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Resolve
124th Legislature
Second Regular Session

Chapter 175
H.P. 1226 - L.D. 1727

**Resolve, Regarding Legislative Review of Portions of Chapter
11: Rules Governing the Controlled Substances Prescription
Monitoring Program, a Major Substantive Rule of the Department
of Health and Human Services, Office of Substance Abuse**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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 Adoption. Resolved: That final adoption of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of Substance Abuse that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A, is authorized as long as the rules are amended to include an intervention approach to be undertaken with MaineCare members who are determined to be accessing controlled substances in a quantity or with a frequency beyond the norm for persons with similar medical conditions or diagnoses and the intervention approach does not include terminating the member from MaineCare services.

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