

IMPORTANT NOTICE FOR HOME AND COMMUNITY SUPPORT SERVICE (HCSS) PROVIDERS WITH ASSISTED HOUSING LICENSES

This notice applies to your agency if you provide services, funded in whole or in part by the Department, to adults with an intellectual disability, autism spectrum disorder, a related condition, or an acquired brain injury—including services under Title 22 §3089-

AND

You are currently operating with a license under 10-144 CMR Ch. 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs (Title effective 9/18/25: Assisted Housing Programs Licensing Rule.)

The Division of Licensing and Certification (DLC) will begin enforcing specific provisions of the emergency rule—10-144 CMR Ch. 108: Home and Community Support Services Agencies—for providers currently operating under 10-144 CMR Ch. 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs.

Providers operating facilities currently licensed as Residential Care Facilities under Chapter 113 are required to apply for licensure as Home and Community Support Services Agencies to remain licensed. To support this transition, no licensing fees will be charged during the timeframe in which the emergency rule is in effect. The application form to apply for Agency licensure is attached.

DLC intends to utilize the 90-day effective period of the Emergency Rule to transition providers from licensure under the Assisted Housing Program into licensure under the Home and Community Support program. During this period, DLC will focus on investigation of complaints regarding abuse, neglect, misappropriation or other allegations of resident harm, inspection of physical plant conditions, dietary requirements, and medication administration practices.

This document is meant as a guideline and will highlight important provisions to help you and your agency come into compliance. If you have any questions, email HCS.DLC@maine.gov.

Please note that provisions in Ch. 108 (the emergency rule) that are substantially similar to provisions in Ch. 113 (assisted housing rule(s) prior to revision) may be enforced during the effective date of emergency rule.

Provisions with an effective date of 9/3/2025	
Section 4. Initial and Renewal Applications for Licenses	(A)(5) Initial license application. When submitting an application for any new sites that are NOT currently licensed under Chapter 113, providers must submit documentation from the appropriate municipal office indicating compliance with all local laws or codes, relative to the type of service provided under this rule. (D) Approval for occupancy. Prior to the issuance of a license and prior to adding a new site, each provider owned and/or operated site must be certified by the State Fire Marshal's Office (SFMO) to be in compliance with the National Fire Protection Association (NFPA) Life Safety Code and other fire and safety laws and regulations that are applicable to the site.
Section 10. Individual Rights	(A)(1) Rights. Agencies must protect individuals from neglect, mistreatment from physical, verbal, and emotional abuse (including corporal punishment), and from misappropriation and/or exploitation.

Section 11. Personnel	(A) General requirements. Agencies are required to provide the minimum staffing in order to meet the individuals' needs, implement service plans and provide a safe setting. For all Direct Access Workers, a criminal history check conducted through the Maine Background Check Center (in accordance with 22 MRS Ch. 1691) and a record search for substantiated findings by Adult Protective Services and Child Protective Services.
Section 12. Medication Administration	(B) Use of safe and acceptable procedures. Agencies must ensure all persons administering medications use safe and acceptable methods and procedures that are consistent with the Department of Health and Human Services Certified Residential Medication Administration curriculum. (F) Injectable medications. Injectable medications must be administered by employees who are legally authorized to administer injectable medications. (J) Licensed practitioner's order required. Agencies must not administer or discontinue a medication without a written order signed and dated by a practitioner licensed to prescribe medications. (N) Medication administration record. Agencies must maintain a written Medication Administration Record (MAR). The MAR must follow all the provisions outlined in § 12(N) of the Rule. (P) Storage of medication administered by the agency. Agencies must maintain medications in their original containers in a locked storage cabinet. Agencies must follow the provisions outlined under this section for the storage of medications. (V) Diabetes management. For sites with residents with diabetes, agencies must ensure Direct Access Workers has received in-service diabetes management training from a registered professional nurse.
Section 13. Building Standards	(A)(1) All Buildings. All facilities and surrounding premises must show evidence of routine maintenance, repair of wear and tear, and ongoing housekeeping. (A)(2) All Buildings. Agencies must take immediate steps to correct any conditions in the physical facility or on the premises which posed a danger to an individual's life, health, or safety. (A)(17)(a) All Buildings. Agencies must maintain documented proof of rabies vaccinations for pets and service animals. (C)(7)(a) Residential buildings. Agencies must ensure the water temperature must not exceed 120° Fahrenheit.
Section 15. Food Preparation and Dietary Standards	(A)(1) Food service and safety. Programs must offer nourishing, well-balanced diet that meets the daily nutritional and special dietary needs of each individual. (A)(4) Food service and safety. Foods requiring refrigeration must be stored at a temperature of 41° Fahrenheit or below.

Provisions with an effective date of 10/3/2025	
Section 7. Agency Administration	(G)(1)-(5) Agency owned or operated vehicles used to transport persons served: All vehicles used by the agency to transport individuals served must comply with all applicable safety and licensing rules established by the Maine Bureau of Motor Vehicles. The agency licensee must maintain valid liability insurance and ensure each vehicle is safe and in working order. Staff must be trained on the use of safety restraints and any specific safety needs of the person being transported.

Section 12. Medication Administration	(L)(1)-(3) Pro Re Nata (PRN) orders for psychotropic medications. The agency must have written orders to administer PRN (“as needed”) psychotropic medications and qualified staff to administer the medication. (O) Medication errors and reactions, incident reports. Agencies must record, in an incident report, any medication errors and adverse reactions. Medication errors include errors of omission and errors of commission. (R) Schedule II controlled substances. Agencies that administer Schedule II controlled substances to prescribed individuals must follow the provisions outlined under this section.
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