

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

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

Effective July 15, 2021.

CHAPTER 110

H.P. 176 - L.D. 255

Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention Services

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

Whereas, this resolve directs the Department of Education to develop a plan for the provision of early intervention services and report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services; and

Whereas, the development of the plan must be initiated before the 90-day period expires in order that the plan may be completed and a report submitted in time for the next legislative session; and

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

Sec. 1. Advisory committee established. Resolved: That the Department of Education shall establish an advisory committee to advise the department on the development of a plan for the provision of early intervention services for children from birth to under 3 years of age through a quasi-independent government agency structure, advise the department on the option of pursuing the federal Extended Part C Option under 34 Code of Federal Regulations, Section 303.211, referred to in this resolve as "the Extended Part C Option," and make recommendations to the department on the provision of services for children 3 years of age. No later than 30 days after the effective date of this resolve, the Commissioner of Education shall invite the following members to join the advisory committee:

1. The Commissioner of Health and Human Services or the commissioner's designee;
2. The director of the Child Development Services System;

3. The Attorney General or the Attorney General's designee;

4. One member who is a contracted service provider of early intervention services, recommended by the Maine Association for Community Service Providers;

5. One member who is a representative of a Head Start agency or program, representing Head Start programs in the State, recommended by the Maine Head Start Directors Association;

6. One member representing and recommended by the Maine Developmental Disabilities Council, established under the Maine Revised Statutes, Title 5, section 12004-J, subsection 66;

7. One member representing and recommended by the Maine Speech Language Hearing Association;

8. Two members who are parents of children with disabilities from birth to under 3 years of age, recommended by the Maine Parent Federation;

9. One member who is a representative of a child care program recommended by the Maine Association for the Education of Young Children;

10. One member representing and recommended by the Maine Association for Community Service Providers;

11. One member representing and recommended by the Maine Occupational Therapy Association; and

12. One member representing and recommended by the Maine Children's Alliance.

The advisory committee shall elect a chair from among its members. Meetings of the advisory committee are public and the Department of Education shall provide to the members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services notice of the meetings with the advisory committee so that members of the joint standing committees may attend.

Sec. 2. Department of Education to develop a plan for early intervention services; legislation. Resolved: That the Department of Education shall develop a plan for the provision of early intervention services through a quasi-independent government agency structure, with the Department of Education providing oversight as the lead agency pursuant to 20 United States Code, Section 1435, in accordance with this section.

1. Plan. The plan must include:

- A. The establishment and appointment of an independent governing board for the quasi-independent government agency;

B. Current or proposed memoranda of understanding between the Department of Education and the Department of Health and Human Services;

C. How the plan addresses each of the 16 minimum required components under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1435(a) for a statewide, comprehensive system of early intervention services for infants and toddlers with disabilities; and

D. A detailed timeline for implementation, including but not limited to resources needed, any necessary statutory or regulatory changes and any other information necessary to implement the plan.

2. Consultation with the advisory committee.

The Department of Education shall consult and meet with the advisory committee under section 1 on the development of the plan.

3. Legislation.

The Department of Education shall draft suggested legislation to implement the plan developed, including but not limited to a new chapter of law in the Maine Revised Statutes, Title 20-A for the provision of early intervention services for children with disabilities from birth to under 3 years of age.

Sec. 3. Department of Education to conduct an analysis of the federal Extended Part C Option and make recommendations for services for children 3 years of age with disabilities.

Resolved: That the Department of Education shall conduct an analysis of the Extended Part C Option, including but not limited to its methodology, how it could be implemented and any unintended consequences that would need to be avoided if the State pursues the Extended Part C Option. The Department of Education shall also develop recommendations on the provision of services for children with disabilities who are 3 years of age, including but not limited to whether children 3 years of age should receive services through the quasi-independent government agency structure under section 2, school administrative units or a hybrid system. The Department of Education shall consult and meet with the advisory committee under section 1 as part of its analysis and development of recommendations under this section.

Sec. 4. Reports.

Resolved: That the Department of Education shall submit a report, no later than February 1, 2022, on the plan for early intervention services under section 2, subsection 1, including suggested legislation and a detailed analysis of any additional resources or statutory or regulatory changes necessary to implement the plan, the analysis of the Extended Part C Option and recommendations on the provision of services for children with disabilities who are 3 years of age under section 3, to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Education and Cultural Affairs

may submit legislation to the Second Regular Session of the 130th Legislature related to the report. The advisory committee may also report to the Joint Standing Committee on Education and Cultural Affairs on the advisory committee's role in the development of the plan under section 2.

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

Effective July 15, 2021.

CHAPTER 111

S.P. 164 - L.D. 376

**Resolve, To Increase Certain
Chiropractic Reimbursement
Rates under the MaineCare
Program**

Sec. 1. Department of Health and Human Services to increase MaineCare rates for chiropractic services for manipulative treatments.

Resolved: That, no later than January 1, 2022, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2021.

Sec. 2. Rate study. **Resolved:** That, notwithstanding section 1, if the Department of Health and Human Services conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates for manipulative treatments that are recommended by the rate study by amending its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15.

Sec. 3. Routine technical rules.

Resolved: That rules adopted pursuant to section 1 or 2 are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 4. Appropriations and allocations.

Resolved: That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides funding for the Department of Health and Human Services, by January 1, 2022, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative