

MAINE COUNTY COMMISSIONERS ASSOCIATION
Proposed and Adopted Regulations
May 13, 2022

PROPOSED RULES				
Section	Agency	Summary	Hearing	Written Comments
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	Ch. 101, MaineCare Benefits Manual (MBM): ch. VI Section 3, Primary Care Plus 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	Due: 1/21/22 at 11:59 PM To: Henry Eckerson Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Henry.Eckerson@Maine.gov
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	Ch. 101, MaineCare Benefits Manual (MBM); Ch. I Section 1, General Administrative Policies and Procedures The proposed rules amends the MaineCare Benefits Manual’s policy and program integrity rules to comply with federal law, update to reflect current practices, clarify ambiguities, and safeguard against fraud, waste, and abuse.	1/20/22 At 1 PM Zoom Meeting ID 838 7207 2632	Due: 1/30/22 by 11:59 PM To: Henry Eckerson Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Henry.Eckerson@Maine.gov
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	Ch. 101, MaineCare Benefits Manual (MBM): Ch. 1 Section 1, General Administrative Policies and Procedures 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	Due: 12/24/2021 by 11:59 PM To: Henry Eckerson Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Henry.Eckerson@Maine.gov
DHHS	Department of Health and Human Services	Ch. 101, MaineCare Benefits Manual (OMS): Ch. III Section 97, Private Non-Medical Institutions (PNMI) (Major Substantive)	None	Due: 12/10/2021 by 11:59 PM To: Dean Bugaj,

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	(DHHS), Office of MaineCare Services (OMS) – Division of Policy	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”).		Children’s and Behavioral Health Manager Division of Policy – DHHS-OMS 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Dean.Bugaj@Maine.gov
DHHS (Public Hearing Scheduled and Comments Due Date Changed to 10/8/21)	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	Ch. 101, Maine Care Benefits Manual (MBM): Ch. I Section 6 (New), Global HCBS Waiver Person-Centered Planning and Settings Rule 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.	9/28/2021 At 11 AM Zoom Meeting ID: 896 7535 8898	Due: 10/8/21 by 11:59 PM To: Heather Bingelis Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Heather.Bingelis@Maine.gov
DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	Ch. 101, MaineCare Benefits Manual (MBM): Ch. II Section 97, Private Non-Medical Institution Services 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)	Due: 9/10/21 at 11:59 PM To: Melanie Miller Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Melanie.Miller@Maine.gov
DHHS	Department of Health and Human Services (DHHS), Office of Child and Family Services (OCFS)	Ch. 202, Child Protective Central Case Record Research Fee 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	Due: 9/18/2020 To: Debra White DHHS – OCFS Hearings and Appeals Unit 11 State House Station 2 Anthony Avenue Augusta, ME 04330 Debra.White@Maine.gov

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DHHS	Department of Health and Human Services (DHHS), Office for Family Independence (OFI), Division of Support Enforcement and Recovery (DSER)	<p>Chapter 351, Maine Child Support Enforcement Manual: Ch. 4 Fees (page 23)</p> <p>The proposed rule conforms the service fee for child support services to state and federal law, by increasing the fee from \$25 to \$35 annually for individuals receiving at least \$550 in support during the federal fiscal year.</p>	None	<p>Due: 7/8/2020 To: Gregory J. Garneau Staff Attorney Department of Health of Human Services Office of Division of Support Enforcement and Recovery 109 Capitol Street 11 State House Station Augusta, ME 04330-6841 Gregory.J.Garneau@Maine.gov</p>
DHHS	Department of Health and Human Services (DHHS), Office for Family Independence (OFI)	<p>Ch. 331, Public Assistance manual (TANF): Introduction and General Definitions; Ch. I, Eligibility Process; Ch. V, Post TANF Benefits; Ch. IX, Alternative Aid Assistance Program; and Appendices</p> <p>This proposed rule is promulgated to comply with Maine statute 22 MRS §3769-C(1)(D), which requires the Department to increase the Temporary Assistance for Needy Families (TANF) maximum benefit on an annual basis.</p>	<p>8/11/2021 At 1 PM</p> <p>Virtual Or by Phone: 207-209-4724 Conf. Id # 272209344#</p>	<p>Due: 8/23/2021 at 5 PM Written comments may be submitted via the link To: Alexandria Lauritzen TANF Program Manager Dept. of Health & Human Services Office for Family Independence 109 Capitol Street 11 State House Station Augusta, ME 04333-0011 Alexandria.Lauritzen@Maine.gov</p>
DHHS	Department of Health & Human Services (DHHS), Office of Child Care Facility Services (OCFS)	<p>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</p> <p>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.</p>	7/20/21 at 1 PM via Zoom	<p>Due: 7/30/21 To: Janet Whitten, DHHS – OCFS 2 Anthony Avenue 11 State House Station Augusta, ME 04333-0011 LicensingRules.OCFS@Maine.gov</p>

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

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DHHS	Department of Health and Human Services (DHHS), Office of MaineCare Services (OMS) – Division of Policy	<p>Ch. 101, MaineCare Benefits Manual (MBM): Ch. II Section 101, Medical Imaging Services</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>Due: 3/5/2021 by 11:59 PM To: Cari Philbrick Comprehensive Health Planner II MaineCare Services 109 Capitol Street 11 State House Station Augusta, ME 04333-0011</p>
DHHS	Department of Health and Human Services (DHHS), Office for Family Independence (OFI)	<p>Ch. 332, MaineCare Eligibility Manual: MaineCare Rule #298P (COVID-19 testing for Uninsured Individuals), Part 9, Limited Benefit Groups</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>	None	<p>Due: 8/9/2020 To: Esther Bullard MaineCare Program Manager Department of Health of Human Services Office for Family Independence 109 Capitol Street 11 State House Station Augusta, ME 04330-6841 Esther.Bullard@Maine.gov</p>
MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p>Ch. 302, Procedures Regarding Funds for Experts and Investigators</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>Zoom Details will be posted</p>	<p>Due: 3/28/2021 To: Eleanor Maciag, Esq. Rulemaking Liaison 154 State House Station 32 Blossom Lane Augusta, ME 04330 Eleanor.Maciag@Maine.gov</p>

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MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p>Ch. 2, Standards for Qualifications of Assigned Counsel</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 www.maine.gov/mcils the day before for zoom information</p>	<p>Due: 12/31/2020 To: Eleanor Maciag, Esq. Maine Commission on Indigent Legal Services 154 State House Station 32 Blossom Lane Augusta, ME 04330 Eleanor.Maciag@Maine.gov</p>
MCILS	Maine Commission on Indigent Legal Services (MCILS)	<p>Ch. 3, Eligibility Requirements for Specialized Case Types</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 www.maine.gov/mcils the day before for zoom information</p>	<p>Due: 12/31/2020 To: Eleanor Maciag, Esq. Maine Commission on Indigent Legal Services 154 State House Station 32 Blossom Lane Augusta, ME 04330 Eleanor.Maciag@Maine.gov</p>
MDOC	Maine Department of Corrections (MDOC)	<p>Ch. 10, Subsection 20.2, Drug and Alcohol Testing</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 (3rd Floor) 25 Tyson Drive Augusta, ME</p>	<p>Due: 1/16/2020 To: Mary Lucia Department of Correction 111 State House Station Augusta, ME 04330 Mary.A.Lucia@Maine.gov</p>

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MDOC	Maine Department of Corrections (MDOC)	Ch. 11, Policy and Procedure Manual – Adult and Juvenile: Subsection 2.12, Prisoner and Resident Accounts 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.	12/3/19 At 2 PM Maine Dept. of Corrections Board Room Tyson Building (3 rd Floor) 25 Tyson Drive Augusta, ME	Due: 12/13/19 To: Mary Lucia Department of Corrections 111 State House Station Augusta, ME 04333 Mary.A.Lucia@Maine.gov
MDOC	Maine Department of Corrections (MDOC)	Ch. 1, Detention and Correctional Standard for Counties and Municipalities 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.	12/7/2020 at 1 PM Virtual Meeting	Due: 12/18/2020 at 5 PM To: Mary Lucia Department of Correction 111 State House Station Augusta, ME 04333 Mary.A.Lucia@Maine.gov

ADOPTED RULES

Section	Agency	Summary	Adoption Date	
DHHS	Maine Health Data Organization (MHDO)	Ch. 120, Release of Data to the Public This proposed rule updates definitions and several data elements available for release to authorized data recipients based on how our data user’s needs have changed; and due to new and existing laws that allow for the collection of certain data elements as well as	Adopted Effective: 5/28/22	

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		the release of these data, including PL 2021 ch. 423 and PL 2017 ch. 218.		
DHHS	Department of Health & Human Services (DHHS), Office of Child and Family Services (OCFS)	<p>Ch. 34, Child Care Provider (Child Care Facilities and Family Child Care Providers) Background Check Licensing Rule</p> <p>This proposed rule is a new major substantive rule that implements 22 MRS §8302-A(1)(J) and §8302-A(2)(K) which requires that the Department adopt rules regarding criminal background checks for child care facilities and family child care providers.</p>	Adopted Effective: 5/12/2022	
MDOC	Maine Department of Corrections (MDOC)	<p>Ch. 4 (New), Line of Duty Death Benefits for Corrections Officers</p> <p>The rule creates a process governing the award of death benefits to the child, spouse, or parent of a corrections officer who dies while in the line of duty, as required by 25 MRSA §1612.</p>	Adopted Effective: 5/18/22	