manual.</p>	None	<p><b>Due:</b> 4/26/21 @ 5 PM. Comments submitted <a href="#">here</a>.  <b>To:</b> Dawn Q. Croteau          ASPIRE Program Manager          Department of Health and Human Services          Office for Family Independence          109 Capitol Street          11 State House Station          Augusta, ME 04330-6841  <a href="mailto:Dawn.Croteau@Maine.gov">Dawn.Croteau@Maine.gov</a></p>
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<p><a href="#">Ch. 101, MaineCare Benefits Manual (MBM): Ch. II Section 101, Medical Imaging Services</a></p> <p>This proposed rule adds a section to Ch.101 MaineCare Benefits Manual to cover the screening of lung cancer to provide earlier detection.</p>	None	<p><b>Due:</b> 3/5/2021 by 11:59 PM  <b>To:</b> Cari Philbrick          Comprehensive Health Planner II          MaineCare Services          109 Capitol Street          11 State House Station          Augusta, ME 04333-0011  <a href="mailto:Cari.Philbrick@Maine.gov">Cari.Philbrick@Maine.gov</a></p>

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DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<p><a href="#">Ch. 101, MaineCare Benefits Manual (MBM): Ch. II Section 101, Medical Imaging Services</a></p> <p>This proposed rule adds a section to Ch.101 MaineCare Benefits Manual to cover the screening of lung cancer to provide earlier detection.</p>	None	<p><b>Due:</b> 3/5/2021 by 11:59 PM  <b>To:</b> Cari Philbrick          Comprehensive Health Planner II          MaineCare Services          109 Capitol Street          11 State House Station          Augusta, ME 04333-0011</p>
MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p><a href="#">Ch. 302, Procedures Regarding Funds for Experts and Investigators</a></p> <p>This proposed rule clarifies the procedure and processes for which funds for investigative or expert services may be requested and granted.</p>	<p>3/18/2021 at 1 PM</p> <p><a href="#">Zoom Details will be posted</a></p>	<p><b>Due:</b> 3/28/2021  <b>To:</b> Eleanor Maciag, Esq.          Rulemaking Liaison          154 State House Station          32 Blossom Lane          Augusta, ME 04330  <a href="mailto:Eleanor.Maciag@Maine.gov">Eleanor.Maciag@Maine.gov</a></p>
MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p><a href="#">Ch. 2, Standards for Qualifications of Assigned Counsel</a></p> <p>This rule amends the attorney eligibility standards of the Maine Commission for Indigent Legal Services (MCILS) by increasing the continuing legal education requirement, strengthening the reporting requirements for attorney misconduct, and authorizing the removal or suspension of attorneys from MCILS roster for criminal conduct.</p>	<p>12/21/2020 at 1 PM</p> <p>Contact <a href="http://www.maine.gov/mcils">www.maine.gov/mcils</a> the day before for zoom information</p>	<p><b>Due:</b> 12/31/2020  <b>To:</b> Eleanor Maciag, Esq.          Maine Commission on Indigent Legal Services          154 State House Station          32 Blossom Lane          Augusta, ME 04330  <a href="mailto:Eleanor.Maciag@Maine.gov">Eleanor.Maciag@Maine.gov</a></p>

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MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p><a href="#">Ch. 3, Eligibility Requirements for Specialized Case Types</a></p> <p>The rule amends the attorney eligibility standards of the Maine Commission for Indigent Legal Services (MCILS) for attorneys on the MCILS roster that may be assigned to specialized case types.</p>	<p>12/21/2020 at 1 PM</p> <p>Contact <a href="http://www.maine.gov/mcils">www.maine.gov/mcils</a> the day before for zoom information</p>	<p><b>Due:</b> 12/31/2020  <b>To:</b> Eleanor Maciag, Esq.  Maine Commission on Indigent Legal Services  154 State House Station  32 Blossom Lane  Augusta, ME 04330  <a href="mailto:Eleanor.Maciag@Maine.gov">Eleanor.Maciag@Maine.gov</a></p>
MDOC	Maine Department of Corrections	<p><a href="#">Ch. 4, Line of Duty Death Benefit for Corrections Officers &amp; MDOC Law Enforcement Officers</a></p> <p>This proposed rule amends Ch. 4 of the MDOC's rules governing line of duty death benefit for corrections officers and MDOC law enforcement officers by updating the rule to reflect recently enacted legislation that adds death by suicide as a line of duty death if the suicide was the result of events or actions experienced by the officers while in the line of duty, among other related changes.</p>	None	<p><b>Due:</b> 10/5/23  <b>To:</b> Mary Lucia  Policy Development Coordinator  Department of Corrections  111 State House Station  Augusta, ME 04333  <a href="mailto:mary.a.lucia@Maine.gov">mary.a.lucia@Maine.gov</a></p>
MDOC	Maine Department of Corrections (MDOC)	<p><a href="#">Ch. 10, Subsection 20.2, Drug and Alcohol Testing</a></p> <p>The proposed rule repeals and replaces the adult prisoner drug and alcohol testing rule to add definitions, expand the reasons and bases of reasonable suspicion for testing, and to describe the potential consequences for testing positive.</p>	<p>1/6/2020 At 2 PM</p> <p>ME Dept. Of Corrections Board Room,  Tyson Building (3<sup>rd</sup> Floor)  25 Tyson Drive  Augusta, ME</p>	<p><b>Due:</b> 1/16/2020  <b>To:</b> Mary Lucia  Department of Correction  111 State House Station  Augusta, ME 04330  <a href="mailto:Mary.A.Lucia@Maine.gov">Mary.A.Lucia@Maine.gov</a></p>

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MDOC	Maine Department of Corrections (MDOC)	<p><a href="#">Ch. 11, Policy and Procedure Manual – Adult and Juvenile: Subsection 2.12, Prisoner and Resident Accounts</a></p> <p>This proposed rule will repeal and replace the procedures governing savings accounts held by inmates and juvenile adjudicated youth, to change the process for disbursements from savings accounts and to allow for individuals to opt out of the savings plan requirement.</p>	<p>12/3/19 At 2 PM</p> <p>Maine Dept. of Corrections Board Room</p> <p>Tyson Building (3<sup>rd</sup> Floor) 25 Tyson Drive Augusta, ME</p>	<p><b>Due:</b> 12/13/19 <b>To:</b> Mary Lucia Department of Corrections 111 Sate House Station Augusta, ME 04333 <a href="mailto:Mary.A.Lucia@Maine.gov">Mary.A.Lucia@Maine.gov</a></p>
MDOC	Maine Department of Corrections (MDOC)	<p><a href="#">Ch. 1, Detention and Correctional Standard for Counties and Municipalities</a></p> <p>The proposed Department of Corrections’ rule makes permanent and expands the emergency amendment governing plans to prevent and control outbreaks of coronavirus and other infectious and communicable diseases among inmates; ensures consistency with recently enacted law governing visits to jail inmates; and adds provisions governing pregnancy services, medication-assisted treatment, naloxone, and use of force.</p>	<p>12/7/2020 at 1 PM</p> <p><a href="#">Virtual Meeting</a></p>	<p><b>Due:</b> 12/18/2020 at 5 PM <b>To:</b> Mary Lucia Department of Correction 111 State House Station Augusta, ME 04333 <a href="mailto:Mary.A.Lucia@Maine.gov">Mary.A.Lucia@Maine.gov</a></p>

### ADOPTED RULES

Section	Agency	Summary	Adoption Date	
DHHS	Department of Health and Human Services (DHHS), Office for Family Independence (OFI)	<p><a href="#">Ch. 332, MaineCare Eligibility Manual: MaineCare Rule #298P (COVID-19 testing for Uninsured Individuals), Part 9, Limited Benefit Groups</a></p> <p>This rule proposes that the <i>MaineCare Eligibility Manual</i> adopt the eligibility criteria established by <i>The Families First Coronavirus Response Act</i> to reduce barriers to COVID-19 testing, diagnosis, and treatment.</p>	<p>Adopted Effective 8/15/23</p>	