REGULATORY REVIEW AND EVALUATION ACT

EVALUATION REPORTS FOR:

COMAR 10.21 MENTAL HYGIENE ADMINISTRATION

COMAR 10.22 DEVELOPMENTAL DISABILITIES ADMINISTRATION

COMAR 10.23 VACANT

SUBMITTED BY:

Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
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EXCEPTIONS FROM THE REVIEW PROCESS

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) or comprehensively amended (CA) during the preceding 8 years:

Subtitle 21 Mental Hygiene Administration

10.21.04 Community Mental Health Programs (CMHP)—Group Homes for Adults... (CA: 10-5-98)
10.21.05 Aftercare Plans (Initially Adopted 12-14-98)
10.21.07 Therapeutic Group Homes (CA: 11-27-00)
10.21.16 CMHP—Application and Approval Processes (CA: 10-5-98)
10.21.17 CMHP—Definitions and Administrative Requirements (CA: 10-5-98)
10.21.20 CMHP—Outpatient Mental Health Clinics (CA: 11-16-98)
10.21.21 CMHP—Psychiatric Rehabilitation Programs (CA: 9-7-98)
10.21.22 CMHP—Residential Rehabilitation Programs (CA: 11-30-98)
10.21.24 Interagency Discharge Planning for Hospital Children & Adolescents (IA: 5-5-97)
10.21.25 Fee Schedule—MHS-Community-Based Program & Individual Practitioners (CA: 3-1-00)
10.21.26 CMHP—Residential Crisis Services (IA: 12-28-98)
10.21.27 CMHP—Respite Care Services (IA: 11-16-98)
10.21.28 CMHP—Mental Health Vocational Programs (MHVP) (IA: 7-9-01)

Subtitle 22 Developmental Disabilities Administration

10.22.01 Definitions (IA: 7-26-99)
10.22.02 Administrative Requirements for Licenses (IA: 7-26-99)
10.22.03 Procedures for License Denials and Disciplinary Sanctions (IA: 7-26-99)
10.22.04 Values, Outcomes, and Fundamental Rights (IA: 7-26-99)
10.22.05 The Individual Plan (IA: 7-26-99)
10.22.06 Family & Individual Support Services (FISS) Program Service Plan (IA: 7-26-99)
10.22.07 Vocational and Day Services Program Service Plan (IA: 7-26-99)
10.22.08 Community Residential Services Program Service Plan (IA: 7-26-99)
10.22.09 Resource Coordination Program Service Plan (IA: 7-26-99)
10.22.10 Behavior Support Services Program Service Plan (IA: 7-26-99)
10.22.11 Respite Services in the State Residential Center (SRC) (IA: 7-26-99)
10.22.17 Fee Payment System for Licensed Residential and Day Programs (IA: 7-1-98)
10.22.18 Community Supported Living Arrangements Payment System (IA: 10-30-00)
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Chapter Codification: 10.21.01

Chapter Name: Involuntary Admission to Mental Health Facilities


Date Originally Adopted or Last Amended: December 5, 1970/September 13, 1993

Purpose: To govern the procedure for the involuntary admission of individuals to inpatient mental hygiene facilities, including State facilities, private psychiatric facilities, acute general hospitals with inpatient psychiatric units, and Veterans’ Administration Hospitals.

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? X Yes No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? X 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, VA hospitals, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
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.

| Published in the **Maryland Register**, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office |

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

| a) No comments received |
| b) No comments received |

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

None

Provide a summary of any relevant scientific data gathered.

None

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

None

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

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

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
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Chapter Codification: 10.21.02

Chapter Name: Psychiatric Day Treatment Services

Authority: Health-General Article. §2-104

Date Originally Adopted or Last Amended: November 25, 1961/May 29, 1981

Purpose: To govern the provision of psychiatric day treatment services, which are acute, intensive, short-term psychiatric treatment and support services provided to adults and minor. Psychiatric day treatment services are used to either prevent a psychiatric inpatient admission or other out-of-home placement or to assist an individual to transition from a psychiatric inpatient admission or residential treatment center to community-based treatment.

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? X Yes □ No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? X 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, VA hospitals, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

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Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA
mailing to state facilities & DHMH Resident Grievance Office

(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.

a) No comments received
b) 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.

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

- [X] no action
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act  
Evaluation Report Form  
2003 – 2011

Chapter Codification: 10.21.03

Chapter Name: Requirement for Individual Treatment Plans

Authority: Health-General Article, §10-705

Date Originally Adopted or Last Amended: June 25, 1975/January 9, 1989

Purpose:
To govern the development of an individualized treatment plan (ITP) for individuals who are admitted either voluntarily or involuntarily to any inpatient mental health facility licensed by, or under the jurisdiction of, the Department of Health and Mental Hygiene. The intent of the ITP is to assure that the individual rights of patients are preserved and respected and to assure that the individual needs of patients are identified and met by competent personnel.

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? [X] Yes [ ] No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, VA hospitals, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

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(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.

a) No comments received  
b) 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.

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  

X  

No

Has the agency promulgated all regulations required by recent legislation?  

X  

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)

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

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Chapter Codification: 10.21.06

Chapter Name: Admission to Regional Institutes for Children and Adolescents

Authority: Health-General Art., §§2-104, 10-204, 10-401, 10-406, 10-407, 10-602, 10-609, and 10-610

Date Originally Adopted or Last Amended: July 1, 1985

Purpose: To establish procedures and standards for residential admission to the Regional Institutes for Children and Adolescents, which are licensed mental health facilities that provide residential treatment to severely emotionally disturbed children and adolescents.

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.

   Mental Hygiene residential treatment centers and private residential treatment centers were invited to provide any comments or suggestions regarding the above-referenced chapter.

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.

   Office of Health Care Quality, DHMH Resident Grievance Office
(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.

   Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental
   Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA
   mailing to state facilities & DHMH Resident Grievance Office

(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.

   a) No comments received
   b) 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.

   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 [X]  No

    Has the agency promulgated all regulations required by recent legislation?  
    Yes [X]  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)  

- [X] no action  
- amendment  
- repeal  
- repeal and adopt new regulations  
- reorganization  

Summary: N/A

Person performing review: Stacev R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Chapter Codification: 10.21.08

Chapter Name: Services for Mentally Ill Hearing Impaired Patients in Facilities

Authority: Health-General Article. §§2-104, 10-204. 10-401. 10-406. 10-407. 10-602. 10-609. and 10-

Date Originally Adopted or Last Amended: January 8, 1990

Purpose: To govern the provision of services for hearing impaired mentally ill patients within the Mental Hygiene Administration facilities and the designated inpatient hearing impaired unit.

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

   Mental Hygiene facilities

   (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.

   Office of Health Care Quality, DHMH Resident Grievance Office
(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.

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(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.

a) No comments received
b) 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.

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 [X] No

Has the agency promulgated all regulations required by recent legislation? [X] 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: Stacev R. Diehl

Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:  10.21.09

Chapter Name: Patients’ Rights to Visitors

Authority: Health-General Article. §§10-101e and 10-703

Date Originally Adopted or Last Amended: January 8, 1990

Purpose: To govern the rights of patients in any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.

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? X Yes □ No
2. Do the regulations continue to be supported by statutory authority and judicial opinion? X Yes □ No
3. Are the regulations obsolete or otherwise appropriate for amendment or repeal? □ Yes X No
4. Are the regulations effective in accomplishing their intended purpose? X 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.

   Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, VA hospitals, providers of community-based mental health services and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

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.

   Office of Health Care Quality, DHMH Resident Grievance Office
3. Describe the process used to solicit public comment, including:
   (a) any notice published in the Maryland Register;
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   (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.

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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.

   a) No comments received
   b) 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.

   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  X  No

Has the agency promulgated all regulations required by recent legislation?  X  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)

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary: N/A

Person performing review: Stacey R. Diehl

Title: Director, Office of Government, Public, & Consumer Affairs
Chapter Codification: 10.21.10

Chapter Name: Psychiatric Halfway House


Date Originally Adopted or Last Amended: June 14, 1989/December 11, 1989

Purpose: To govern the standards for community psychiatric halfway house programs which provide care and treatment in a therapeutic or rehabilitative services instead of or in combination with inpatient hospitalization for an individual with a mental illness in a home-like environment.

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? X Yes □ No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? X 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.

Mental Hygiene facilities, providers of community-based mental health services, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

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(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.

a) No comments received
b) 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.

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 [X] No

Has the agency promulgated all regulations required by recent legislation? [X] 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 

X amendment 

repeal 

repeal and adopt new regulations 

reorganization 

Summary: 

The Authority for this chapter was repealed and not re-enacted. However, there is still authority for the chapter under another Article. The Mental Hygiene Administration will amend the regulations to reflect the new authority citation. 

Person performing review: Stacey R. Diehl 

Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification: 10.21.11

Chapter Name: Purchase of Residential Therapeutic Care for Children

Authority: Health-General Article, §10-902

Date Originally Adopted or Last Amended: October 13, 1992/March 29, 1993

Purpose: To govern the requirements that a provider of residential therapeutic services to emotionally or behaviorally disordered children shall meet to be eligible to accept children placed by the Mental Hygiene Administration.

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? X Yes □ No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? X 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, providers of community-based mental health services and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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;
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(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.

| a) No comments received | b) 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.

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: N/A

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

X  no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary: N/A

Person performing review:  Stacey R. Diehl

Title:  Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification: 10.21.12
Chapter Name: Use of Quiet Room and Use of Restraint
Authority: Health-General Article. §§10-101(e) and 10-701
Date Originally Adopted or Last Amended: October 25, 1993

Purpose: To govern the use of quiet rooms and restraint in any mental health facility licensed by, or under the jurisdiction 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? [X] Yes [□] No
(2) Do the regulations continue to be supported by statutory authority and judicial opinion? [X] Yes [□] No
(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? [□] Yes [X] No
(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, community mental health programs, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

   Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office

(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.

   a) No comments received
   b) 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.

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

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

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Chapter Codification: 10.21.13
Chapter Name: Use of Quiet Room and Use of Seclusion
Authority: Health-General Article, §§10-101(e) and 10-701
Date Originally Adopted or Last Amended: October 25, 1993
Purpose: To govern the use of quiet rooms and seclusion in any mental health facility licensed by, or under the jurisdiction 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? X Yes □ No
2. Do the regulations continue to be supported by statutory authority and judicial opinion? X Yes □ No
3. Are the regulations obsolete or otherwise appropriate for amendment or repeal? □ Yes X No
4. Are the regulations effective in accomplishing their intended purpose? X 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.

Mental Hygiene facilities, private psychiatric hospitals, general hospitals with a separately identified psychiatric inpatient unit, community mental health programs, and DHMH administrations affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office

(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.

a) No comments received
b) 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.

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  [X] No

Has the agency promulgated all regulations required by recent legislation?  
[ ] Yes  [X] 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)

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

Summary: N/A

Person performing review: 

<table>
<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td>Director, Office of Government, Public, &amp; Consumer Affairs</td>
</tr>
</tbody>
</table>

Stacey R. Diehl
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? [X] Yes [ ] No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

Mental Hygiene facilities were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office

(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.

a) No comments received  
b) 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.

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

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

**Summary:** N/A

**Person performing review:** Stacey R. Diehl  
**Title:** Director, Office of Government, Public, & Consumer Affairs
Chapter Codification: 10.21.15

Chapter Name: Petition for Emergency Evaluation – Payment for Services

Authority: Health-General Article, §10-628

Date Originally Adopted or Last Amended: May 9, 1994

Purpose: To govern the payment for specific emergency services, as defined in Health-General Article, §10-628, Annotated Code of Maryland, rendered as a direct consequence of a petition for emergency evaluation.

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? [X] Yes [ ] No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

General hospitals with 24 hour emergency rooms were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office

(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.

a) No comments received  
b) 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.

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   X   No

Has the agency promulgated all regulations required by recent legislation?   X   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) 

X  no action 

amendment 

repeal 

repeal and adopt new regulations 

reorganization 

Summary: N/A 

Person performing review: Stacev R. Diehl 

Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification: 10.21.18

Chapter Name: Community Mental Health Programs – Therapeutic Nursery Programs

Authority: Health-General Article, §§10-901 and 10-902

Date Originally Adopted or Last Amended: January 2, 1995

Purpose: To govern clinical programs that provide a combination of developmental and mental health services in a preschool setting.

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? [X] Yes [ ] No

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

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

(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

Mental Hygiene Administration management and community mental health programs affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

| Published in the Maryland Register, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office |

(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.

| a) No comments received |
| b) 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.

| 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: 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: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2003 – 2011**

<table>
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<th>Chapter Codification:</th>
<th>10.21.19</th>
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<tr>
<td>Chapter Name:</td>
<td>Community Mental Health Programs – Mobile Treatment Services</td>
</tr>
<tr>
<td>Authority:</td>
<td>Health-General Article, §§10-901 and 10-902</td>
</tr>
<tr>
<td>Date Originally Adopted or Last Amended:</td>
<td>January 2, 1995/August 24, 1998</td>
</tr>
<tr>
<td>Purpose:</td>
<td>To govern programs organized to provide intensive, assertive mental health treatment and support services delivered by a multidisciplinary treatment team to an adult or a minor whose mental health treatment needs have not been met through routine, traditional outpatient mental health programs.</td>
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**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? [X] Yes [ ] No
2. Do the regulations continue to be supported by statutory authority and judicial opinion? [X] Yes [ ] No
3. Are the regulations obsolete or otherwise appropriate for amendment or repeal? [ ] Yes [X] No
4. Are the regulations effective in accomplishing their intended purpose? [X] 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.

   Mental Hygiene Administration management and community mental health programs affected by the regulations were invited to provide any comments or suggestions regarding the above-referenced chapter.

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.

   Office of Health Care Quality, DHMH Resident Grievance Office
(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.

Published in the *Maryland Register*, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office

(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.

- a) No comments received
- b) 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.

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

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

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification: 10.21.23

Chapter Name: Community-Based Fund

Authority: Health-General Article. §10-208

Date Originally Adopted or Last Amended: October 23, 1995/February 9, 1998

Purpose: To establish a process for deposits to and disbursements from a community-based fund that is established when a ward is closed at a State inpatient facility.

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.

Mental Hygiene Administration management and Mental Hygiene Administration facilities were invited to provide any comments or suggestions regarding the above-referenced chapter.

(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.

Office of Health Care Quality, DHMH Resident Grievance Office
(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.

| Published in the Maryland Register, Vol. 31, Issue 9, Friday, April 30, 2004; posted on the Mental Hygiene Administration (MHA) website; posted on the Division of State Documents website; MHA mailing to state facilities & DHMH Resident Grievance Office |

(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.

| a) No comments received |
| b) 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.

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

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

Summary: N/A

Person performing review: Stacey R. Diehl
Title: Director, Office of Government, Public, & Consumer Affairs
Evaluation Report Form
2003 – 2011

Chapter Codification: COMAR 10.22.12

Chapter Name: Eligibility For and Access to Community Services for Individuals Funded by the Developmental Disabilities Administration

Regulatory Review and Evaluation Act Authority: Health General Article, §7-401, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Amended September, 2003

Purpose:
To specify the individuals eligible for DDA funded services, the eligibility criteria and the process of eligibility determination. This chapter also outlines the process for accessing services from the Developmental Disabilities Administration

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.

Bi-weekly meetings were held for 6 months with representatives from the agencies listed below, to discuss, review and amend the entire chapter. Discussions involved an in-depth review of current eligibility determination and access to services practices and procedures. Members of the group included: ARC Maryland, ARC Frederick Co., Charles Co. Health Dept., Montgomery Co. Disabilities Services, representatives from all four Developmental Disabilities Administration (DDA) regional offices, representatives from DDA Headquarters. Amendments also reviewed by Maryland Disability Law Center and the Office of the Attorney General.
(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.

Maryland Disabilities Law Center (MDLC) was sent draft copies of all amendments to the chapter for their review and comments. The ARC Maryland had a representative as a member of the regs input group for the review and amendment of this chapter.

(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 Maryland Register. Notice and description of the review process was published in “Developments,” the DDA statewide newsletter which is distributed to all staff of the DDA and all DDA providers of services, advocacy groups, resource coordination agencies and self advocates.

(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 other than the comments made during the regulations input group meetings from the members involved. The concerns from that group were that the process to determine eligibility in the current chapter is cumbersome and confusing and should be streamlined and made easier to navigate while still following the prescriptions outlined in the Developmental Disabilities Law. Additionally, the priority categories for service delivery need to be better defined to enable families and individuals to have a clearer understanding of the access to services process.

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

Differences and disagreements about specific aspects of the regulations relative to interpretation, process or language during the review of this chapter were discussed and settled within the confines of the group review process by all the participants involved and the group was able to come to consensus on all areas of concern.

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

NA

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

NA

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  [ ] X  No

Has the agency promulgated all regulations required by recent legislation?  

[ ] X  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  [X]
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

This chapter of regulations is going to be amended with changes made to the structure and content of the eligibility and access process for individuals with developmental disability and those individuals eligible for support services only. The amendments will make the process of eligibility determination and access to services easier to navigate and understand and will enable the DDA, families and individuals to have a clearer picture of the service access categories in which individuals are assigned prior to the receipt of services.
Person performing review: Adrienne G. Rogers
Title: DDA Chief of Regulations
Chapter Codification: COMAR 10.22.13

Chapter Name: Admission of Individuals to State Residential Facilities within the Jurisdiction of the Developmental Disabilities Administration

Authority: Health General Article, §7-502, Annotated Code of Maryland

Date Originally Adopted or Last Amended: September 5, 1988

Purpose:
The purpose of this chapter is to delineate the criteria and the procedures for admission of an individual to any State residential center under the jurisdiction of the Developmental Disabilities Administration.

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? [X] YES [ ] NO

(2) Do the regulations continue to be supported by statutory authority and judicial pinion? [X] YES [ ] NO

(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? [ ] YES [X] NO

(4) Are the regulations effective in accomplishing their intended purpose? [X] 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.

Director of the Developmental Disabilities Administration (DDA), Assistant Director of Operations, Chief of Regulations.

(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 in the Maryland Register and in “Developments,” the DDA newsletter which is sent to all DDA staff, providers, advocacy groups, resource coordination agencies and self-advocates.

(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.

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:

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:

After review by the Director, Assistant Director of Operations and the Chief of Regulations, there was consensus that these regulations continue to be relevant and to accomplish their purpose. This chapter follows statute very closely in process and procedure. Therefore, no amendments are necessary at this time.

Person performing review:  Adrienne G. Rogers

Title:  DDA Chief of Regulations
Chapter Codification: COMAR 10.22.14

Chapter Name: Intensive Treatment Programs

Authority: Health General Article, §§7-502, 7-801, and 7-803, Annotated Code of Maryland

Date Originally Adopted or Last Amended: August 6, 1990

Purpose: This chapter was developed to assure that individuals with demonstrated patterns of aggressive behaviors are in an environment that assures their safety and the safety of those around them and that services will be provided to decrease these individuals’ maladaptive behaviors.

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 X NO

(2) Do the regulations continue to be supported by statutory authority and judicial opinion? X YES NO

(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? X YES NO

(4) Are the regulations effective in accomplishing their intended purpose? YES X 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 DDA Assistant Director of Operations, the Regional Directors of the Southern, Western, Eastern Shore and Central Maryland Regional Offices, the facility Director of Rosewood Center and DDA Chief of Regulations reviewed this chapter of regulations for continued relevance.

It is the consensus of all those who participated in the review of this chapter that these regulations are outdated and no longer relevant or needed.
(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.

NA

(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 Maryland Register and in “Developments”, the DDA newsletter that is sent to all DDA staff, providers, advocacy groups, resource coordination agencies and self advocates

(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 from the public. Comments from the reviewers are mentioned above.

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

NA

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

NA

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

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

NA

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?  

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| Has the agency promulgated all regulations required by recent legislation? |

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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

X repeal

repeal and adopt new regulations

reorganization

Summary:

It is the consensus of all those mentioned above who reviewed this chapter of regulations that they are no longer relevant. The expertise needed to serve this population of individuals now exists and they can be served under the regulations that govern SRC operations and also in the community with individualized behavior plans.

Person performing review: Adrienne G. Rogers

Title: DDA Chief of Regulations
Evaluation Report Form
2003 – 2011

Chapter Codification: COMAR 10.22.15

Chapter Name: Waiting List Equity Fund

Authority: Health-General Article, §7-206, Annotated Code of Maryland

Date Originally Adopted or Last Amended: September 1996

Purpose:
The purpose of this chapter is to address the management and use of money in the Waiting List Equity Fund. The Fund is a nonlapsing fund established to ensure that when an individual leaves the State residential center to be served in the community, the net average cost of serving the individual in the SRC is applied to the individual’s community placement and community services needed to sustain the individual’s community placement and to provide community-based services to individuals not yet receiving services.

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? X YES NO
(2) Do the regulations continue to be supported by statutory authority and judicial pinion? X YES NO
(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? X YES NO
(4) Are the regulations effective in accomplishing their intended purpose? X 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 following were members of the group reviewing this chapter of regulations: Representatives from the Developmental Disabilities Administration’s Regional Offices and Headquarters, the ARC Maryland, ARC Howard County, ARC Frederick County- Resource Coordination, and a parent of an individual with a developmental disability.

All individuals in the group reviewed the regulations in depth and discussed ways to make the language more comprehensible and relevant to current practices.
(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.

NA

(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 Maryland Register and the DDA newsletter, “Developments,” which is sent to all DDA staff, providers, advocacy groups, resource coordination agencies and self-advocates.

(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.

Most comments made during the review of this chapter supported leaving the chapter as it is now written because it follows the language in the DD Law very closely. There were a few language changes suggested to enhance clarity and support relevance. The Administration is in support of the suggestions.

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

All differences of opinion related to specific language options or clarifications in process were able to be resolved as part of the group review process and consensus was reached on all issues.

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

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

NA

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

NA

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:

NA

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:

There is consensus by the reviewers of this chapter that it continues to be relevant and to accomplish its intended purpose. The chapter follows statute very closely and therefore, the suggestions made for amendment are intended to clarify and refine the concepts and processes already in place in the regulations.

Person performing review: Adrienne G. Rogers

Title: DDA Chief of Regulations
The purpose of the informal hearing procedure is to seek informal and expeditious resolution when an applicant or recipient of DDA services is dissatisfied as a result of the Secretary’s actions or inactions as defined under Health General Article, Title 7. These regulations outline the procedures to be followed in seeking resolution.

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?  
X YES  NO

(2) Do the regulations continue to be supported by statutory authority and judicial pinion?  
X YES  NO

(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?  
X YES  NO

(4) Are the regulations effective in accomplishing their intended purpose?  
X 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.

Maryland Disabilities Law Center (MDLC), DDA Headquarters, representative from DDA Southern Maryland Regional Office and the Office of the Attorney General.

Meetings were held on a bi-weekly basis for several months with the above-mentioned participants. An in-depth review was made of all the definitions and provisions of this chapter of regulations for relevancy, legality and understandability of the resolution process for appellants, families and advocates.
(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.

MDLC as stated above, as the State advocacy agency for individuals with developmental disabilities.

(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 Maryland Register and in the DDA newsletter, “Developments”. The newsletter is distributed to all DDA staff, providers of services, advocacy groups, resource coordination agencies and self advocates.

(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 from MDLC during the process of review were extremely helpful and relevant to the amendment process and they were partners in the process of amending this chapter to make it more relevant, user-friendly, and applicable to the process of seeking expeditious resolution of issues brought forward under this chapter of regulations.

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

All differences of opinions on issues raised during the discussions on language or process, were resolved during the group meetings and we were able to come to consensus in all areas.

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

NA

(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.

NA

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?  

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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:

This chapter of regulations is to be amended to clarify the process for individuals to appeal any action or inaction by the Secretary. Additionally, a regulation is to be added which more clearly states the Administration’s intent to initiate a mediation process when a request for a resolution is directed to the Director of the Developmental Disabilities Administration. Mediation will be clearly defined and the process to be undertaken will be clearly identified so the appellant and families will understand the options available under this chapter.

Person performing review: Adrienne G. Rogers

Title: DDA Chief of Regulations