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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, §§19-2602 and 20-2002, Annotated Code of Maryland

Notice of Proposed Action

[25-228-P]

The Secretary of Health proposes to amend Regulation .01 and adopt new Regulations .38 and .39 under **COMAR 10.07.01 Acute General Hospitals and Special Hospitals**.

Statement of Purpose

The purpose of this action is to add new regulations to COMAR 10.07.01 to reflect Health-General Article, §§19-2601, 19-2602, and 20-2001, Annotated Code of Maryland. These changes are the result of HB1251 (2025)—Hospitals and Medical Professional Liability Insurers—Obstetric Services Policies (Doula and Birth Policy Transparency Act) and SB111 (2021)—Health Care Facilities—Dialysis Treatment Services—Training (David Selby Dialysis Parity Act).

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 an impact on individuals with disabilities as follows:

The proposed action will provide additional protection for individuals with disabilities that require dialysis services. Additionally, this proposal will allow for individuals with disabilities who are birthing parents to allow the services of a doula in accordance with HB1251 (2025) - Hospitals and Medical Professional Liability Insurers - Obstetric Services Policies (Doula and Birth Policy Transparency Act).

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 December 1, 2025. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(13) (text unchanged)

(14) “Doula” means a nonmedical professional who provides continuous physical, emotional, and informational support to the birthing parent throughout the prenatal, labor, and postpartum periods.

[(14)] (15)—[(31)] (32) (text unchanged)

(33) “Significant medical intervention” has the meaning stated in Health-General Article, §19-2601, Annotated Code of Maryland.

[(32)] (34)—[(37)] (39) (text unchanged)

.38 Policies for Hospitals Providing Obstetric Care.

A. Pursuant to the requirements in Health-General Article, §§19-2601 and 19-2602, Annotated Code of Maryland, a hospital that provides obstetrical services shall adopt policies on:

(1) Doula, which at a minimum, allows every birthing parent to have at least one doula present during birth in addition to authorized guests;

(2) Informed consent for significant medical interventions, including but not limited to, cesarean section, induction of labor, augmentation of labor, operative vaginal delivery, or episiotomy, for the birthing parent; and

(3) Transfer acceptance, that includes at a minimum, the hospital's process for receiving:

(a) A patient from a health care practitioner regulated under Health Occupations Article, Title 8, Annotated Code of Maryland who had provided services to a birthing parent in a home birth setting;

(b) A birthing parent's or newborn's medical information from the home birth provider; and

(c) A transfer from a licensed direct-entry midwife that is consistent with the requirements of Health Occupations Article, §8-6C-08, Annotated Code of Maryland.

B. Hospitals that provide obstetrical services shall provide evidence of the policies required in §A of this regulation, to the Department in an electronic format and in the manner specified by the Office of Health Care Quality:

(1) By January 1, 2026; and

(2) Upon any updates to a policy required by §A of this regulation.

C. Hospital obstetric policies provided to the Department in accordance with §B of this regulation are available to the public upon request in accordance with General Provisions Article, Title 4, Annotated Code of Maryland.

D. Enforcement of §§A and B of this regulation shall be in accordance with the Department's complaint investigation process detailed in Regulation .08 of this chapter.

.39 Hospitals Providing Dialysis Care.

A. Pursuant to the requirements of Health-General Article, §20-2002, Annotated Code of Maryland, a hospital that provides dialysis services may not provide peritoneal dialysis or hemodialysis treatment services unless the individual performing the dialysis procedure, including direct employees and contracted staff, has received training in the peritoneal or hemodialysis technique being performed.

B. Penalties.

(1) The Secretary may impose a penalty not exceeding \$5,000 per violation on any licensee that violates this regulation.

(2) In determining the amount of the penalty, the Secretary shall consider:

(a) The hospital's history of previous violations;

(b) The seriousness of the violation;

(c) Whether the hospital demonstrated good faith in attempting to comply with this regulation; and

(d) Whether the violation threatened the health or safety of:

(i) A patient; or

(ii) The public.

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Secretary of Health