

## **CHECK LIST FOR WRITING PROPOSED/EMERGENCY REGULATIONS (Revised 3/10)**

### ☐ **STATUTORY AUTHORITY INCLUDING ANY NEWLY ENACTED LEGISLATION.**

- ☐ Regulations cover all aspects required by the law.
- ☐ Regulations DO NOT EXCEED statutory authority.

### ☐ **AUTHORITY LINE.**

- ☐ Authority cites apply to THIS ACTION ONLY.

### ☐ **WORD USAGE.**

#### ☐ **“SHALL” / “MAY” / “MAY NOT” USED CORRECTLY:**

“Shall” indicates a mandatory action.

“May not” indicates absolute prohibition. Do not use “shall not.”

“May” indicates discretion to act.

- ☐ **STATUTORY AUTHORITY** for the “shall” / “may” / “may not” statements is confirmed.

- ☐ **“MUST” or “SHOULD” IS NOT USED.**

- ☐ **“WILL” IS USED ONLY AS A TERM OF THE FUTURE.**

- ☐ **SAME TERM IS USED THROUGHOUT REGULATIONS.** No multiple terms for the same thing. For example, do not use “industry,” “the regulated industry,” “the milk industry,” and “the regulated milk industry.”

### ☐ **FORMATTING / STYLE.**

- ☐ **EVERY** requirement outlined in the Division of State Document's Style Manual has been followed. Manual is on-line at: [www.dsd.state.md.us/stylemanual.PDF](http://www.dsd.state.md.us/stylemanual.PDF)
- ☐ Regulation is written in third person singular and in active voice.
- ☐ All terms defined in the Definitions regulation are used within the TEXT of the regulations.
- ☐ All new language is in *italics* or indicated by “ALL NEW” and “END NEW” if whole sections of the regulation are new language.
- ☐ Deleted or repealed language is in bolded brackets, i.e. [  ]. Sections with numerous changes have been deleted in their entirety and all new language has been inserted. – All deleted language is shown and not simply left out.
- ☐ No regulation exceeds 5 double-spaced pages.
- ☐ No list contains more than one (1) complete sentence.

### ☐ **ECONOMIC IMPACTS.**

- ☐ If a regulation implements or changes a fee or monetary penalty, economic impact is completed.
- ☐ Part II Types of Impacts and Part III Assumptions of the Estimate of Economic Impact match up.
- ☐ Part II A, B & C negative or positive impacts also impact Part II D, E & F; for instance if a program provides public benefits, there usually is a cost to the agency as well as a benefit to the public.

### ☐ **MISCELLANEOUS.**

- ☐ Comments solicited from ALL groups affected by the regulations (Internal to DHMH and External).
- ☐ All cross-references (within the affected regulation and chapter) are correct. COMAR On-Line search has been conducted to confirm that all cites are updated.
- ☐ Incorporation by Reference documents comply with the standards outlined in the DSD's Incorporation by Reference (IBR) Manual. IBR Manual is on-line at: [www.dsd.state.md.us/MDRegister/IBRManual.pdf](http://www.dsd.state.md.us/MDRegister/IBRManual.pdf).