

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 382

H.P. 284

House of Representatives, January 25, 2005

**Resolve, To Require the Department of Health and Human Services
To Amend Rules Regarding Licensing of Intermediate Care
Facilities for Mental Retardation Nursing**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROSTHWAITE of Ellsworth.
Cosponsored by Senator WESTON of Waldo and
Representatives: CURLEY of Scarborough, LINDELL of Frankfort, ROSEN of Bucksport,
SHIELDS of Auburn.

2 **Emergency preamble.** Whereas, acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4 **Whereas,** immediate relief from regulatory burdens is
6 necessary; and

8 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
10 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
12 safety; now, therefore, be it

14 **Sec. 1. Adopt rules. Resolved:** That by July 1, 2005, the
Department of Health and Human Services shall amend the rules
16 regarding licensing of intermediate care facilities for mental
retardation nursing to allow for the elimination of a state
18 survey of facilities. The Department of Health and Human
Services shall notify the Joint Standing Committee on Health and
20 Human Services of any rule that is amended pursuant to this
resolve. The rules to be amended are major substantive rules as
22 defined in Title 5, chapter 375, subchapter 2-A.

24 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

26

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SUMMARY

30 This resolve requires the Department of Health and Human
Services, Bureau of Medical Services, Division of Licensing and
32 Certification to amend the major substantive rules regarding the
granting of licenses to all intermediate care facilities for
34 mental retardation nursing that are approved for Medicaid
certification of eligibility.