



MDH Policy on Policy Development

Office of the Secretary –
Office of Regulation & Policy
Coordination

MDH POLICY #: 10.01.01
Effective Date: 5/27/2026

I. EXECUTIVE SUMMARY

The Maryland Department of Health (MDH) has the mission to protect and advance the health and well-being of all Marylanders through systems that work for people.

The purpose of this policy is to set forth a process for policy / procedure development, to define what is meant by the term "policy", to establish a format for policies, and distinguish the differences between a guideline, protocol, or standard and a policy.

MDH policies are tools used to guide employees in the performance of their work, enabling them to achieve a desired set of outcomes. Policies are also tools of management, used to guide operations in accordance with the policy statements. Policies must undergo a formal development and review process with the MDH Office of Regulation and Policy Coordination (ORPC), and require the Secretary's approval. MDH policies have the benefits of being applicable Department-wide to all MDH employees; of being recognized as the official Departmental position on an issue as approved by the Secretary; and of being easy to understand, concise, user-friendly, and written in plain-English.

II. BACKGROUND

For background on the history of this policy, please see §VII Change History.

This version of MDH Policy 10.01.01, effective May 27, 2026, establishes new provisions for the involvement of the MDH Office of Human Resources (OHR) in the policy review process to determine the need, if any, for the contents of an MDH policy to undergo collective bargaining.

III. POLICY STATEMENTS

A. DEFINITIONS

In this policy, the following terms have the meanings indicated.

1. “**Exclusive representative**” means an employee organization certified by the State of Maryland’s Public Employee Relations Board as the exclusive bargaining

MARYLAND DEPARTMENT OF HEALTH
Office of Regulation and Policy Coordination (ORPC)
201 West Preston Street – Room 534 – Baltimore Maryland 21201
Phone 410-767-0938 FAX 410-767-6483

- representative entitled to negotiate with the Governor or their designee(s) regarding wages, hours, and working conditions on behalf of bargaining unit employees.
2. **“Guidelines, protocols, and standards”** means documents that are plans of action and/or decision making to be used internally by a component of MDH. These documents may not apply to all MDH employees, but rather to those employees who are under the authority of the supervisor who authorized the documents, or those who are using the services provided by that unit, e.g., guidelines for completing an application, lab test protocols, or accounting standards.
 3. **“Non-substantive changes”** means edits to a MDH policy which are not intended to change the meaning of the policy but are necessary for correctness, accuracy, organization, consistency, and usefulness including changing the software application (MS-Word, Adobe PDF, HTML), the format (margins, indents, bullets, etc), fonts (Arial, caps, bold), punctuation, spelling, paragraph and outline numbering, pagination, hypertext links, and reference citations.
 4. **“Policy”** means a plan of action and/or decision-making document to be used by MDH employees and management when encountering certain issues or conditions that are of such significance that a desired outcome has been prescribed.
 5. **“Proposing Unit”** means the component within MDH that is responsible for facilitating and/or monitoring the actions outlined in a specific MDH policy.

B. GENERAL POLICY STATEMENTS

1. Policies — Generally

- a. Under Health General Article, §2-102, Annotated Code of Maryland, the Secretary is responsible for the operation of the Department. MDH policies are established under the authority of the Secretary to promote the orderly and efficient administration of the Department. MDH policies are tools for employees and supervisors to use to obtain the Department's desired results.
- b. Unlike laws and regulations, MDH policies do not require legislative review. Unlike guidelines, protocols or standards, MDH policies require the signature of approval of the Secretary, and may be applicable to any or all MDH programs, employees, agents, grantees, contractors, etc. In recognition of the need for

flexibility and accommodation of extenuating circumstances, individuals or MDH components may request a waiver from a policy or procedure.

- c. MDH policies are intended to have wide applicability across the Department or across various Administrations/units. In contrast, guidelines, protocols, or standards tend to govern operations or day-to-day activities of various units of the Department. Guidelines, protocols, or standards and other similar documents are not subject to the requirements of this policy.
- d. MDH policies are to be user-friendly, written in plain English, and contain only minimum essential technical, medical, legal or scientific terminology. Older policies are to be screened and revised periodically to comply with this requirement. The ORPC Director may request that a proposing unit review older policies at their discretion. Whenever legal, scientific, or technical terminology is required, a plain-English paraphrase will also be provided.
- e. The Program Director of the proposing unit responsible for the subject of the policy is also responsible for developing the draft policy document, amending an existing policy, and for submission of the associated documents to ORPC.

2. Policy— Development

a. General.

- i. In order to determine whether an MDH policy is appropriate for the goals to be accomplished, the proposing unit should consider the following:
 - Is the subject of the proposed policy one that affects programs or employees of more than one Administration?
 - Does the policy issue require the authority and approval of the Secretary in order to be effective?
 - Is a formal policy necessary to assure compliance or protect the liability of the Department?

If the answer to one or more of these questions is “yes”, a policy should be developed by the unit that is primarily responsible for the subject matter.

- ii. In developing an MDH policy, consideration should be given to comparable policies in other Maryland agencies, other states, or other government units. Where applicable, an MDH policy should reference policies of other state agencies.
- iii. Because the law and regulations governing the Department are continually undergoing modification, there is a need to maintain our policies with the latest references, hypertext links, and management decisions. Whenever possible, the policy should link to sites containing information that changes periodically, such as due dates, rates, fees, names and phone numbers, thus reducing the need to update the policy.
- iv. The proposing unit will provide the necessary policy research including all relevant hypertext links and reference citations, including the relevant Annotated Code and COMAR links.

b. Federal, State, and Local Authority.

- i. Because a significant portion of MDH activity includes management and operation of Federal programs, the Department and its employees are required to comply with Federal guidelines. Except where State, local or MDH guidelines are stricter, more inclusive, or specifically override Federal guidelines, employees are expected to defer to and comply with State or Federal program requirements.
- ii. MDH policies are not required if the Department's position is in agreement with a State or Federal policy, but policies may be developed to supplement, augment, or implement State or Federal guidelines when significant issues need to be addressed. If conflicts are noted, they are to be brought to the attention of the proposing unit and the ORPC Director.

EXCEPTIONS: All directives are subject to ongoing revision, so if and when conflicts or discrepancies are noted, consideration will generally be weighted in favor of the one that is most current or to the higher level of authority. In either case, however, exceptions to the general rule may be called for by the proposing unit's Program Director.

c. Legal Review.

- i. Since there is a need to assure that the rights of the citizens of Maryland are safeguarded; that the Department and its employees are protected; and, that inadvertent conflicts with the law, COMAR, or other directives are avoided, all MDH policies are to be developed in consultation with the proposing unit's designated Assistant Attorney General.
- ii. If legal questions are raised during the review process [see Section III B.6(b)], the questions and/or the policy will be referred back to the unit's designated Assistant Attorney General for resolution before proceeding.

3. Formatting for a New Policy.

a. General Formatting.

The ORPC Director will provide a Policy Template which must be utilized for all new policies or policy revision. The Policy Template will be posted on the ORPC page of the MDH Intranet. The standard policy font will be Times New Roman 12-point-regular with variations utilized by the ORPC Director for emphasis and convenience, as necessary. Any attachments or appendices are not subject to ORPC formatting requirements.

b. Required Policy Components.

All policies **must** contain the following sections:

- i. **Executive Summary** – Usually written last, this is a concise but general synopsis of the contents of the background and policy statement sections. All MDH policies begin with the MDH mission statement. Further, all significant issues addressed in the policy are to be mentioned here, but also need to be addressed in detail in the Policy Statements section.
- ii. **Background** – This is the history of the policy, to include mention of the MDH policy being superseded, if applicable. Federal law and the Maryland Annotated Code, COMAR, Executive Orders and other applicable State agency directives are to be acknowledged. When updating a policy, the Background section should also state what is different in this policy version from earlier versions.

- iii. **Policy Statements** - An organized, hierarchic listing of definitions, roles and responsibilities, principles, instructions, processes, considerations, standards, or other components of a plan to deal with the issue.
- iv. **Roles and Responsibilities** - An explanation of roles and responsibilities for various individuals or MDH units related to the policy. Can be presented in paragraph format or a bulleted table. All roles and responsibilities should be based upon information presented in the policy statements.
- v. **References** - A bulleted, alphabetical listing of laws, COMAR, publications, and information resources from which the policy is derived, or that are cited in the policy, with brief descriptions. Hypertext links to online references are to be included whenever available.
- vi. **Change History** - A table which outlines the history of the policy including a row for each version of the policy including the effective date, version number, the responsible unit, and a description of the change.
- vii. **(Optional) Attachments, Exhibits, Appendices, etc.**
 - 1. Essential supplementary data, forms, tables, listings, spreadsheets, letters and other documents which support the policy statements and which are placed at the end to maintain the continuity of the policy statements.
 - 2. Other directives, laws, regulations, glossaries, dictionaries, etc. are not to be included in text as part of the policy, but may be included via hyperlink, reference, or attachment if appropriate.
- c. Policies must be kept brief and user-friendly, but may be incorporated into comprehensive MDH manuals or handbooks, such as new employees' handbooks. Care must be taken by the proposing unit to ensure that the policies so incorporated are kept up to date.
- d. Program Directors may issue guidelines, protocols, or standards that link to MDH policies for user convenience, but are not to post any separate copies of MDH policies on web sites. This requirement is necessary to ensure that obsolete copies

of policies are not left online, and are not confused with the official versions. All MDH policies are centrally maintained on the [MDH Policy website](#) and the [ORPC Intranet](#).

e. Content and Vocabulary.

- i. MDH policies are intended to be user-friendly, and therefore, need to be easily understood and usable by all affected MDH employees.
 1. To the extent possible, MDH policies are to be written in plain English, with minimal legal, medical, scientific, technical, or foreign expressions.
 2. Whenever legal, scientific, or technical terminology is essential, a plain-English paraphrase will be provided.
 3. MDH vocabulary and word meanings are to be consistent with other MDH policies, unless a special definition is needed and a new meaning is emphasized.
 4. Common acronyms (such as MDH) may be used for brevity purposes, if first printed in full, defined, and if not used repeatedly with other acronyms.
- ii. Policy titles are to be succinct and descriptive, clearly indicating the explicit subject and scope of the policy at a glance, without elaborate and detailed delineation or qualification.
- iii. In determining the level of detail of a policy, consideration must be given to which employees will be the endusers, their expected level of expertise with the subject matter, and what they will need to know to carry out the policy. Detailed, technical, or complicated instructions may better be conveyed through non-policy directives such as protocols, manuals, etc. When applicable, a proposing unit may utilize a standard operating procedure as an attachment to a policy to convey further detail/instructions beyond what is traditionally included in a policy.
- iv. Definitions will be arranged in alphabetical order.

4. Formatting Revisions for Existing Policies

When changes need to be made to an existing policy/procedure, the initiating unit will show these amendments using Track Changes in a Word or Google Document version of the current policy. When preparing a revision to an existing policy, the proposed unit should utilize the [MDH Policy Template](#) which is available on the [ORPC intranet](#).

5. Policy - Numbering Protocol

- a. New policy numbers consist of three sets of two digit numbers separated by periods, as follows:
 - i. The first set of numbers indicates the applicable Administration or Office:
 - 01- Reserved/Vacant
 - 02 - Reserved/Vacant
 - 03 - Public Health
 - 04 - Human Resources and Equal Opportunity Programs
 - 05 - Finance
 - 06 - Office of Internal Controls, Audit, Compliance, and Information Security
 - 07 - Facility Management and Central Services
 - 08 - Office of Enterprise Technology
 - 09 - Operations
 - 10 - Office of the Secretary
 - 11 - MDH Health Care System
 - ii. The second pair of digits refers to the Office, Program, or Administration. This results in similar subjects being grouped together.
 - iii. The third set of numbers is a sequential identifier, to differentiate policies within a grouping.

6. Policy - Processing.

a. Initial Review

- i. The proposing unit will submit electronically a draft of the proposed new or amended policy, along with a completed signature sheet indicating approval by their Deputy Secretary (or the MDH Chief of Staff for Office of the Secretary units) and the unit's designated Assistant Attorney General, to the ORPC Director via email at mdh.regs@maryland.gov. The proposing unit is responsible for all legal review with the proposing unit's designated Assistant Attorney General.
- ii. The ORPC Director will review the document and assign a policy number. During review, the ORPC Director may consult with the proposing unit's designated Assistant Attorney General if necessary. After review, the ORPC Director may recommend changes and return the document to the proposing unit for further review or corrections.
- iii. Upon submission of the draft policy to ORPC, the ORPC Director will share the text of the draft policy with the MDH Office of Human Resources (OHR) for its review so that OHR can make a preliminary determination as to whether the content of the draft policy will need to be collectively bargained pursuant to the current Memorandum of Understanding with the applicable exclusive representative. In making the preliminary determination, OHR must consult with its Assistant Attorney General. As necessary, OHR may also consult with the Department of Budget and Management to make its preliminary determination regarding collective bargaining.
- iv. The proposing unit and the ORPC Director will work collaboratively to facilitate and expedite policy development. Once agreement has been reached on the content and format of the policy, the ORPC Director will begin the review and approval process with the MDH Secretary.
- v. Once the draft has been finalized for review by the MDH Secretary, the ORPC Director will formally share the policy with OHR for its final determination regarding collective bargaining. Following its final review, OHR will confirm via email to the ORPC Director and the proposing unit whether the content of the policy needs to be bargained. If the policy needs to be bargained, OHR will be responsible for all activities associated with bargaining in accordance with the current Memorandum of Understanding with the applicable exclusive representative. In making its

final determination, OHR must consult with its Assistant Attorney General. As necessary, OHR may consult with the Department of Budget and Management to make its final determination regarding collective bargaining.

Note - If the policy under review was developed by OHR, a member of OHR other than the primary drafter of the policy and an AAG other than the AAG who signed for legal sufficiency shall make the preliminary and final determinations regarding collective bargaining.

b. Internal Review and Comment Process.

Prior to submission of a policy to ORPC for review and processing, the proposing unit shall ensure that the policy is shared with impacted MDH units for their review and feedback. The ORPC Director may suggest engagement with additional MDH units prior to submission to the Secretary. To facilitate processing, the ORPC Director may make nonsubstantive, grammatical, or organizational changes to the policy, as needed, at any stage of policy development.

Upon submission to the Secretary, the ORPC Director may recommend to the Secretary that a policy undergo a comment period prior to finalization to senior staff, the Directors of impacted units/programs, or all MDH employees, if appropriate. The Secretary ultimately determines any need for a comment period. If a comment period is not utilized, the Secretary may finalize the policy.

c. Review Comments and the Revision Process.

If the MDH Secretary determines a comment period is necessary, the ORPC Director will receive all comments at mdh.regs@maryland.gov. Following the comment period, the ORPC Director will forward all comments to the proposed unit for review and response. If substantive changes are needed to the policy, the proposing unit must have a new signature sheet signed by their Deputy Secretary (or the MDH Chief of Staff) and their designated Assistant Attorney General. Additionally, upon implementation of any substantive changes to the policy, the ORPC Director will share the text of the policy with OHR for an additional review for its ultimate determination regarding the need for the content of the policy to be collectively bargained. Upon completion, the ORPC Director will

submit the final, completed signature sheet, any comments/responses received, and the revised policy/procedure to the Secretary for review and approval.

d. Current Policy List.

The ORPC Director will be responsible for maintaining all current MDH policies and all previous versions. The list of current policies can be found on the MDH Policy website.

7. Policy - Implementation

Upon Secretary approval, the policy will be signed by the Secretary, dated, and placed on the [MDH Policy website](#). Additionally, MDH employees will be notified of the policy via email with a copy of the policy. The ORPC Director will keep copies of the policy, associated signature sheets, and any drafts of the policy.

8. Policy – Compliance and Enforcement

a. MDH Employees’ Responsibility.

- i. The MDH policies are guidance documents for MDH employees to enable them to accomplish desired outcomes in the course of the performance of their duties.
- ii. All MDH employees are responsible for maintaining awareness and familiarity with the policies that affect their job performance, and to comply with them.

b. Supervisors’ Responsibilities.

- i. MDH Policies are also guidance for supervisors, providing authority for management and designating responsibility. Supervisors are responsible for making their employees aware of applicable policies.
- ii. Supervisor’s evaluation of employee performance (PEP) should include the application of and compliance with MDH policies, as necessary.

c. Office of Internal Controls, Audit, Compliance, and Information Security (IAC/S)

- i. The responsibilities of IAC/S include monitoring MDH units' compliance with applicable policies, as well as related State and Federal laws and regulations.
- ii. As one criterion of the audit process, MDH Auditors may monitor adherence to policies by those MDH units being audited and note discrepancies that are to be corrected in their audit reports.

d. Waivers and Variances.

- i. MDH policies are intended to cover general situations, and management recognizes that exceptional conditions may arise which require variances or waivers for individuals or units.
- ii. A variance is permission to bypass or modify certain parameters or standards, and a waiver exempts individuals or units from the requirements of the policy.
- iii. A request for a policy waiver or variance is to be submitted in writing or e-mail to the ORPC Director at mdh.regs@maryland.gov citing the justification for the action and how the waiver/variance would be in the best interest of MDH.
- iv. Requests for waiver or variance with merit will be forwarded through the relevant program director and Deputy Secretary (or MDH Chief of Staff) to the Secretary for consideration.

9. Guidelines, Protocols, and Standards

- a. Guidelines, protocols, and standards are tools for employees to use to carry out a specific aspect of a program's function. Some common examples of non-policy guidelines are testing protocols, directions for completing forms, and admissions processing procedures.

- b. These directives are established internally by the supervisor of the affected program. The Secretary's approval is not required on these documents since they are applicable only to the operation of specific program.
- c. Guidelines, protocols, and standards may be in any format approved by the initiating program, and may include other State or Federal directives applicable to that function.
- d. If the guideline, protocol, or standard extends to units or functions outside the responsible unit, placing requirements on other programs and their employees then a policy is required, including the approval of the Secretary, and the document is to be developed as stipulated in this policy.

IV. ROLES & RESPONSIBILITIES

MDH UNIT	ROLES & RESPONSIBILITIES
MDH Secretary	<ul style="list-style-type: none"> ● Reviews and approves MDH policies for finalization. ● Determines the need for a MDH comment period prior to policy enactment. ● Review requests for policy waivers or variances.
ORPC Director	<ul style="list-style-type: none"> ● Provision of templates and form documents for policy development to be posted on the MDH ORPC intranet. ● Establishing the numbering protocol for MDH Policies including assigning new policies a number in accordance with the numbering protocol. ● Review policies as submitted for compliance with this policy, other policies, format, grammar, etc. Changes may be recommended to the proposing unit. ● Submits policies for review by the Office of Human Resources for its preliminary and final determinations regarding collective bargaining. ● Submits policies for review and approval to the MDH Secretary. May make recommendations regarding the utilization of a comment period. ● Maintains all current MDH policies on the MDH website and maintains an archive of prior policies or prior versions. Maintains copies of the policy, drafts, signature sheets, and other documents. ● Notifies MDH employees of policy updates via email. ● Review requests for policy waivers or variances prior to submission to the applicable Deputy Secretary and the MDH Secretary.

<p>Proposing Unit's Program Director</p>	<ul style="list-style-type: none"> ● Develops draft policy document for new policies, develops amendments to existing policies under their purview, submits all associated documents to ORPC. ● Consults with their designated Assistant Attorney General and obtains signature for Legal Sufficiency on the MDH Policy Signature Sheet. ● Shares the draft policy with impacted MDH units for review and feedback. ● Submits the policy for review to the ORPC Director. Coordinates with the ORPC Director as necessary during the review process. ● Reviews and provides responses to any comments received from a MDH comment period. ● Periodically reviews or reviews upon request existing MDH policies under their purview.
<p>Office of the Attorney General</p>	<ul style="list-style-type: none"> ● Reviews and signs off on policies for legal sufficiency prior to submission of the policy by the proposing unit to ORPC. ● Reviews and signs off on policies for legal sufficiency if substantive changes are required after review by ORPC. ● Reviews preliminary and final determinations in consultation with OHR regarding the need for collective bargaining.
<p>Deputy Secretaries & MDH Chief of Staff</p>	<ul style="list-style-type: none"> ● Reviews and signs off on policies prior to submission by the proposing unit to ORPC. ● Review requests for policy waivers or variances prior to Secretary approval.
<p>Office of Human Resources</p>	<ul style="list-style-type: none"> ● Reviews draft policies upon initial submission to ORPC, upon ORPC finalization of the draft for submission to the MDH Secretary, and upon the implementation of any substantive changes following the finalization of the draft to assess the need for collective bargaining of the draft policy. ● Consults with the Office of the Attorney General to determine need for bargaining. ● Undertakes the collective bargaining process for MDH policies as necessary.
<p>Impacted MDH Units</p>	<ul style="list-style-type: none"> ● Reviews and provides feedback on draft MDH policies when shared by a proposing unit.
<p>IAC/S</p>	<ul style="list-style-type: none"> ● Monitoring MDH unit's compliance with applicable policies. ● Auditor review of adherence to policies by MDH units undergoing audit noting any discrepancies that require correction in audit reports.

MDH Employees	<ul style="list-style-type: none"> Maintaining awareness, familiarity, and compliance with MDH policies that affect their job performance.
MDH Supervisors	<ul style="list-style-type: none"> Ensuring employees are aware of applicable policies. Review of employee performance regarding the application and compliance with MDH policies.

V. REFERENCES

- Collective Bargaining in Maryland, Department of Budget and Management
https://dbm.maryland.gov/employees/pages/cb_home.aspx
- Health-General Article, §2-102(b)(2), Annotated Code of Maryland
[https://govt.westlaw.com/mdc/Document/N4115A45050CB11E7BD629002F086D16E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N4115A45050CB11E7BD629002F086D16E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))
- MDH Policy Page
<https://health.maryland.gov/Pages/mdhpolicies.aspx>
- MDH Policy Template
https://mdho365.sharepoint.com/:w:/r/sites/ORPC/_layouts/15/Doc.aspx?sourcedoc=%7B9C23576F-200B-46F7-841C-F26AECD0BD3A%7D&file=Policy%20Template%202025%20Version.docx&action=default&mobileredirect=true
- ORPC Intranet Page
<https://mdho365.sharepoint.com/sites/ORPC>

VII. CHANGE HISTORY

DATE	VERSION	CREATED BY	DESCRIPTION OF CHANGE
5/27/2026	V4	Office of Regulation & Policy Coordination	Modification to procedure for policy development to include involvement of the Office of Human Resources in the policy review process.
12/2/2025	V3	Office of Regulation & Policy Coordination	Modification for new processes and procedures for policy development. Other technical and grammatical changes. Recodification of Policy to MDH Policy 10.01.01.

MDH Policy 10.01.01 is effective May 27, 2026. This version supersedes the prior version of MDH Policy 10.01.01 effective December 2, 2025. The full change history of this policy is provided in §VII.

MDH POLICY 10.01.01
OFFICE OF REGULATION &
POLICY COORDINATION

MDH POLICY ON POLICY DEVELOPMENT

4/7/2016	V2	Office of Regulation & Policy Coordination	Amends processes and procedures for Departmental Policy. Recodification of Policy as 02.10.02.
5/15/2003	V1	Office of Regulation & Policy Coordination	*Document creation as MDH Policy 02.10.03.

**Note - DHMH Policy 2070 Development of Management Policy, effective July 15, 1980 was rescinded in 1998 replaced by version one of policy covering similar topics in May 2003.*

APPROVED:



Meena Seshamani, MD, PhD
Secretary of Health

May 27, 2026
Effective Date

MDH Policy 10.01.01 is effective May 27, 2026. This version supersedes the prior version of MDH Policy 10.01.01 effective December 2, 2025. The full change history of this policy is provided in §VII.