

**REGULATORY REVIEW AND EVALUATION ACT:**

**EVALUATION REPORTS — JULY 1, 2014 FOR:**

**Subtitle 01 PROCEDURES**

**Subtitle 02 DIVISION OF REIMBURSEMENTS**

**Subtitle 03 HEALTH STATISTICS**

**Subtitle 04 FISCAL**

**Subtitle 06 DISEASES**

**Subtitle 23 ADVANCE DIRECTIVE REGISTRY**

**SUBMITTED BY:**

**Department of Health and Mental Hygiene  
Office of Regulation and Policy Coordination  
201 W. Preston Street, Room 512  
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Phone: (410) 767-6499  
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## **EXEMPTION REQUESTED**

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health and Mental Hygiene has certified to the Governor and the AELR Committee that a review of the following chapters would not be effective or cost-effective and therefore are exempt from the review process based on the fact that they were either initially adopted (IA), comprehensively amended (CA) during the preceding 8 years, or Federally mandated (FM):

### **Subtitle 01 PROCEDURES**

- |          |   |             |
|----------|---|-------------|
| 10.01.04 | Fair Hearing Appeals Under the Maryland State Medical Assistance Program                                | FM          |
| 10.01.06 | Fair Hearing Appeals under the Special Supplemental Food Program for Women, Infants, and Children (WIC) | FM          |
| 10.01.09 | Procedures for Hearing Before the Hospital Appeal Board and Nursing Home Appeal Board                   | CA: 6/19/06 |
| 10.01.16 | Retention and Disposal of Medical Records and Protected Health Information                              | CA: 3/24/08 |
| 10.01.17 | Fees for Community Health Programs  | CA: 9/17/12 |
| 10.01.20 | Nursing Facility Quality Assessment   | IA: 10/6/08 |
| 10.01.21 | Medical Orders for Life-Sustaining Treatment (MOLST) Form — Procedures and Requirements                 | IA: 1/1/13  |

### **Subtitle 03 HEALTH STATISTICS**

- |          |   |              |
|----------|---|--------------|
| 10.03.01 | Vital Records   | CA: 1/9/12   |
| 10.03.02 | Release of Confidential Information in the Center for Maternal and Child Health and the Office for Genetics and Children with Special Health Care Needs | CA: 10/22/07 |

### **Subtitle 04 FISCAL**

- |          |                               |              |
|----------|-------------------------------|--------------|
| 10.04.01 | Local Health Services Funding | CA: 11/14/11 |
|----------|-------------------------------|--------------|

### **Subtitle 06 DISEASES**

- |          |  |              |
|----------|--|--------------|
| 10.06.01 | Communicable Diseases and Related Conditions of Public Health Importance                   | CA: 4/6/09   |
| 10.06.04 | School Health Services and Required Immunizations Before Entry into School                 | CA: 11/24/05 |
| 10.06.06 | Communicable Disease Prevention—Handling, Treatment, and Disposal of Special Medical Waste | CA: 11/6/06  |

### **Subtitle 23 ADVANCE DIRECTIVE REGISTRY**

- |          |                            |             |
|----------|----------------------------|-------------|
| 10.23.01 | Advance Directive Registry | CA: 12/6/07 |
|----------|----------------------------|-------------|

## CHAPTERS THAT ARE VACANT OR THAT HAVE BEEN REPEALED

### **Subtitle 01 PROCEDURES**

10.01.01	Health Care Practitioner User Fee Collection	Repealed
10.01.18		Vacant
10.01.19		Vacant

### **Subtitle 02 DIVISION OF REIMBURSEMENTS**

10.02.04	Schedule of Charges for Providers of the Alcohol and Drug Abuse Administration	Repealed
10.02.05	Schedule of Charges for Providers of the Drug Abuse Administration	Repealed
10.02.06	Schedule of Charges for Health Facilities Operated by or Funded in Whole or in Part by the Lab. Admin.	Repealed
10.02.07	Schedule of Charges for Health Facil. Oper. by or Funded in Whole or in Part by the CPHA	Repealed
10.02.08	Schedule of Charges for Providers of the Mental Hygiene Administration	Repealed
10.02.09	Schedule of Charges for Health Facil. Oper. by or Funded in Whole or in Part by the MRDDA	Repealed
10.02.10	Schedule of Charges for Providers of the Office of Chronic and Rehabilitation Facilities	Repealed
10.02.11	Schedule of Charges for Providers of the Medical Care Policy Administration	Repealed

### **Subtitle 04 FISCAL**

10.04.05	Community Residential Services	Repealed
10.04.06	Late Payments	Repealed

### **Subtitle 06 DISEASES**

10.06.03	Testing for Phenylketonuria (PKU) in the Newborn Child	Repealed
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**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.01.02

Chapter Name:

Procedures for Public Hearings

Authority:

Health-General Article, § 2-104(b), Annotated Code of Maryland

Date Originally Adopted or Last Amended:

September 13, 1993 (20:18 Md. R. 1429)

Purpose:

This chapter applies to hearings the Secretary conducts to gather information from the general public before making a decision or taking an action such as adopting a regulation or issuing a license, certificate, or permit.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The general public and DHMH employees were asked to comment; no responses were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kathleen A. Ellis

Title:

Deputy Counsel and  
Assistant Attorney  
General

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.01.03

Chapter Name:

Procedures for Hearings Before the Secretary of Health and Mental Hygiene

Authority:

Health-General Article, § 2-104(b); State Government Article, § 10-204; Annotated Code of

Date Originally Adopted or Last Amended:

February 6, 1989 (16:2 Md. R. 158)

Purpose:

This chapter applies to hearings that the Secretary is required to conduct by statute or regulation except for those hearings for which specific procedural regulations have been promulgated. They are intended to supplement procedures established by the Administrative Procedures Act and the Office of Administrative Hearings.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The general public and DHMH employees were asked to comment; no responses were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

The regulations have not been updated since the creation of the Office of Administrative Hearings. Thus, some of the procedures described and language used in the regulations are outdated.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kathleen A. Ellis

Title:

Deputy Counsel and  
Assistant Attorney General

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

COMAR 10.01.05

Chapter Name:

Board of Review Procedures

Authority:

Health General Article, §§2-104(b)(1) and 2-207, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Last Amended October 15, 2001

Purpose:

To govern all appeals taken by an aggrieved party to the Board of Review of the Department of Health and Mental Hygiene.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Board of Review members discussed the regulations with Board counsel in a closed session.  
Maryland Disability Law Center (MDLC)  
Law Offices of Fred S. London, P.C.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

Notice was published in the October 4, 2013 issue of the Maryland Register and on the Maryland Division of State Documents' website.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

MD Disability Law Center Summary of Comments – The Board of Review process creates an unnecessary step in an already untimely appeals process and violates the federal regulations

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None

- (6) Provide a summary of any relevant scientific data gathered.

n/a

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

No other state has such a Board

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Based on the action steps of the Office of Governmental Affairs' 2011-2018 Work Plan, there are no changes to COMAR 10.01.05, DHMH Procedures – Board of Review Procedures

Person performing review:

Title:

**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2012 – 2020**

Chapter Codification:

10.01.07

Chapter Name:

Petitions for Adoption, Amendment, or Repeal of Regulations

Authority:

State Government Article, §10-123; Health-General Article, §2-104; Annotated Code of Md.

Date Originally Adopted or Last Amended:

December 20, 1993

Purpose:

This chapter establishes the procedures for submitting petitions to the Department to promulgate, amend, or repeal a regulation over which the Secretary has rulemaking authority.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The general public was invited to comment on this chapter. No comments were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

All DHMH units, Health Officers, and Facility Directors were invited to comment on the regulations. No comments were received.

- (3) Describe the process used to solicit public comment, including:

- (a) any notice published in the Maryland Register;
- (b) any notice published in newspapers of general circulation;
- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

Comments were solicited by the following methods:

August 23, 2013 - Published a public notice in the Regulatory Review and Evaluation section of the Maryland Register 40:17 Md.R. 1417 requesting comments be submitted by September 16, 2013.

- (4) Provide summaries of:  
(a) all comments received from stakeholders, affected units, or the public; and  
(b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflicts.

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

An internet search for similar Petition regulations was conducted on the federal government and the following States: Delaware, Pennsylvania, Nevada, Nebraska, and Massachusetts. As in Maryland, all of the queried states have provisions and established procedures in their regulations/codes to allow parties to petition the agency to request a change in an established regulation. Likewise, the Federal Government allows for petitions to be filed to change Department-specific regulations. The petitions are published in the Notice section of the Federal Register. While some processes were more involved than others, the basic concept was the same – give the public an opportunity to voice their opinion in order to change established regulations.

- (8) Provide a summary of any other relevant information gathered.

An internet search for Petition regulations was also conducted on other Departments/Units within the State. Out of 36 Titles of COMAR, 24 Titles contain a specific chapter or regulation regarding petitions to adopt, amend or repeal regulations. Surveyed regulations were all very similar in nature. All offered interested persons an opportunity to file a petition to adopt, amend, or repeal any regulation. As with COMAR 10.01.07, twenty (20) out of 24 regulations surveyed requires a response be made within 60 days of receipt of the petition for regulatory change. Other minor language differences occurred, but none were substantive or major in nature.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

N/A

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

N/A

Person performing review: Michele Phinney

Title: Director, Office of Regulation and Policy Coordination

Regulatory Review and Evaluation Act  
Evaluation Report Form  
**2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.2003.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i) – (viii), Annotated Code of Maryland)

(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulations review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

An ad was placed in the November 8th issue of the Baltimore Sun inviting public comment until December 16, 2013. An ad was placed in the November 15th issue of the Maryland Register and on their website inviting public comment until December 16, 2013.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments from the public or from other state agencies.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict.

- (6) Provide a summary of any relevant scientific data gathered.

No scientific data gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

COMAR 10.01.08 paragraph .03 C says "C. Unavailable Records. If a requested record has been destroyed or lost, the custodian shall notify the applicant of this fact within 10 working days of the request and shall explain in the response the circumstances of the destruction or loss." Delaware's Freedom of Information Act, 29 Del. C. §§10001-10006 deals with more than just unavailability of records by saying in paragraph 10003 item g1 "The public body shall respond to a FOIA request as soon as possible, but in any event within 15 business days after the receipt thereof, either by providing access to the requested records, denying access to the records or parts of them, or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If access cannot be provided within 15 business days, the public body shall cite 1 of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request." Delaware also deals with requesting e-mails.

(8) Provide a summary of any other relevant information gathered.

COMAR 07.01.02 deals with oral requests of records. 10.01.08 only permits written requests which leave a paper trail. It would be in the best interest of the Department to only permit written requests.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) ( check all that apply)

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | no action                        |
| <input checked="" type="checkbox"/> | amendment                        |
| <input type="checkbox"/>            | repeal                           |
| <input type="checkbox"/>            | repeal and adopt new regulations |
| <input type="checkbox"/>            | reorganization                   |

Summary:

Suggested language change for COMAR 10.01.08.03:

**.03 Procedures Regarding Inspection or Copying of a Record.**

A.—B. (text unchanged)

C. *Response to Requests.*

(1) *The custodian shall respond to a record request as soon as possible, but not later than 10 business days after the receipt of the request, by:*

- (a) *Providing access to the requested records;*
- (b) *Denying access to the record or parts of the record with an explanation for the denial; or*
- (c) *Advising that additional time is needed because the request:*
  - (i) *Is for voluminous records;*
  - (ii) *Requires legal advice; or*
  - (iii) *A record is in storage or archived.*

[C. Unavailable Records.]

(2) If a requested record has been destroyed or lost, the custodian shall notify the applicant of this fact within 10 working days of the request and shall explain in the response the circumstances of the destruction or loss.

(3) *If access cannot be provided within 10 business days, the custodian shall:*

- (a) *Cite the reasons why more time is needed; and*
- (b) *Provide a good-faith estimate of how much additional time is required to fulfill the request.*

D. (text unchanged)

Person performing review: Walter Zerrlaut

Title: Records Officer

Regulatory Review and Evaluation Act  
Evaluation Report Form  
**2012 – 2020**

Chapter Codification:

Chapter Name:

Authority: State Government Article, §§10-613(b) and 10-625; Health-General Article, §2-104(b); Annotated Code of MD

Date Originally Adopted or Last Amended:

Purpose:

**E. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.2003.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**F. Outreach and Research.** (State Government Article, §10-135(a)(2)(i) – (viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
  - (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulations review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

An ad was placed in the November 8th issue of the Baltimore Sun inviting public comment until December 16, 2013. An ad was placed in the November 15th issue of the Maryland Register and on their website inviting public comment until December 16, 2013.

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

No comments from the public or from other state agencies.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflict.

(6) Provide a summary of any relevant scientific data gathered.

No scientific data gathered.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

When a person wishes to make a correction to Public Records for DHMH they send the request to the Custodian or Secretary. The Custodian or Secretary gathers information for the Department's response. If the person is unhappy with the response, they can request an administrative review. They can even file a petition at the appropriate Circuit Court if they are unhappy with the administrative review.

The secretary of a military department has a board who hears all requests which makes the determination. There is not an appeals process afterwards. Even though the Custodian or Secretary initially decides what the Department's response is, DHMH does have an appeals process available.

(8) Provide a summary of any other relevant information gathered.

COMAR 02.06.02 and COMAR 30.01.05 have a section for Return of Nonconforming Requests. Other than that, their regulations are very similar to DHMH's. COMAR 02.06.02 says:

.06 Return of Nonconforming Request.

A. The Office shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.

B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Office shall return the request to the requester with:

(1) An explanation of the reason for the return; and

(2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted and considered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
( check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Recodify and Amend Regulations .06 - .11 to be .07 - .12 and create a new Regulation .06 that Reads:

***.06 Return of Nonconforming Request.***

*A. The Department shall accept a request to correct or amend a public record when it is received if it complies with Regulations .04 and .05 of this chapter.*

*B. If the request does not comply with Regulations .04 and .05 of this chapter, the Department shall return the request to the requester with:*

*(1) An explanation of the reason for the return; and*

*(2) A statement that, on receipt of a request that complies with Regulations .04 and .05 of this chapter, the request will be accepted and considered.*

Recodify Regulations .06 - .11 to be Regulations .07 - .12 and correct codification references.

Person performing review: Walter Zerrlaut

Title: Records Officer

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.01.12

Chapter Name:

Declaratory Rulings

Authority:

State Government Article, §§ 10-301 – 10-305, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

April 11, 1994 (21:7 Md. R. 530)

Purpose:

These regulations establish procedures for requesting and issuing declaratory rulings.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The general public and DHMH employees were asked to comment; no responses were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kathleen A. Ellis

Title:

Deputy Counsel and  
Assistant Attorney  
General

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.01.13

Chapter Name:

Procedures for Interagency Coordination for Licensing Residential Child Care Facilities

Authority:

Health-General Article, §§ 2-104(b), 7-714, 7-903, 8-403, 8-404, 10-204, 10-514—10-524, and 10-920—10-926, Annotated Code of Maryland

Date Originally Adopted or Last Amended: October 11, 1993 (20: 20 Md. R. 1571)

Purpose:

An applicant for a license for a residential child care facility or a residential child care program may seek a variance or waiver under this regulation. This chapter applies to licenses regulated by COMAR 10.22.03, 10.22.11, 10.22.14, 10.23.02, and 10.47.01 under certain circumstances.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The general public and DHMH employees were asked to comment; no responses were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kathleen A. Ellis

Title:

Deputy Counsel and  
Assistant Attorney  
General

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

Review of recent amendments to the Open Meetings Act and recent decisions of the Open Meetings Compliance Board

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kathleen A. Ellis

Title:

Deputy Counsel and  
Assistant Attorney General

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.01.15

Chapter Name:

Exemption from Self Referral Laws

Authority:

Health Occupations Article, §1-301 et seq, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

June 25, 2001

Purpose:

For the purpose of enforcing Health Occupations Article, §1-301 et seq., Annotated Code of Maryland

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Office of the Inspector General (OIG)  
Maryland Insurance Administration (MIA)  
Office of the Attorney General (OAG)  
Maryland Health Care Commission (MHCC)

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

The MHCC has indicated it is doing a study of this matter and the OIG, MIA, OAG, have indicated that they have no comment, and OIG reiterates that federal law must be followed as well.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

( c ) notice posted on the unit's website

Also emailed regulations to identified stakeholders for review.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

Identified stakeholders: MIA, OAG, OIG, and the MHCC have been emailed. MIA, OAG, and OIG has no comment and MHCC is conducting a Study on applications for exemption from self-referral, with the report due to the legislature in September 2014.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None

- (6) Provide a summary of any relevant scientific data gathered.

Researched self-referral laws, including exceptions for all 50 states and the District of Columbia.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

27 states have physician self-referral laws and provide exceptions. Of those, only the state of Virginia has regulations that provide an application process for exceptions. There are federal laws that include exceptions and regulations prohibiting physician self referral in programs like Medicare.

- (8) Provide a summary of any other relevant information gathered.

None.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

There has been no legislation in recent years regarding this chapter.

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The Maryland Health Care Commission is currently conducting a Study on applications for exemption from self-referral, with the report due to the legislature in September 2014. To date, there has only been one exception granted under this regulation.

Person performing review:

Wynee E. Hawk

Title:

Manager,  
Policy and Legislation

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.02.01

Chapter Name:

Charges for Services Provided through the Department of Health and Mental Hygiene

Authority:

Health-General Article. §§16-201 16-407. Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Last Amended March 2001

Purpose:

The prevailing purpose is to insure uniformity of charges for services rendered by state in-patient medical facilities, local health departments, private providers and laboratories, and calculating said costs.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

In addition to the above, all Maryland state residents.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as no comments were received.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Maryland law is relatively consistent with that of the prevailing east coast states.

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kim Y. Johnson

Title:

Adm. I – Attorney,  
Division of Cost  
Accounting and  
Reimbursements

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.02.02

Chapter Name:

Abandonment or Abuse of Responsible Relatives by Recipients of Care

Authority:

Health-General Article. §16-203. Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Last Amended - 2005

Purpose:

To define and determine responsible relatives and when they will be legally and financially responsible for the costs of care of relatives. Title also required to determine when responsible relatives can be excused from the legal and financial requirement to pay for the costs of care for relatives.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

All state residents.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as no comments were received.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Maryland law is relatively consistent with that of the prevailing east coast states.

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kim Y. Johnson

Title:

Adm. I – Attorney,  
Division of Cost  
Accounting and  
Reimbursements

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.02.03

Chapter Name:

Appeal Hearings to the Division of Reimbursements

Authority:

Health-General Article. §2-207. Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Last Amended June 1999

Purpose:

To provide for the means, mechanisms, polices and procedures to request a review of a rate established by the Division. The provision sets forth the responsibilities of the Division as well as the responsible party in appeal a rate.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

In addition to the above, all Maryland state residents.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as no comments were received.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

A review of a half dozen of the Division's files, the field agents are complying with the rules.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Maryland law is relatively consistent with that of the prevailing east coast states.

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kim Y. Johnson

Title:

Adm. I – Attorney,  
Division of Cost  
Accounting and  
Reimbursements

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.04.02

Chapter Name:

Establishment and Payment of In-Patient Charges by Recipients of Services and Other Chargeable Persons for the Patient's Care

Authority:

Health-General Article. §§16-201—16-407. Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Last Amended October 2001

Purpose:

To determine the ability of recipients of services, responsible relatives and other chargeable persons to pay for services rendered to individuals in State operated facilities.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

In addition to the above, all Maryland state residents.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as no comments were received.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Maryland law is relatively consistent with that of the prevailing east coast states and California.

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Kim Y. Johnson

Title:

Adm. I – Attorney,  
Division of Cost  
Accounting and  
Reimbursements

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.04.03

Chapter Name:

Standards for Audits of Grants and Contracts with Providers and Local Health

Authority:

State Finance and Procurement Article, §7-404, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

March 6, 1989

Purpose:

The purpose of this chapter is to prescribe standards, policies, and procedures for the auditing of grants and contracts of the Department of Health and Mental Hygiene with vendors, providers of service, and local health departments.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Solicited comments from public and stakeholders via Maryland Register announcement – No comments were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

None

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

Maryland Register Announcement

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

None

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None

- (6) Provide a summary of any relevant scientific data gathered.

None

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

None

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Timothy Laureska

Title:

Chief DHMH—OIG  
External Audit Division

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

10.04.04

Chapter Name:

Human Services Agreements Manual

Authority:

Health-General Article, §2-104(b); State Government Article, §10-110; Annotated Code of Maryland

Date Originally Adopted or Last Amended:

September 5, 1988

Purpose:

Administrative and fiscal policy for grants/contacts, cost reimbursement contacts, grant –in-aid and purchase of services contracts for human services funding which are made by the Maryland Department of Health and Mental Hygiene.

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

(1) Do the regulations continue to be necessary for the public interest?  Yes  No

(2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No

(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No

(4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Stakeholders in general were invited.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

N/A

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

Publication of the notice in the Maryland Register.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

None

- (6) Provide a summary of any relevant scientific data gathered.

N/A

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

N/A

- (8) Provide a summary of any other relevant information gathered.

N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

**D. Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

Person performing review:

Gregory Jones Sr.

Title:

Chief Grants & Local Hlth  
Acct

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2003 – 2011**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

The Department solicited comments by:

- posting a notice to the Department website;
- sending an email message to the Maryland Veterinary Medical Association membership (sent on 5/14/2013);
- sending an email message to local health department rabies coordinators and other key contacts at each local health department in the State, points-of-contact for animal control colleagues, and colleagues at MDA and DNR (sent on 5/6/2013);
- publishing a notice in the Maryland One Health Bulletin, which includes a readership of veterinary, animal health and public health communities (published in Vol. 3 Issue 4, 2013);
- making an announcement at an Environmental Health Liaison Committee meeting held on 5/21/2013; and
- making an announcement at the annual Zoonotic Disease Update, attendees of which included local health department and Animal Control partners, on 6/4/2013.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

Comments received were generally focused on requests for: greater clarification for terms such as "apparently healthy" and "quarantine;" additional requirements or restrictions related to feral cats; and other general issues. See attached spreadsheet for complete summary of feedback received. The Department responded to each comment acknowledging receipt of feedback and informed individuals that their comments would be taken into consideration as revisions are made to these regulations.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts identified.

- (6) Provide a summary of any relevant scientific data gathered.

The Department relies on the scientific guidance provided in the Compendium of Rabies Prevention and Control published by the National Association of State Public Health Veterinarians (see [www.nasphv.org](http://www.nasphv.org)). The Compendium has been updated since the last amendments were made to COMAR 10.06.02 and a primary goal of amending COMAR 10.06.02 at this time is to ensure that Maryland regulations are in alignment with the most recent scientific guidance available.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Other states have confirmed that only licensed veterinarians are allowed to administer rabies vaccinations to animals. No other information has been requested of or provided by other states or the federal government regarding rabies prevention and control.

(8) Provide a summary of any other relevant information gathered.

No other relevant information has been gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

There has not been any recent legislation that has required promulgation of these regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)  
(check all that apply)

no action  
 amendment  
 repeal  
 repeal and adopt new regulations  
 reorganization

Summary:

The regulations provided in COMAR 10.06.02 Communicable Diseases - Rabies are highly relevant in that they provide details of the rabies prevention and control program in Maryland. The Department will be amending existing regulations to align them with the most recent scientific guidance, to provide clarification, and to address recent issues (e.g., feral cats) that have presented challenges for rabies prevention and control efforts in the State.

Person performing review:

Katherine Feldman, DVM,  
MPH

Title:

State Public Health  
Veterinarian

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2003 – 2011**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

**A. Review Criteria.** (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest?  Yes  No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion?  Yes  No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  Yes  No
- (4) Are the regulations effective in accomplishing their intended purpose?  Yes  No

**B. Outreach and Research.** (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department of Health and Mental Hygiene (the Department) invited feedback from the general public, the Maryland Higher Education Commission (MHEC), the Maryland Statewide Advisory Commission on Immunizations, and from members of the Maryland Partnership for Prevention (MPP) – the adult immunization coalition for the State. MPP is a coalition of immunization stakeholders that includes: local health departments; private health care providers; government agencies; hospitals; social programs (eg. WIC Program, Headstart); vaccine manufacturers; health insurance companies; colleges and universities; long term care facilities; private citizens; and federally-qualified health centers.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

MHEC was invited to review the regulations and they agreed with the Department's decision that no changes are needed at this time.

- (3) Describe the process used to solicit public comment, including:  
(a) any notice published in the Maryland Register;

- (b) any notice published in newspapers of general circulation;
- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

The Department solicited comments by: posting a notice to the Department's website on June 6, 2013; sending an email message on June 5, 2013 to the members of the Maryland Partnership for Prevention-state immunization coalition; and discussing the regulation at the June 2013 meetings of the Maryland Statewide Advisory Commission on Immunizations, and the Maryland Partnership for Prevention-state immunization coalition. Both of those meetings were also open to the public.

- (4) Provide summaries of:
  - (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts were identified.

- (6) Provide a summary of any relevant scientific data gathered.

The Department follows the immunization recommendations made by the Centers for Disease Control and Prevention's (CDC) Advisory Commission of Immunization Practices (ACIP) on how to use vaccines to control disease in the United States. The ACIP recommends routine vaccination with meningococcal vaccine for adolescents aged 11 or 12 years, with a booster dose at age 16 years. In developing meningococcal vaccination recommendations ACIP has relied on relevant scientific data gathered from the following sources:

Harrison LH, et al., "Risk of Meningococcal Infection in College Students," JAMA, 281 (1999): 1906-10.

Bruce M, et al., "Meningococcal Disease in College Students. Abstracts of the 39th Annual Meeting of the Infectious Diseases Society of America," Infectious Disease Society of America, 276 (1999).

Neal KR, et al., "Invasive Meningococcal Disease Among University Undergraduates: Association with Universities Providing Relatively Large Amounts of Catered Hall Accommodations," Epidemiology and Infection, 122 (1999):351-7.

Froeschle J, "Meningococcal Disease in College Students," Clinical Infectious Diseases 29 (1999):215-6.

Centers for Disease Control and Prevention, "Meningococcal Disease and College Students: Recommendations of the Advisory Committee on Immunization Practices (ACIP)," MMWR, 49, No. RR-7 (2000):13-20.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

A review was conducted to determine how many other states have meningococcal vaccination requirements/regulations. Currently, there are 37 states that have meningococcal prevention mandates for colleges and universities. These states include: Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin.

(8) Provide a summary of any other relevant information gathered.

No other relevant information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

Has the agency promulgated all regulations required by recent legislation?  Yes  No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- XX no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The regulations provided in COMAR 10.06.05 are highly relevant in that they provide details of the meningococcal college vaccination requirement in Maryland. No amendments are needed at this time.

Person performing review:

David Blythe

Title:

Infectious Disease Bureau Assistant Director, State Epidemiologist

Person performing review:

Greg Reed

Title:

Immunization Program Manager