

MAINE STATE LEGISLATURE

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Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF THE BUDGET
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AUGUSTA, MAINE 04333-0058

H. SAWIN MILLETT, JR.
COMMISSIONER

MELISSA L. GOTT
STATE BUDGET OFFICER

To: Committee on Appropriations & Financial Affairs
From: Melissa L. Gott, State Budget Officer MLG
Date: December 4, 2013
Subject: Federal Mandates

The State Budget Officer is required by 5 M.R.S.A., Section 1670, to submit a list of any new laws, regulations, or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Attached please find the report of federal mandates as submitted from the various State departments and agencies.

If you should have any questions regarding this report, please do not hesitate to contact the Budget Office at (207) 624-7810.

Thank you.

MLG/kb

cc: Grant Pennoyer, Director, OFPR
H. Sawin Millett, Jr., Commissioner, DAFS

FEDERAL MANDATES

| DEPARTMENT OR AGENCY | PROGRAM NAME & ACCOUNT # | FED CITE | DESCRIPTION OF THE PURPOSE OF THE MANDATE | IMPLEMENT-STATION DATE (DD-MM-YY) | FUND (SEE KEY) | AMOUNT | STATE FISCAL YEAR |
|----------------------|---------------------------------|----------------|--|-----------------------------------|----------------|--------|---------------------------------|
| Education | IDEA , Part B for children 3-20 | 34 CFR 300.203 | The US Department of Education is proposing to change the federal regulation about maintenance of effort on the school administrative unit level. If these regulations are made final, the Maine Department of Education will need to amend the Maine Unified Special Education Regulations. | Unknown | | \$0 | Unclear as fed reg is not final |

FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

FEDERAL MANDATES

| DEPARTMENT OR AGENCY | PROGRAM NAME & ACCOUNT # | FED CITE | DESCRIPTION OF THE PURPOSE OF THE MANDATE | IMPLEMENT- STATION DATE (DD-MM-YY) | FUND (SEE KEY) | AMOUNT | STATE FISCAL YEAR |
|----------------------------|---|-----------------------|---|--|----------------------|-----------------------|-------------------------|
| Labor | EMPLOYMENT SECURITY SERVICES 013-12A-0245-60 | Public Law 112- 40 | To ensure conformity with the Federal Trade Adjustment Assistance Extension Act, Public law 112-40 125 Statute 401 provides that 15% of a penalty assessment paid due to unemployment misrepresentation or fraud must be placed directly into the Unemployment Compensation Fund. It also prohibits an employer from being relieved of benefit charges for a benefit overpayment that was due to the fault of the employer or agent of the employer if that employer or agent of the employer has established a pattern of failing to provide timely or adequately requested information pertaining to an unemployment benefits claim. Additionally, this bill corrects reference errors in the laws governing unemployment compensation to accurately identify the Department of Labor as the entity that prescribes how and in what form an individual reports on that individual's work search, and as the entity that determines whether good cause exists for and individual's failure to comply with the work search requirement. | 12/15/2013 | 013 | \$11,000 estimated | 2014 |
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FUND KEY: 010, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 049, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

FEDERAL MANDATES

| DEPARTMENT OR AGENCY | PROGRAM NAME & ACCOUNT # | FED CITE | DESCRIPTION OF THE PURPOSE OF THE MANDATE | IMPLEMENTATION DATE (DD-MM-YY) | FUND (SEE KEY) | AMOUNT | STATE FISCAL YEAR |
|----------------------|-------------------------------|----------------------------------|---|--------------------------------|----------------|------------|-------------------|
| DHHS-OFI-OMS | MaineCare Admin, 012901 | PL 111-148, Section 2404 | Affordable Care Act - Protection of Home-and Community-Based Services Recipients from Spousal Impoverishment - During a five year period beginning on January 2014, the spousal impoverishment provisions are expanded to include spouses of individuals who are receiving home and community based waiver services. | Jan-2014 | 010, 013 | TBD | SFY2014 |
| DHHS-OFI-OMS | MaineCare Admin, 012901 | PL 111-148, Section 2004 | Affordable Care Act - Medicaid Coverage For Former Foster Care Children - Beginning January 2014, former foster children under age 26 must be covered under Medicaid, if, on the day they reached the age of 18 (or a higher age under the state's child welfare plan) they were: (1) in foster care under the responsibility of the state; and (2) enrolled in Medicaid or a waiver program. | Jan-2014 | 010, 013 | TBD | SFY2014 |
| DHHS-OFI-OMS | MaineCare Admin, 012901 | PL 111-148, Section 2002 | Affordable Care Act -Income eligibility for nonelderly determined using modified adjusted gross income - States must use MAGI income to determine eligibility for non-elderly/non-disabled individuals using MAGI income rules. No income or expense disregards can be used. Only countable tax income can be used. No asset will be applied to MAGI households. | Jan-14 | 010, 013 | TBD | SFY2014 |
| DHHS-OFI-OMS | MaineCare Admin, 012901 | PL 111-148, Section 2201 | Affordable Care Act - Enrollment Simplification and coordination with Health Insurance Exchanges | Jan-14 | 010, 013 | TBD | SFY2014 |
| DHHS-OFI-OMS | MaineCare Admin, 012901 | PL 111-148, Section 2202 | Affordable Care Act - Permitting hospitals to make presumptive eligibility determinations for all Medicaid eligible populations. | Jan-14 | 010, 013 | TBD | SFY2014 |
| DHHS-OFI-TANF | TANF, 013801 | PL 112-96, Section 402, 408, 409 | Requires States receiving TANF grants "to maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment." | Feb, 2014 | 010, 015 | TBD | SFY2014 |
| DHHS - Maine CDC | Vital Statistics 014-10A-6906 | Intelligence Reform | To establish minimum national standards for state and local vital statistics offices for national security purposes. | Not known. | 014/010 | Not known. | 13/14 |

Title 29-A §1411. Prohibition against participation in the federal REAL ID Act of 2005
 The State may not participate in the federal REAL ID Act of 2005, enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13. The Secretary of State may not amend the procedures for applying for a driver's license or nondriver identification card under this chapter in a manner designed to conform to the federal REAL ID Act of 2005.

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|------------------|--|--|--|------------------------------------|----------------|--|-----------|
| DHHS - Maine CDC | Vital Statistics 014-10A-6906 | 42 U.S.C. 242k, Section 306(h) | innovative messaging application developed by NAPHSIS (National Association for Public Health Statistics and Information Systems) for the electronic exchange of vital event data between jurisdictions, NCHS (National Center for Health Statistics), and other (future trading partners). STEVE replaces the current, less secure practice of exchanging paper copies, line lists and printed computer abstracts which most states use today for record exchange. STEVE will replace the Secure Data Network (SDN) as the conduit for state reporting of statistical data to the National Center for Health Statistics (NCHS) in 2013. | November/December 2013 | 014/010 | Not known. | 13/14 |
| Maine CDC | Maine Cancer Registry | CDC's NPCR has new standards for state cancer registries | IT support /funding must be maintained to increase electronic reporting by physicians and pathology laboratories, including meaningful use. | 1/1/2013 | 13 | \$20,000 | 2013/2014 |
| DHHS/MECDC | Maine Immunization Program Operations: 013 2608 03 2530IMM.F2013, 013 2533 03 2533VAC.F2013, 013 2596 03 2596VFC, 013 2597 03 2597AFIX, 013 2598 013 2598FLU | 42 U.S.C. 1396s | In section 1396a(a)(62) of this title, each State shall establish a pediatric vaccine distribution program (which may be administered by the State department of health), consistent with the requirements of of this section, under which- A) each vaccine-eligible child, in receiving an immunization with a qualified pediatric vaccine for the registered program provider on or after October 1, 1994, is entitled to receive the immunization without charge for the cost of such vaccine; and | Annually, January through December | 010, 013, 014, | \$2,839,541 (Operations) \$27,625,806 (Vaccine Purchases) | No |

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|--------------------------------|--|------------------------------------|---|----------|-----|-------------|-------|
| | Vaccine Purchases: 014 Z121 01, 014 2531 03, 010 2933 01, 014 Z048 01 | | B) (i) each program-registered provider who administers such a pediatric vaccine to a vaccine-eligible child on or after such date is entitled to receive such vaccine under the program without charge either for the vaccine or its delivery to the provider, and (ii) no vaccine is distributed under the program to a provider unless the provider is a program -registered provider. | | | | |
| Office of MaineCare Services-- | Appropriation 0129 | Final regulation (45 CFR 162.1002) | This rule requires the use of the <u>ICD-10 code sets</u> in all HIPAA transactions. The compliance date published in the final rule is October 1, 2014. Since ICD-10 code sets are medical code sets, the compliance date indicates the date of service for which these codes must be used. So, the ICD-10 code sets must be used in transactions when the service date in the transaction is on or after October 1, 2014. | 10.01.14 | 010 | \$9,889,837 | 14/15 |

057,058,059, 060, 061, 062, 063, 064, 065, 066, 067, 069, 070, 071, 075, 076, 077, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 091, 098, 099, 100

REV. 10/17/2011