

PROPOSAL

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FINAL ACTION

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Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 07 HOSPITALS

10.07.01 Acute General Hospitals and Special Hospitals

Authority: Health-General Article, 19-307.2, 19-308, 19-308.6, 19-308.8, 19-318 19-320, 19-323, 19-342, 19-349.1, and 19-380 19-385; Insurance Article, Title 4, Subtitle 4; Public Safety Article, 14-110.1; Annotated Code of Maryland

Notice of Proposed Action

[25-259-P-I]

The Secretary of Health proposes to amend Regulations .02, .08, .09, .28, and .30 under **COMAR 10.07.01 Acute General Hospitals and Special Hospitals**.

Statement of Purpose

The purpose of this action is to update incorporation by reference materials for COMAR 10.07.01. This action will update the references in Regulations .02 and .30 to be in compliance with Guidelines for Design and Construction of Hospitals published by The Facilities Guidelines Institute (2022 Edition). This proposed action will address concerns brought forth by the regulated hospital and hospital construction industry. The current incorporation utilizes the 2014 edition. This change will update the IBR to the 2022 edition, providing clarity to the hospital and hospital construction industry. Additionally, Regulations .08, .09, and .28, are being updated to reference the current Joint Commission Hospital Accreditation Standards. The current incorporation utilizes the 2009 Joint Commission Accreditation Standards.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534 Baltimore, Maryland 21201, or call 410-767-0938, or email to mdh.regs@maryland.gov. Comments will be accepted through January 2, 2026. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, 7-207, Annotated Code of Maryland, the Guidelines for Design and Construction of Hospitals, The Facilities Guidelines Institute (2022 Edition); has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 52:2 Md. R. 53 (January 24, 2025), and is available online at www.dsd.maryland.gov. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Incorporation by Reference.

The following documents are incorporated by reference:

[The] A. Guidelines for [the] Design and Construction of Hospitals [and Outpatient Facilities], The Facilities Guidelines Institute [(2014 Edition),](2022 Edition); and [is incorporated by reference, with the following exceptions:

A. 2.3 Specific Requirements for Freestanding Emergency Department, pp. 211 213;

B. 3.3 Specific Requirements for Freestanding Outpatient Diagnostic and Treatment Facilities, pp. 295 296;

C. 3.4 Specific Requirements for Freestanding Birthing Center, pp. 297 302;

D. 3.5 Specific Requirements for Freestanding Urgent Care Centers, pp. 303 306; and
E. 3.6 Specific Requirements for Freestanding Cancer Treatment Facilities, pp. 307 309.]
B. 2025 Hospital Accreditation Standards, Elements of Performance, The Joint Commission, (December 15, 2024).

.08 Complaint Investigations.

A. (text unchanged)

B. Complaints.

(1) (2) (text unchanged)

(3) If the Department determines that the hospital has not satisfactorily addressed the referred complaint or if the complaint alleges the existence of a life-threatening deficiency, the Department shall conduct an independent investigation. When conducting its independent investigation, the Department shall use *the standards adopted by the Secretary under this subtitle and:*

(a) For an accredited hospital, [the standards of review of The Joint Commission] *the hospital accreditation standards of the accreditation organization that accredits the hospital;*

(b) For an accredited special rehabilitation hospital, [the standards of review of the Commission on Accreditation of Rehabilitation Facilities] *the service standards adopted by the Secretary in Regulation .10 of this chapter;* or

(c) For a nonaccredited hospital, the standards adopted by the Secretary [under this subtitle] *in Regulation .09 of this chapter.*

.09 Service Standards Nonaccredited Hospitals.

A. Acute General Hospitals and Special Hospitals. *Nonaccredited acute general and special hospitals shall comply with [The 2013] The Joint Commission's Hospital Accreditation Standards [(July Update, The Joint Commission, One Renaissance Blvd., Oakbrook, Illinois 60181), is incorporated by reference.]*

B. (text unchanged)

.28 Emergency and Disaster Plan.

A. A licensed acute general hospital or special hospital shall comply with the Emergency Management standards outlined in [the] *The Joint Commission's Hospital Accreditation Standards [(2009 Edition), pages 47 68 with the exception of standard EM.02.02.13, pages 61 65.]*

B. C. (text unchanged)

.30 Physical Environment.

A. The facility shall be in compliance with:

(1) *The Facilities Guidelines Institute's Guidelines for [the] Design and Construction of Hospitals [and Outpatient Facilities (2014)]*; and

(2) (text unchanged)

B. (text unchanged)

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Secretary of Health