REGULATORY REVIEW AND EVALUATION ACT:

WORKPLANS DUE APRIL 1, 2016 FOR:

Subtitle 15 FOOD
Subtitle 16 HOUSING
Subtitle 17 SWIMMING POOLS AND SPAS
Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES
Subtitle 20 KIDNEY DISEASE PROGRAM

SUBMITTED BY:

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WORK PLANS

INCLUDED ON 1st WORK PLAN:

Subtitle 15 FOOD
10.15.01 Canning and Acidified Food Manufacturing
10.15.02 Crab Meat
10.15.05 Manufacture and Sale of Frozen Dairy Foods and Ices Manufactured for Sale in Maryland
10.15.09 Production, Processing, Transportation, Storage, and Distribution of Manufactured Grade Milk
10.15.10 Procedures for the Safe Handling and Processing of Seafood

Subtitle 16 HOUSING
10.16.01 Migratory Labor Camps
10.16.02 Construction, Equipment, Sanitation, Operation, and Maintenance of Mobile Home Parks
10.16.03 Camps
10.16.04 Transparent Glass Doors in Mercantile Establishments and in Public, Commercial, & Residential Buildings and Structures
10.16.05 Health Permits for Outdoor Musical Festivals

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES
10.19.02 Hazardous Substances
10.19.04 Prohibition of Smoking in Indoor Areas Open to the Public
10.19.05 Flammable Articles
10.19.06 Poison Prevention Packaging

INCLUDED ON 2nd WORK PLAN:

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES
10.19.03 Controlled Dangerous Substances

EXEMPTIONS REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of DHMH 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 15 FOOD	
10.15.03 Food Service Facilities	CA 3-19-10,1-24-11 & 2-3-12
10.15.04 Food and Drink Processing and Transportation	CA 1-24-11
10.15.06 Production, Processing, Transportation, Storage, and Distribution of Grade A Milk	CA 3-19-10
10.15.07 Shellfish Sanitation	CA 8-22-11
10.15.08 Pilot Farmstead Cheese Program	CA 5-4-09
10.15.11 Bottled Water	IA 3-23-09
10.15.12 Procedures for the Safe Handling and Processing of Juice	IA 3-16-12
Subtitle 16 HOUSING	
10.16.06 Certification for Youth Camps *	CA 4-13-15
Subtitle 17 SWIMMING POOLS AND SPAS	
10.17.01 Public Swimming Pools and Spas	Amendments Proposed 1-8-16
10.17.02 Automated External Defibrillators for Swimming Pools	IA 7-7-14
Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES	
10.19.01 Prohibition of Bisphenol-A in Child Care Articles	IA: 11-28-11
10.19.07 Prohibition of Child Care Products Containing TCEP or TDCPP	IA: 1-6-14
Subtitle 20 KIDNEY DISEASE PROGRAM	
10.20.01 General Regulations	CA 4/l 4/011

CHAPTERS THAT ARE VACANT / REPEALED / OR TRANSFERRED

Subtitle 17 SWIMMING POOLS AND SPAS	
10.17.03	Vacant
10.17.04 Public Swimming Pools -	Repealed - See 10.17.01
10.17.05 —16	Transferred to Title 26 Department of the Environment

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 15 FOOD

COMAR 10.15.01 Canning and Acidified Food Manufacturing
COMAR 10.15.02 Crab Meat
COMAR 10.15.05 Manufacture and Sale of Frozen Dairy Foods and Ices Manufactured for Sale in Maryland
COMAR 10.15.09 Production, Processing, Transportation, Storage, and Distribution of Manufactured Grade Milk
COMAR 10.15.10 Procedures for the Safe Handling and Processing of Seafood

Subtitle 16 HOUSING

COMAR 10.16.01 Migratory Labor Camps
COMAR 10.16.02 Construction, Equipment, Sanitation, Operation, and Maintenance of Mobile Home Parks
COMAR 10.16.03 Camps
COMAR 10.16.04 Transparent Glass Doors in Mercantile Est.& in Public, Commercial, & Res. Bldgs & Structures
COMAR 10.16.05 Health Permits for Outdoor Musical Festivals

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

COMAR 10.19.02 Hazardous Substances
COMAR 10.19.04 Prohibition of Smoking in Indoor Areas Open to the Public
COMAR 10.19.05 Flammable Articles
COMAR 10.19.06 Poison Prevention Packaging

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR items listed above for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Michele Phinney	12/29/15
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Subha Chandar	6/30/15
	A. To invite public comment on these regulations, the following procedures and methods will be used: 1. Publication of notice in the Maryland Register; 2. Posting of notice on the DHMH website 3. Email notice to Local Health Departments		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Comments from stakeholders will be solicited as above in 2A. Stakeholders will ave the opportunity to review proposed revisions before formal submission to AELR.		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Comments from other units will be solicited as above in 2A. Other units will have the opportunity to review proposed revisions before formal submission to AELR.		

	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: Review A and B for incorporation of findings into final evaluation report	Subha Chandar	8/30/16
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: A. Continue to be necessary for public interest; B. Continue to be supported by statutory authority and judicial opinions; C. Are obsolete or otherwise appropriate for amendment or repeal; D. Continue to be effective in accomplishing the intended purpose of the regulations; E. The information gathered under Action Steps 1 - 3.	Subha Chandar	9/30/16
II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Subha Chandar	10/30/16
	2. Write draft report.	Subha Chandar	11/15/16
	3. Coordinate executive reviews of draft report.	Jody Sheely	12/1/16
	4. Consolidate review comments and prepare final report.	Jody Sheely	2/1/17

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES
COMAR 10.19.03 Controlled Dangerous Substances

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR 10.19.03 for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Michele Phinney	12/29/15
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Audrey Clark/Alice Bauman	06/15/16
	A. To invite public comment on these regulations, the following procedures and methods will be used:		
	1. Publication of notice in the Maryland Register; 3. Posting of notice on the Division of Drug Control's website; 4. Posting notice on Division of State Document's website; 5. Submit notice to the Board of Physicians, Board of Pharmacy, Board of Podiatric Medical Examiners, Board of Dental Examiners; Board of Nursing and Board of Veterinary Medical Examiners; OHCQ; BHA; Alcohol/Drug Abuse Administration; and Medical Assistance for posting on their websites. 6. Submit notice to other health, medical and professional organizations and associations (as determined), i.e., MedChi, MPHA.		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:		
	Posting a notice to invite public comment on each unit's website (as listed in Step 2A) will ensure that the Boards and public are involved in the review process.		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:		
	Requests for comments will be forwarded via email to respective DHMH internal departmental units listed in 2A-5 to invite their participation in the review process.		
	3. Procedures for gathering and reviewing of:		
	A. Any recent scientific information related to the regulations being reviewed, if applicable;		
	Not applicable.		

	B. Similar regulations adopted or repealed by other states or the federal government; and Legal research will be performed to ascertain whether similar regulations have been adopted and/or repealed by the federal government and states contiguous to the State of Maryland.	James Polek/Alice Bauman	07/20/16
	C. Other appropriate information, is as follows: COMAR 10.19.03 empowers the Department to enforce the Controlled Dangerous Substances (CDS) Act and gives the Division of Drug Control, as an agent of the Department, the authority to ensure the availability of drugs for legitimate medical and scientific purposes while working to prevent drug abuse (Code Criminal Law Article, secs. 5-101 through 5-505). DDC issues CDS permits to practitioners, researchers and establishments that administer, prescribe, dispense, distribute, store, manufacture, and conduct research and chemical analysis of CDS. The CDS permit is a prerequisite for Federal DEA licensure in the State of Maryland and adds a regulatory layer of protection to public health and safety in the reduction of opioid-related overdoses and in ensuring regulatory compliance of practitioners, researchers and establishments working with CDS. One of the primary areas of concern for the Department is revising COMAR 10.19.03 Administrative Functions, Practices and Procedures regarding the disciplinary procedures and due process needed to sanction, suspend or revoke the CDS registration of registrants involved in the over-prescribing and dispensing of opioids not written for a legitimate medical purpose. Other areas of concern include amending the following COMAR areas: Definitions and Registration; Registration Certificate (i.e., renewal, change of address notification, and non-renewal late fees or penalties). Review will include all sections of the regulation. However, amendments or revisions will not necessarily be required of each.		
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: A. Continue to be necessary for public interest; B. Continue to be supported by statutory authority and judicial opinions; C. Are obsolete or otherwise appropriate for amendment or repeal; D. Continue to be effective in accomplishing the intended purpose of the regulations; E. The information gathered under Action Steps 1 - 3.	Audrey Clark/James Polek	08/20/16
II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Audrey Clark/James Polek/Alice Bauman	09/20/16
	2. Write draft report.	Audrey Clark/James Polek	11/20/16
	3. Coordinate executive reviews of draft report.	Alice Bauman	12/20/16
	4. Consolidate review comments and prepare final report.	Audrey Clark	02/01/17