

## Notice of Agency Rule-making Proposal

**AGENCY:** Department of Health and Human Services,  
 Division of Licensing and Regulatory Services, Community Services Programs

**RULE TITLE OR SUBJECT:** 10-149 C.M.R. Chapter 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs; Level I, II, III, and IV Residential Care Facilities; and Level I, II, III, and IV Private Non-Medical Institutions.

**PROPOSED RULE NUMBER:** (LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

**CONCISE SUMMARY.** Public Law 07, Chapter 324(5), (6), (7), and (11) mandated routine technical changes to 10-149 C.M.R. Ch. 113. To comply with this law, sections 3 and 4 within each of the 9 rules contained in Chapter 113 have been amended as follows:

- [1] Adds ‘operating without a license’ provisions, see Sections 3.2, 4.11 [in Assisted Living Programs, Level I, II, III, and IV Residential Care Facilities] and Section 4.12 [in Level I, II, III, and IV Private Non- Medical Institutions].
- [2] Amends ‘right of entry’ provisions, Section 3.18.
- [3] Adds a ‘confidential information’ provision, Section 3.32.
- [4] Amends ‘financial penalties’ provisions, Section 4.8.6

The proposed rules include various technical, non-substantive changes relating to section numbering, intra-Departmental agency name changes, spelling, and usage. To comply with 5 M.R.S.A. §8052(8), a ‘statutory history’ page is included as the last page of each of the 9 rules contained in the Regulations Governing the Licensing and Functioning of Assisted Housing Programs.

**THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

**Economic impact on small businesses.** [Applies to businesses with 20 or fewer employees.] DHHS has determined that the proposed amended licensing rules implementing legislatively mandated requirements (explained above) can be performed within provider resources and no economic impact statement is required.

**STATUTORY AUTHORITY:** Public Law 2007, Chapter 324(5), (6), (7), (11) [routine technical rule]; 22 M.R.S.A. Chapters 1663 and 1664; 22 M.R.S.A. §42(1); and 22-A M.R.S.A. §205(2).

**PUBLIC HEARING:** None scheduled unless requested by 5 or more interested persons.

**DEADLINE FOR COMMENTS:** July 8, 2008

**AGENCY CONTACT PERSON:** Peter Mauro, Jr., Assistant Director  
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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_

*Catherine M. Cobb, Director*

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
010	10A	6711	01			
013	10A	6711	01			