

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1649, L.D. 2279, "Resolve, Regarding Legislative Review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Regarding Legislative Review of Section 71.05(F)(11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services'

Further amend the resolve in section 1 in the first, 2nd and 3rd lines (page 1, lines 23 to 25 in L.D.) by striking out the following: "Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual)" and inserting in its place the following: 'Section 71.05(F)(11)-(13) of the Bureau of Elder and Adult Services Policy Manual'

Further amend the resolve in section 1 in the last line (page 1, line 29 in L.D.) by inserting after the following: "authorized" the following: 'but only if the rule is amended as follows: The reference in Section 71.05(F)(13) subsection (b) to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority, the Maine Revised Statutes, Title 22, section 304-F, subsection 2'

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

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FISCAL NOTE

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The additional costs associated with amending the rules can be absorbed by the Department of Human Services utilizing existing budgeted resources.'

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SUMMARY

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This amendment strikes the original title of the resolve and replaces it with one that specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. This amendment authorizes final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority.

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The amendment also adds a fiscal note to the bill.