**State of Maine: Notice of Agency Rulemaking – March 23, 2022**

**PROPOSALS**

AGENCY: **16-163 - Maine Emergency Medical Services (Maine EMS)**

CHAPTER NUMBER AND TITLE: **Ch. 21** (*New)*, Immunizations Required

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P207** *(second public comment period)*

**BRIEF SUMMARY**: Chapter 21 is a new chapter to be added to the Maine EMS Rules. The purpose of this rule is to adopt a list of vaccine preventable diseases for which licensees must obtain immunization or provide appropriate exemption documentation. No Entity may permit a Covered Emergency Medical Services Person to provide Direct Patient Care as defined by the rule without a Certificate of Immunization, or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter. New employees must have begun the COVID-19 series, or have an approved medical exemption, prior to employment, and will have three months to come into compliance with the remaining immunizations identified in this rule. Required vaccines include influenza, and COVID-19.

**DETAILED SUMMARY**:

**CHAPTER 21: IMMUNIZATION REQUIREMENTS**

**1. Definitions**

 1. “Certificate of Immunization” means documentation from a health official of the administration of an immunization, specifying the vaccine administered and the date it was administered. Electronic health records, having been compiled and maintained as an official document based on certificates of immunization, which provide at a minimum the month and year that the immunization was administered may also be accepted as proof of immunization.

 2. “Covered Emergency Medical Services Person” means an advanced emergency medical services person, a basic emergency medical services person or any person licensed by this board who routinely provides Direct Patient Care. For the purposes of this definition, EMS students that provide Direct Patient Care are Covered Emergency Medical Services Persons.

 3. “Direct Patient Care” means any activity that places an individual within 6 feet of a patient for a period of 15 minutes or more.

 4. “Disease” means the following conditions which may be preventable by immunization:

 1. Influenza; and

 2. COVID-19.

 5. “Effective Date” means thirty (30) days after publication of this chapter by the Secretary of State for COVID-19 and by November 1, 2022 for Influenza.

 6. “Entity” means an organization which holds a license issued by the Board that authorizes it as an organization to provide emergency medical services, or a training center licensed by the Board.

 7. “Exemption” means a formal procedure to procure discharge from the requirement to vaccinate under this rule in accordance with Section 3 below.

 8. “Immunization” means a vaccine, antitoxin or other substance used to increase an individual’s immunity to Disease.

**2. Immunization Required**

 1. Each Entity with which a Covered Emergency Medical Services Person is associated must require that the Covered Emergency Medical Services Person provide to the Entity a Certificate of Immunization or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter.

 2. No Entity may permit a Covered Emergency Medical Services Person to provide Direct Patient Care without a Certificate of Immunization demonstrating compliance with paragraph 3 of this section, or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter. Covered Emergency Medical Service Persons must have begun the COVID-19 series, or have an approved medical exemption, prior to providing Direct Patient Care, and must come into compliance with the remaining administrations in compliance with paragraph 3 of this section. The Seasonal Influenza vaccine is required annually, or as otherwise recommended by the US Centers for Disease Control.

 3. The number and timing of immunization administration dosing shall be in accordance with the applicable immunization manufacturer’s dosing specification or labelling.

 4. Any such immunization must meet the standards for biological products which are approved by the United States Public Health Service.

**3. Exemptions**

 1. A Covered Emergency Medical Services Person who does not provide a Certificate of Immunization may be permitted to provide direct patient care if that Covered Emergency Medical Services Person possesses an Exemption.

 2. An Exemption is available to a Covered Emergency Medical Services Person who provides a written statement from a licensed physician, nurse practitioner or physician assistant that, in the physician’s, nurse practitioner’s or physician assistant’s professional judgment, on forms approved by Maine EMS, immunization against any of the Diseases enumerated in this Chapter may be medically inadvisable, provided that, the Covered Emergency Medical Services Person has an established patient-qualified provider relationship with the provider issuing the written statement. An exemption is considered permanent.

**4. Record Keeping**

 1. An Entity must keep a record of the immunization status of each Covered Emergency Medical Services Person associated with the Entity. The record must include, at a minimum, the month and year that each immunization dose was administered.

 2. Where an Exemption has been granted to a Covered Emergency Medical Services Person, the Entity must maintain the written documentation of the Exemption on file.

 3. Each Entity must maintain a listing of the names of all Covered Emergency Medical Services Person associated with the Entity who are not currently immunized against Diseases enumerated in the Chapter. The list must also include the names of all Covered Emergency Medical Services Persons with Exemptions.

 4. All records required under this chapter shall be deemed, for the purposes of public access, confidential medical records under statute. Notwithstanding this statement, the Board may obtain and disclose records required under this chapter in accordance with 32 MRS §91-B

**5. Required Reports**

 1. Periodic Reporting

 Each Entity must, on an annual basis, submit a summary report on the immunization status of all Covered Emergency Medical Services Persons associated with the Entity on a form prescribed by Maine EMS no later than November 30th of that year as part of the EMS service license renewal. The summary report will include the following information at a minimum: specific contact information identifying the Entity, the total number of Covered Emergency Medical Services Persons who are immunized, the total number of Covered Emergency Medical Services Persons who possess Exemptions, and the total number of Covered Emergency Medical Services Persons who do not possess a Certificate of Immunization or an Exemption. Each report must be signed by a representative of the Entity as a certification that the information is accurate.

**PUBLIC HEARING**: No additional public hearing

Comments on the proposed rules may be submitted to the Maine EMS no later than 11:59 p.m., April 22, 2022. Interested parties may submit comments to Maine EMS in the following manners:

* Navigating to <https://www.maine.gov/ems/> and filling out our “Maine EMS Rules Public Comment Submission” form (Preferred)
* By email to: rulemaking.maineems@maine.gov
* In writing
	+ Send comments to Maine Emergency Medical Services Attn.: Rulemaking, 152 State House Station, Augusta, ME 0433-0152

COMMENT DEADLINE: Friday April 22, 2022 at 11:59 p.m.

CONTACT PERSON FOR THIS FILING/ SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Jason A. Oko, Maine Emergency Medical Services, 152 State House Station, Augusta, ME 04333. Telephone: (207) 626-3863. Fax: (207) 287-6251. Email: Jason.A.Oko@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 81-A, 84, 88

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

AGENCY WEBSITE: <https://www.maine.gov/ems/>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 202**, Medical Board

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P017** *(2nd publication)*

BRIEF SUMMARY: This rule governs the establishment of the Medical Board of the Maine Public Employees Retirement System. The rule is being repealed. Public Law 2021 ch. 277 amended the law to eliminate the use of a Medical Board, eliminating the need for rule ch. 202.

PUBLIC HEARING: April 14, 2022 - 11:00 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: April 25, 2022

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT / RULEMAKING LIAISON: Kathy J. Morin, Director of Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190. Email: Kathy.Morin@MainePERS.org.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §17103(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

AGENCY WEBSITE: <https://www.mainepers.org/>.

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 512**, Independent Medical Examinations

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2012-P018** *(2nd publication; hearing scheduled)*

BRIEF SUMMARY: This new rule implements and describes procedures for conducting independent medical examinations for applicants for disability retirement benefits under 5 MRS §17106-B(2), as enacted by Public Law 2021 ch. 277.

PUBLIC HEARING: April 14, 2022, 11:00 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine

COMMENT DEADLINE: April 25, 2022

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT / RULEMAKING LIAISON: Kathy J. Morin, Director of Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190. Email: Kathy.Morin@MainePERS.org.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §17103(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

AGENCY WEBSITE: <https://www.mainepers.org/>.

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 4** *(New)*, Line of Duty Death Benefits for Corrections Officers

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P035**

BRIEF SUMMARY: The purpose of the rule is to develop 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.

Copies of the proposed rule are available upon request by contacting the Department contact person or on the Department of Corrections website at <https://www.maine.gov/corrections/policies-procedures-proposed-rules>. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

PUBLIC HEARING: Tuesday, April 12, 2022 at 10:00 a.m. *This hearing will be conducted via a Microsoft Teams virtual meeting. Anyone wishing to attend should join the Microsoft Teams meeting accessible at this link* [*Public Hearing on Ch. 4, Line of Duty Death Benefits for Corrections Officers*](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_YmI2NDMzNjctZDIyYy00ZmU2LWE0NjUtYzhkZDIyYjc3NWYw%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d) *or* [*https://teams.microsoft.com/l/meetup-join/19%3ameeting\_YmI2NDMzNjctZDIyYy00ZmU2LWE0NjUtYzhkZDIyYjc3NWYw%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d*](https://teams.microsoft.com/l/meetup-join/19%3Ameeting_YmI2NDMzNjctZDIyYy00ZmU2LWE0NjUtYzhkZDIyYjc3NWYw%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%229872e9d5-880e-4f1f-be1b-6bf71ee7bf8d%22%7d)*.*

*In addition, directions on how to attend the hearing will be posted on the Department of Corrections website and sent upon request to any interested persons.*

*The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed above before Tuesday, April 5, 2022.*

COMMENT DEADLINE: April 25, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MDOC RULEMAKING LIAISON: Mary Lucia, Policy Development Coordinator, Department of Correction, 111 State House Station, Augusta ME 04333. Telephone: (207) 530-0983. TTY: Relay Service Dial 711. Fax: (207) 287-4370. Email: Mary.A.Lucia@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*)*: None

STATUTORY AUTHORITY FOR THIS RULE: 25 MRSA §1612

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MDOC WEBSITE: <https://www.maine.gov/corrections/>.

AGENCY: **02-280** - Department of Professional and Financial Regulation (PFR), **Board of Accountancy**

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, Definitions *(amend)*

**Ch. 6**, Firm License Requirements *(repeal and replace)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2022-P036, P037**

BRIEF SUMMARY: The Board of Accountancy is proposing to repeal and replace ch.6 of Board rules to more accurately describe the peer review process that certain firms are required to successfully participate in as a condition to the granting or renewal of licenses pursuant to 32 MRS §12252(8). The proposed changes will substantially conform the Board’s rules with the Uniform Accountancy Act rules regarding peer review and would approve the American Institute of Certified Public Accountants (“AICPA”), along with its peer review program and standards, as a sponsoring organization. This approval would also apply to the New England Peer Review (“NEPR”) as an administering entity of the AICPA Peer Review Program. The proposal would also change the Board’s rules to reflect the Board’s process for tracking a firm’s successful completion of a peer review.

The proposed rulemaking would also amend the Board’s ch.1, *Definitions*, to more accurately reflect the terminology used throughout the rules; specifically, to add terms used to describe the administration of firm peer reviews in Chapter 6.

Please visit <https://www.maine.gov/pfr/professionallicensing/professions/accountancy>, and scroll down to “What’s New”, Rulemaking, for a copy of the proposed rulemaking and rulemaking forms.

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), interested persons may request a public hearing by submitting a request in writing to the contact person for this filing.*

COMMENT DEADLINE: Friday, April 29, 2022, by 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Catherine M. Carroll, Dept. PFR, 35 State House Station, Augusta, ME 04333-0035. Telephone: (207) 624-8605. TTY users call Maine Relay 711. Email: Catherine.M.Carroll@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.S §§ 12214(4), 12252(8), 12252; 10 MRS §8003(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/accountancy>.

PFR RULEMAKING LIAISON: Kristin.Racine@Maine.gov.

**ADOPTIONS**

AGENCY: **17-229 – Maine Department of Transportation (MaineDOT)**

CHAPTER NUMBER AND TITLE: **Ch. 305**, Rules and Regulations Pertaining to Traffic Movement Permits

ADOPTED RULE NUMBER: **2022-040** *(Final adoption, major substantive)*

CONCISE SUMMARY: The revised rule allows for streamlining timelines for minor projects. The rule further outlines requirements for multi-modal needs in the traffic study, changes reference materials to those currently used, clarifies when a permit is no longer valid, revises and adds definitions, calls for a multi-modal study as the basis for requiring remediation, and clarifies vague wording within the rule. MaineDOT held seven stakeholder meetings that included consultant traffic engineers, municipal officials special interest groups (BCM, BUILD ME, MEREDA).

EFFECTIVE DATE: April 14, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: James A. Billings, MaineDOT, 16 State House Station, Augusta, Maine 04333. Telephone: (207) 624-3020. Email: James.Billings@Maine.gov.

MAINEDOT WEBSITE: <https://www.maine.gov/mdot/>.