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August 11, 2025

TO: Personal Care Agencies
FROM: Nicole Guenette, Program Manager
RE: Site requirements for Personal Care Agencies

To all Personal Care Agency administrators:

On 8/20/2024, 10-144 C.M.R. Ch. 129, Personal Care Agency Licensing Rule ("the rule") was adopted. This notice is to provide further interpretative guidance to providers regarding these requirements.

Section 2(A)(6) of the rule states: *A PCA must have a physical site in Maine, in a non-residential building that is zoned for business or, if operating out of a private home or residential setting, located in a separate and distinct space which ensures confidentiality and contains locked storage for records.*

Sites are defined in Section 1(B)(37) of the rule and includes: *the physical location(s) where services are coordinated and managed, and a site is where administrative staff are housed, and records are maintained.*

The purpose of this requirement is to ensure consistency with MaineCare requirements, consistency with similar standards for other provider types, and to ensure effective oversight of services being provided to Maine residents. The rule does not permit "virtual" sites nor the sharing of sites with other Personal Care Agencies. For Personal Care Agencies operating out of a private home or residential setting the site must be located in a separate and distinct space that prohibits access from parties not associated with the Personal care Agency. Examples of locations that would not meet the standards set in rule are storage areas, shared bedrooms, garages, sheds, and other rooms in a home open to common access. A dedicated room in a residence may serve as the site, if that room allows for confidential conversations in person or over electronic media and also contains secure storage of the employee and client records required under this rule.

Providers are encouraged to seek technical assistance from DLC as needed regarding the interpretation of rule provisions.

A handwritten signature in cursive script that reads "Nicole Guenette".

Nicole Guenette
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