

APRIL 1, 2011

REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS FOR:

Subtitle 45 MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN,
INFANTS, AND CHILDREN (WIC)**

Subtitle 55 STATE BOARD OF SPINAL CORD INJURY RESEARCH

Subtitle 56 BOARD OF DIETETIC PRACTICE

**Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
PROGRAM ADMINISTRATORS**

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Subtitle 59 CATASTROPHIC HEALTH EMERGENCIES

SUBMITTED BY:

**Department of Health and Mental Hygiene
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EVALUATION REPORTS

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.01 Eligibility, Participation, and Benefits

10.54.02 Local Agency

Subtitle 56 BOARD OF DIETETIC PRACTICE

10.56.03 Code of Ethical Practices

10.56.06 Compelling Purpose Disclosure

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.01 General Regulations

10.58.02 Fees

10.58.03 Code of Ethics

10.58.04 Hearing Procedures

10.58.05 Continuing Education

10.58.06 Licensure by Waiver

10.58.10 Compelling Purpose Disclosure

EXEMPTION REQUESTS

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health and Mental Hygiene certifies 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 45 MARYLAND COMMUNITY HEALTH RESOURCES COMMISSION

10.45.01 Purpose and Definitions

IA: February 12, 2007

10.45.02 Officers and Staff

IA: February 12, 2007

10.45.03 Committees

IA: February 12, 2007

10.45.04 Meetings—Procedure

IA: February 12, 2007

10.45.05 Community Health Resources

IA: February 12, 2007

10.45.06 Community Health Resources Grants

IA: February 12, 2007

10.45.07 Selection Criteria and Funding Priorities

IA: February 12, 2007

10.45.08 Selection Process

IA: February 12, 2007

10.45.09 Emergency Grant Funding

IA: February 12, 2007

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

10.46.01 General Regulations

CA: April 21, 2008

10.46.02 Code of Ethics

CA: April 21, 2008

10.46.03 Procedure for Board Hearings

CA: April 21, 2008

10.46.04 Continuing Competency Requirement

CA: April 21, 2008

10.46.05 Collection of Fees

CA: April 21, 2008

10.46.06 Competency Requirements for Physical Agent Modalities

CA: April 21, 2008

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

10.53.01 Definitions

CA: June 20, 2005

10.53.02 Licensure

CA: May 7, 2007

10.53.03 Electrology Examination

CA: June 20, 2005

10.53.04 Continuing Education

CA: June 20, 2005

10.53.05 Standards of Practice and Conduct

CA: June 20, 2005

10.53.06 Electrology Programs

CA: June 20, 2005

10.53.07 Electrologist's Office

CA: June 20, 2005

10.53.08 Instruments and Procedures

CA: June 20, 2005

10.53.09 Sterilization Procedure's

CA: June 20, 2005

10.53.10 Advertising
10.53.11 Rehabilitation Committee
10.53.12 Fees

CA: June 20, 2005
CA: May 7, 2007
CA: June 20, 2005

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.03 Retail Food and Pharmacy Vendors CA: April 9, 2007 & February 9, 2009

Subtitle 55 STATE BOARD OF SPINAL CORD INJURY RESEARCH

10.55.01 Administration of Spinal Cord Injury Trust Fund IA: September 16, 2002

Subtitle 56 BOARD OF DIETETIC PRACTICE

10.56.01 Licensure CA: August 13, 2007
10.56.02 Fees CA: August 13, 2007 & July 28, 2008
10.56.04 Hearing Procedures CA: August 13, 2007
10.56.05 Continuing Education CA: August 13, 2007 & October 19, 2009
10.56.07 Advertising IA: October 14, 2002
10.56.08 Tax Compliance Regulations IA: March 15, 2004
10.56.09 Monetary Penalties IA: August 13, 2007

Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS

10.57.01 Definitions IA: April 7, 2008
10.57.02 Certification IA: April 7, 2008
10.57.03 Continuing Education IA: April 7, 2008
10.57.04 Code of Ethics IA: April 7, 2008
10.57.05 Hearing Procedures IA: April 7, 2008
10.57.06 Fees IA: April 7, 2008
10.57.07 Compelling Purpose Disclosure IA: April 7, 2008
10.57.08 Tax Compliance Regulations IA: April 7, 2008

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.07 Alcohol and Drug Counselors—Requirements for Certification and Licensure CA: May 17, 2010
10.58.08 Marriage and Family Therapists—Requirements for Certification and Licensure CA: May 17, 2010
10.58.09 Monetary Penalties IA: November 7, 2005
10.58.11 Advanced Assessment IA: November 15, 2010

Subtitle 59 CATASTROPHIC HEALTH EMERGENCIES

10.59.01 Care of Individuals Isolated or Quarantined Due to a Deadly Agent IA: June 19, 2006

CHAPTERS THAT HAVE BEEN REPEALED

Subtitle 53 BOARD OF NURSING—ELECTROLOGY PRACTICE COMMITTEE

10.53.13 Examination for Special Needs Applicants
10.53.14 Monetary Penalties

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Chapter Codification: 10.54.01

Chapter Name: Eligibility, Participation, and Benefits

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

Date Originally Adopted or Last Amended: May 13, 2002 (last amended)

Purpose: This chapter specifies the eligibility policies and procedures and the benefits available under the Special Supplemental Nutrition Program for Women, Infants, and Children (Maryland WIC Program or Program) operated by the Department of Health and Mental Hygiene, with funding substantially provided by the United States Department of Agriculture (USDA) under the Child Nutrition Act of 1996, §17, as amended.

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.

Members of the WIC Advisory Council, Maryland County Health Officers, Local WIC Coordinators, and the Chief Executive Officers of the three nonprofits who administer WIC Programs were invited to comment on the regulations. No comments were received.

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

Representative for the Maryland Medical Assistance Program and the Family Health Administration's Center for Maternal and Child Health and Office of Chronic Disease Prevention were invited to comment on the regulations. No comments were received.

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

Comments from the public were solicited by publishing a public notice in the Maryland Register. The comment period ended October 8, 2010.

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

No comments were received.

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

None

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

N/A

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

After reviewing the federal WIC regulations under 7 CFR 246, the Maryland WIC Program determined that revisions to this chapter were necessary to conform to the federal WIC regulations.

- (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:

This Chapter needs to conform to the federal WIC regulations, 7 CFR 246, to allow additional persons to receive WIC benefits and include additional topics of nutrition education for WIC participants. The revisions will include: adding electronic benefit transfer cards (EBT) in the definition of “food instruments;” adding alcoholism and drug use as a nutritional risk; excluding WIC payments to individuals in the armed forces and their families under the Family Supplemental Subsistence Allowance and property owners under the National Flood Insurance Program in calculating income eligibility; adding physical activity as a nutritional education topic; including breastfeeding infants and mothers who breastfeed but choose not to receive the WIC supplemental food in the definition of “participation;” and changing the time period for an applicant who fails to provide income documentation at the initial appointment from 60 days to 30 days to provide income documentation.

Person performing review:

Ms. Jacqueline Boras

Title:

Director
Maryland WIC Program

Regulatory Review and Evaluation Act
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Chapter Codification: 10.54.02

Chapter Name: Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

Date Originally Adopted or Last Amended: October 4, 2010 (last amended)

Purpose: These regulations are promulgated to specify the selection and the responsibilities of a local agency, and the rate of payment to a local agency in the administration of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program or Program), operated by the Department of Health and Mental Hygiene with funding substantially provided by the U.S. Department of Agriculture under § 17 of the Child Nutrition Act of 1966, 42 U.S.C. § 1786.

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.

Members of the WIC Advisory Council, Maryland County Health Officers, Local WIC Coordinators, and the Chief Executive Officers of the three non profits who administer WIC Programs were invited to comment on the regulations. No comments were received.

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

Representative for the Maryland Medical Assistance Program and the Family Health Administration's Center for Maternal and Child Health and Office of Chronic Disease Prevention were invited to comment on the regulations. No comments were received.

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

Comments from the public were solicited by publishing a public notice in the Maryland Register. The comment period ended October 8, 2010.

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

No comments were received.

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

None

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

N/A

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

After reviewing the federal WIC regulations, 7 CFR 246, the Maryland WIC Program determined that revisions to COMAR 10.54.02 are necessary to conform to the federal WIC regulations.

- (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 reviewing this chapter, the Maryland WIC Program has been determined that the chapter requires amendments. This chapter needs to conform to the federal WIC regulations, 7 CFR 246, that were amended to increase the responsibilities of local WIC agencies. These include: Since food costs are reimbursed at the State WIC Office, food costs are deleted as a local agency allowable cost. Nutrition Services and Administrative Costs are now divided into five categories that local agencies must report as expenditures. The Maryland WIC Program will allow a local agency to have indirect costs exceeding 10% when the local agency requests written permission to and receives written permission from the Maryland WIC Program. This chapter also includes the base funding and payment per participant to the local agency that are revised each year according the federal funds received.

Person performing review:	Ms. Jacqueline Boras
Title:	Director Maryland WIC Program

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Chapter Codification: 10.56.03

Chapter Name: Code of Ethical Practices

Authority: Health Occupations Article, §§1-212, 5-102 and 5-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Chapter revised: April 16, 2001

Purpose: These regulations govern the code of ethical practices for Licensed Dietitian-Nutritionists in Maryland.

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

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

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

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

Maryland Dietetic Association
Maryland Nutritionists Association

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

N/A

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

Publication in 37:10 Md. R. 730 (May 7, 2010) and discussed at the General Session of the Board of Dietetic Practice meeting held on May 20, 2010.
Posted on Board's website at www.dhmf.state.md.us/bodietpract/

- (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.

No conflict involved in the review of this regulation.

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

COMAR 10.56.03 is consistent with the American Dietetic Association Code of Ethics, other State Dietetic Practice Board Code of Ethics, and other Maryland Health Occupation Board Code of Ethics.

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

COMAR 10.56.03 is consistent with the American Dietetic Association Code of Ethics, other State Dietetic Practice Board Code of Ethics, and other Maryland Health Occupation Board Code of Ethics.

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

COMAR 10.56.03 is consistent with the American Dietetic Association Code of Ethics, other State Dietetic Practice Board Code of Ethics, and other Maryland Health Occupation Board Code of Ethics.

- 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:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding codes of ethics. The Board reviewed COMAR 10.56.03 and determined that the regulation is consistent with the American Dietetic Association Code of Ethics, other State Dietetic Practice Board Code of Ethics, and other Maryland Health Occupation Board Code of Ethics. The Board did not receive any comments from the Stakeholders or the public regarding this matter. COMAR 10.56.03 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification: 10.56.06

Chapter Name: Compelling Purpose Disclosures

Authority: Health Occupations Article, §§5-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Chapter adopted: October 29, 2001

Purpose: These regulations authorize the Board to disclose investigative information to other agencies if the Board determines that there is a compelling public purpose to allow the disclosure.

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.

Maryland Dietetic Association
Maryland Nutritionists Association

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

N/A

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

Publication in 37:10 Md. R. 730 (May 7, 2010) and discussed at the General Session of the Board of Dietetic Practice meeting held on May 20, 2010.
Posted on Board's website at www.dhmf.state.md.us/bodietpract/

- (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.

No conflict involved in the review of this regulation.

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

COMAR 10.56.06 is consistent with the American Dietetic Association, other State Dietetic Practice Board regulations, and other Maryland Health Occupation Board Compelling Purpose Regulations.

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

COMAR 10.56.06 is consistent with the American Dietetic Association, other State Dietetic Practice Board regulations, and other Maryland Health Occupation Board Compelling Purpose Regulations.

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

COMAR 10.56.06 is consistent with the American Dietetic Association, other State Dietetic Practice Board regulations, and other Maryland Health Occupation Board Compelling Purpose Regulations.

- 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:

The Maryland Board of Dietetic Practice researched other states, health occupation boards, and national professional associations regarding compelling purpose disclosure. The Board reviewed COMAR 10.56.06 and determined that the regulation is consistent with the American Dietetic Association, other State Dietetic Practice Board regulations, and other Maryland Health Occupation Board compelling purpose regulations. The Board did not receive any comments from the Stakeholders or the public regarding this matter. COMAR 10.56.06 is relevant and does not need action at this time.

Person performing review:

Marie M. Savage

Title:

Director

Regulatory Review and Evaluation Act
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Chapter Codification: 10.58.01

Chapter Name: General Regulations

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-304, 17-307, 17-308, and 17-509
Annotated Code of Maryland

Date Originally Adopted or Last Amended: Chapter adopted: January 21, 2002

Purpose: These regulations address application process and the requirements for licensure and certification.

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.

N/A

- (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.

N/A

- (4) Provide summaries of:

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

N/A

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

No conflict involved in the review of this regulation.

(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:

Need to update this chapter to be consistent with recent statutory changes made during Sunset Review.

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 Maryland Board of Professional Counselors and Therapists (the Board), recently underwent a full Sunset Review in 2008. The Maryland Professional Counselor and Therapists Act was re-enacted with changes and amendments.

Person performing review:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
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Chapter Codification:

10.58.02

Chapter Name:

Fees

Authority:

Health Occupations Article, §§17-205, 17-206, and 17-310 Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Chapter adopted: April 3, 2000

Purpose:

These regulations authorize the Board to collect fees for the licensure and certification and establish a fee schedule.

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.

N/A

- (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.

N/A

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Need to update this chapter to be consistent with recent statutory changes made during Sunset Review.

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 Maryland Board of Professional Counselors and Therapists would need to amend the Chapter to be consistent with statutory changes made during the recent Sunset Review.

Person performing review:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:	10.58.03
Chapter Name:	Code of Ethics
Authority:	Health Occupations Article, §§1-212 and 17-205, Annotated Code of Maryland
Date Originally Adopted or Last Amended:	Chapter adopted: April 3, 2000
Purpose:	These regulations establish the code of ethics and the Board's authority to institute sanctions.

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.

N/A

- (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.

N/A

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Changes are necessary to make sure the regulations are consistent with recent statutory changes made during the recent Sunset Review.

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 Maryland Board of Professional Counselors and Therapists underwent a full Sunset Review. The Professional Counselor and Therapist Act were re-enacted with changes. These regulations need to be updated to be consistent with legislative changes.

Person performing review:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:

10.58.04

Chapter Name:

Hearing Procedures

Authority:

Health Occupations Article, §17-314; State Government Article 10-206, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Chapter adopted: March 20, 2000

Purpose:

These regulations establish the hearing and appeals process.

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.

Maryland Licensed Professional Counselor Association
Maryland Association of Marriage and Family Therapists

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

N/A

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

.Publication in 27:5 Md. R. 742 (March 20, 2000).

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

N/A

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

No conflict involved in the review of this regulation.

(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.

COMAR 10.58.04 is consistent with the American Counseling Association, other Professional Counselor and Therapists Board regulations, and other Maryland Health Occupation Board Fee Regulations.

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

COMAR 10.58.04 is consistent with the American Counseling Association, other Professional Counselor and Therapists Board regulations, and other Maryland Health Occupation Board Fee Regulations.

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:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:	10.58.05
Chapter Name:	Continuing Education
Authority:	Health Occupations Article, §17-205, Annotated Code of Maryland
Date Originally Adopted or Last Amended:	Chapter adopted: September 4, 2000
Purpose:	These regulations establish the requirements for continuing education.

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.

N/A

- (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.

N/A

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Changes are necessary to make sure the regulations are consistent with recent statutory changes made during the recent Sunset Review.

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 Maryland Board of Professional Counselors and Therapists underwent a full Sunset Review. The Professional Counselor and Therapist Act were re-enacted with changes.

Person performing review:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:

10.58.06

Chapter Name:

Licensure By Waiver

Authority:

Health Occupations Article, §§17-101, 17-3A-01 – 17-3A-08, 17-3A-10 and 17-3A-11,
Annotated Code of Maryland

Date Originally Adopted or Last Amended:

Chapter adopted: October 18, 1999

Purpose:

These regulations establish the requirements licensure by waiver.

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.

N/A

- (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.

N/A

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Changes are necessary to make sure the regulations are consistent with recent statutory changes made during the recent Sunset Review. The regulations address the requirements for licensure by grandfathering. The grandfather provisions of the authorizing statute were repealed.

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:

The Maryland Board of Professional Counselors and Therapists underwent a full Sunset Review. The Professional Counselor and Therapist Act was re-enacted with changes. These regulations address the requirements to obtain licensure by grandfathering. The statutory authority for grandfathering was repealed in 2008.

Person performing review:

Tracey DeShields

Title:

Director

Regulatory Review and Evaluation Act
Evaluation Report Form
2003 – 2011

Chapter Codification:	10.58.10
Chapter Name:	Compelling Purpose Disclosure
Authority:	Health Occupations Article, §§17-205; State Government Article, §10-617 (h) (3), Annotated Code of Maryland
Date Originally Adopted or Last Amended:	Chapter adopted: December 24, 2001
Purpose:	These regulations establish the requirements for finding a compelling public purpose to disclose information in a certification, licensing or investigative file and under what circumstances to disclose the information

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.

Maryland Licensed Professional Counselors Association
Maryland Marriage and Family Therapist Association

- (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 published in Maryland Register and posted to website.

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

No comments were received.

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

No interunit conflict.

(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)

X no action
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

The regulations address the requirements for a compelling public purpose to disclose information in a certification, licensure or investigative file and under what circumstances.

Person performing review
:

Tracey DeShields

Title:

Director