

**REGULATORY REVIEW AND EVALUATION
ACT:**

WORK PLANS DUE OCTOBER 1, 2023 FOR:

Subtitle 26 BOARD OF ACUPUNCTURE

Subtitle 27 BOARD OF NURSING

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Subtitle 30 COMMISSION ON KIDNEY DISEASE

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS

**SUBMITTED BY:
Maryland Department of Health
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EXEMPTIONS REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health 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 27 BOARD OF NURSING

10.27.01 Examination and Licensure	CA 2-13-2017
10.27.03 Nursing Education Programs	CA 2-22-2021
10.27.05 Practice of Nurse Midwifery	CA 7-2-2018
10.27.06 Practice of Nurse Anesthetist	CA 6-17-2019
10.27.07 Practice of the Nurse Practitioner	CA 12-10-2015
10.27.12 Nurse Psychotherapists in Independent Practice (Clinical Nurse Specialist)	CA 7-2-2018
10.27.13 Rehabilitation Committee	CA 7-2-2018
10.27.17 Teletherapy	IA 7-29-2019
10.27.21 Registered Nurse—Forensic Nurse Examiner	CA 9-10-2018
10.27.22 Multistate Licensure Compact Regulations	CA 8-27-2017
10.27.27 Practice of Clinical Nurse Specialist	CA 7-2-2018

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

10.28.01 Telehealth	IA 9-18-2023
10.28.02 Continuing Education Requirements	CA 5-20-2019
10.28.10 Optometrist Accountability	CA 7-31-2017
10.28.11 Use of Diagnostic Pharmaceutical Agents	CA 7-31-2017
10.28.12 Therapeutic Pharmaceutical Agents	CA 11-15-2021

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

10.29.03 Inspection of Funeral Establishments	CA 4-4-2022
10.29.15 Family Security Trust Fund	CA 4-9-2018

Subtitle 39 BOARD OF NURSING - CERTIFIED NURSING ASSISTANTS

10.39.01 Certification of Nursing Assistants	CA 7-2-2018
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CHAPTERS THAT HAVE BEEN REPEALED OR THAT ARE CURRENTLY VACANT

Subtitle 27 BOARD OF NURSING

10.27.14 Nursing Staff Agencies

Vacant

Subtitle 39 BOARD OF NURSING – CERTIFIED NURSING ASSISTANTS

10.39.06 Medication Technicians

Vacant

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 26 BOARD OF ACUPUNCTURE

10.26.01 Fee Schedule
10.26.02 General Regulations
10.26.03 Code of Ethics
10.26.04 Rules of Procedure for Board Hearings
10.26.05 Compelling Purpose Disclosure

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Lillian Reese	9/1/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Tiffany Smith-Williams	2/1/24
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register; and (2) Posting of notice on the unit's website.		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Feedback from stakeholders will be solicited through the <u>Maryland Register</u> .	Tiffany Smith-Williams	2/1/24
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: MDH internal units will be emailed to solicit comments.	Tiffany Smith-Williams	2/1/24
	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 The Board will research other states' regulations, particularly those in states contiguous to Maryland, as well as jurisdictions nationally that license acupuncture. C. Other appropriate information, are as follows: Research other state agency regulations to identify similarities and how they are structured.	Tiffany Smith-Williams	3/15/24
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Tiffany Smith-Williams	4/1/24

- 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.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

- | | | |
|---|------------------------|---------|
| 1. Consolidate information obtained from objective #1 above | Tiffany Smith-Williams | 6/30/24 |
| 2. Write draft report. | Tiffany Smith-Williams | 7/1/24 |
| 3. Coordinate executive reviews of draft report. | Tiffany Smith-Williams | 8/1/24 |
| 4. Consolidate review comments and prepare final report. | Tiffany Smith-Williams | 8/15/24 |

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 27 BOARD OF NURSING

10.27.02 Hearing Procedures
10.27.04 Methadone Dispensing
10.27.08 Petition for Declaratory Ruling
10.27.09 Standards of Practice for Registered Nurses
10.27.10 Standards of Practice for Licensed Practical Nurses
10.27.11 Delegation of Nursing Functions
10.27.15 Open Meetings—Attendance and Recording, Photographing, and Broadcasting of Sessions
10.27.16 Registered Nurse-Workers' Compensation Medical Case Manager
10.27.18 Monetary Penalties
10.27.19 Code of Ethics
10.27.20 Management of Infusion Therapy by the Registered Nurse and the Licensed Practical Nurse
10.27.23 Code of Conduct for Board Members and Investigators
10.27.24 Compelling Purpose Disclosure
10.27.25 Cosmetic Procedures
10.27.26 Sanctioning Guidelines

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Jennay Ghowrwal	9/8/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Jourdan Green	1/31/24
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Feedback from stakeholders will be solicited through the Maryland Register	Jourdan Green	2/29/24
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: MDH internal units will be emailed to solicit comments.	Mitzi Fishman	3/29/24
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; Not Applicable	Jennay Ghowrwal	5/30/24

B. Similar regulations adopted or repealed by other states or the federal government; and

Not Applicable

C. Other appropriate information, are as follows:

Conduct research of other states and the federal government, with particular attention to states contiguous to Maryland, to identify similar regulations, the scope and structure; research other state agency regulations to identify similar regulations, the scope and structure for adaptation and use in Maryland.

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: Mitzi Fishman 6/30/24

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.

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee

1. Consolidate information obtained from objective #1 above	Jennay Ghowrwal	7/15/24
2. Write draft report.	Jennay Ghowrwal	8/1/24
3. Coordinate executive reviews of draft report.	Mitzi Fishman	9/1/24
4. Consolidate review comments and prepare final report.	Jennay Ghowrwal	9/15/24

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

10.28.03 Examination and Licensing of Optometrists
10.28.04 Rules of Procedure for Board Hearings
10.28.05 Inactive Status and Reinstatement of Expired Licenses
10.28.06 Examination of Patients by Optometrists, Maintenance of Records, and Keeping of Certain Instrumentation and Equipment
10.28.07 Fee Schedule
10.28.08 Partial Waiver of Examination
10.28.09 Advertising
10.28.13 Civil Penalties
10.28.14 Code of Conduct
10.28.15 Compelling Purpose Disclosure
10.28.16 Selling and Dispensing of Contact Lenses
10.28.17 Disciplinary Sanctions and Monetary Penalties

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Lillian Reese	9/1/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Gwen Joyner	1/31/24
	A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the Maryland Register; and (2) Posting of notice on the unit's website.		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Feedback from stakeholders will be solicited through the <u>Maryland Register</u> .	Gwen Joyner	2/29/24
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: MDH internal units will be emailed to solicit comments.	Gwen Joyner	2/29/24
	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 The Board will research other states' regulations, particularly those in states contiguous to	Gwen Joyner	4/1/24

Maryland, as well as jurisdictions nationally that license optometry.

C. Other appropriate information, are as follows:

Research other state agency regulations to identify similarities and how they are structured.

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: Gwen Joyner 5/1/24

- 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.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

1. Consolidate information obtained from objective #1 above.	Gwen Joyner	6/1/24
2. Write draft report.	Gwen Joyner	7/1/24
3. Coordinate executive reviews of draft report.	Gwen Joyner	7/15/24
4. Consolidate review comments and prepare final report.	Gwen Joyner	8/1/24

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

- 10.29.01 Hearing Procedures
- 10.29.02 Examination
- 10.29.04 Fee Schedule
- 10.29.05 Continuing Education
- 10.29.06 Preneed Contract
- 10.29.07 Surviving Spouse
- 10.29.08 Courtesy Card
- 10.29.09 Requirements for Apprenticeship
- 10.29.10 Monetary Penalties
- 10.29.11 Complaint Procedures
- 10.29.12 Advertising
- 10.29.13 Rehabilitation Committee
- 10.29.14 Compelling Purpose Disclosure
- 10.29.16 Crematories—Definitions
- 10.29.17 Crematories—Permit, Licensing, and Fees
- 10.29.18 Crematories—Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties
- 10.29.19 Crematories—Cremation Procedures
- 10.29.20 Crematories—Code of Ethics
- 10.29.21 Mortuary Transport Services

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Lillian Reese	9/1/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Nilsa Hairston	1/31/24
	A. To invite public comment on these regulations, the following procedures and methods will be used:		
	(1) Publication of notice in the Maryland Register; and		
	(2) Posting of notice on the unit's website.		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:	Nilsa Hairston	2/29/24
	Feedback from stakeholders will be solicited through the <u>Maryland Register</u> .		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:	Nilsa Hairston	2/29/24
	MDH internal units will be emailed to solicit comments.		
	3. Procedures for gathering and reviewing of:	Nilsa Hairston	3/29/24
	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

The Board will research other states' regulations, particularly those in states contiguous to Maryland, as well as jurisdictions nationally that license morticians and funeral directors.

C. Other appropriate information, are as follows:

Research other state agency regulations to identify similarities and how they are structured.

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Nilsa Hairston	5/15/24
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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.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

1. Consolidate information obtained from objective #1 above	Nilsa Hairston	6/1/24
2. Write draft report.	Nilsa Hairston	6/15/24
3. Coordinate executive reviews of draft report.	Nilsa Hairston	8/1/24
4. Consolidate review comments and prepare final report.	Nilsa Hairston	8/15/24

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 30 COMMISSION ON KIDNEY DISEASE

10.30.01 General Regulations
10.30.02 Physical and Medical Standards
10.30.03 Transmissible Diseases
10.30.04 Dialyzer Reuse and Water Standards
10.30.05 Fee Schedule

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Lillian Reese	9/1/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Eva Schwartz	2/1/24
	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 unit's website; and		
	(3) Holding of public hearings at various locations around the State.		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:	Eva Schwartz	2/1/24
	Feedback from stakeholders will be solicited through the <u>Maryland Register</u> and email.		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:	Eva Schwartz	2/15/24
	MDH internal units will be emailed to solicit comments.		
	3. Procedures for gathering and reviewing of:	Eva Schwartz	4/1/24
	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		
	The Commission will research other states' regulations, particularly those in states contiguous to Maryland, as well as jurisdictions nationally that certify dialysis facilities and kidney transplant centers.		
	C. Other appropriate information, are as follows:		
	Research other federal and state agency regulations to identify similarities and how they are structured.		

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Eva Schwartz	5/1/24
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- 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.

II. Prepare report to the
Administrative, Executive
and Legislative Review
(AELR) Committee

1. Consolidate information obtained from objective #1 above	Eva Schwartz	6/1/24
2. Write draft report.	Eva Schwartz	6/15/24
3. Coordinate executive reviews of draft report.	Eva Schwartz	7/15/24
4. Consolidate review comments and prepare final report.	Eva Schwartz	8/1/24

Maryland Department of Health
2017 – 2023 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 39 BOARD OF NURSING – CERTIFIED NURSING ASSISTANTS

10.39.02 Nursing Assistant Training Programs
10.39.03 Certified Medicine Aides
10.39.04 Medication Technicians
10.39.05 Standards of Practice for Certified Nursing Assistants (CNA)
10.39.07 Certified Nursing Assistants/Certified Medical Technicians (CNA/CMT)—Code of Ethics

OBJECTIVES	ACTION STEPS	PERSON	DATE
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Jennay Ghowrwal	9/8/23
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Jourdan Green	1/31/24
	A. To invite public comment on these regulations, the following procedures and methods will be used:		
	(1) Publication of notice in the Maryland Register		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:	Jourdan Green	2/29/24
	Feedback from stakeholders will be solicited through the Maryland Register		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:	Mitzi Fishman	3/31/24
	MDH internal units will be emailed to solicit comments.		
	3. Procedures for gathering and reviewing of:	Jennay Ghowrwal	5/30/24
	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 Not Applicable		
	C. Other appropriate information, are as follows: Conduct research of other states and the federal government, with particular attention to states contiguous to Maryland, to identify similar regulations, the scope and structure; research other state agency regulations to identify similar regulations, the scope and structure for adaptation and use in Maryland.		
	4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Mitzi Fishman	6/30/24
	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.

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Jennay Ghowrwal	7/15/24
	2. Write draft report.	Jennay Ghowrwal	8/1/24
	3. Coordinate executive reviews of draft report.	Mitzi Fishman	8/15/24
	4. Consolidate review comments and prepare final report.	Jennay Ghowrwal	9/1/24