

Notice of Agency Rulemaking Proposal

AGENCY: DHHS Maine Center for Disease Control and Prevention

CHAPTER NUMBER AND TITLE: 10-144 C.M.R, Ch. 36 Children's Residential Care Facilities
Licensing Rule

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY:

The Department is proposing the repeal of four existing children's residential care licensing rules, and replacing those rules with one single rule: Children's Residential Care Facilities Licensing Rule, to provide a comprehensive, one-stop licensing rule for all children's residential care facilities in Maine. This proposed rule governs the licensing requirements for a children's residential treatment facility. The rules proposed for repeal and replacement include: Rules for the Licensure of Residential Child Care Facilities at 14-118 C.M.R. Ch. 18, 14-193 C.M.R. Ch. 18, 10-148 C.M.R. Ch. 18, and Rules for the Licensure of Private-Non-Medical Institutions-Residential Child Care Facilities, 10-148 C.M.R. Ch.18-A.

This proposed rule introduces a new service: a children's residential care facility with secure capacity and psychiatric treatment (Level 2 Facility), which would allow residents to receive psychiatric and intensive mental health services in a secure facility that is not in a hospital. By expanding children's residential facilities to this service, it would address the problem of children being treated in a facility that does not match their level of need or being sent out of Maine for treatment.

This proposed rule also updates and clarifies language to reflect current practice in application and licensing requirements, since some of the proposed rules for repeal were not updated for many years. The rule is structured to more clearly explain requirements for staff training, policies, reporting, maintaining records and caring for residents.

Date, time and location of PUBLIC HEARING:

Monday, May 21, 2018, 1:00 PM

Augusta Civic Center, Piscataquis/Sagadahoc Room 76 Community Drive, Augusta, Maine

COMMENT DEADLINE: Thursday May 31, 2018

Any person who requires special accommodations to participate in the public hearing is asked to notify the person named below as the contact for this filing within 7 days of the date of the scheduled hearing.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

Andrew Hardy, 286 Water Street, 11 State House Station, Augusta, ME 04333-0011

Tel: (207) 287-4490, Fax: (207) 287-2887, TTY: Call 711 (Maine Relay)

andrew.hardy@maine.gov

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*):

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*):

STATUTORY AUTHORITY FOR THIS RULE: 22 M.R.S. § 8102 et seq., 22 M.R.S. § 8104, 5 M.R.S. § 8001

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

AGENCY WEBSITE: www.maine.gov/dhhs/mecdc/rules/maine-cdc-rules.shtml

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: tera.pare@maine.gov

* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
010	10A	6707	01 (35%)			
010	10A	6707	04 (65%)			