REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS DUE OCTOBER 1, 2016 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:

Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
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EXEMPTION REQUESTED

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

Subtitle 26 BOARD OF ACUPUNCTURE
10.26.01 Fee Schedule CA April 20, 2009
10.26.02 General Regulations CA April 20, 2009

Subtitle 27 BOARD OF NURSING
10.27.01 Examination and Licensure CA September 22, 2008 and April 19, 2010
10.27.03 Nursing Education Programs CA January 26, 2009
10.27.04 Methadone Dispensing IA February 9, 2009
10.27.05 Practice of Nurse Midwifery CA September 29, 2014
10.27.06 Practice of Nurse Anesthetist Proposal to CA printed 11/13/2015 – Adoption Pending
10.27.07 Practice of the Nurse Practitioner CA July 11, 2011
10.27.10 Standards of Practice for Licensed Practical Nurses CA May 2, 2011
10.27.11 Delegation of Nursing Functions CA January 26, 2009 & Sept.19, 2011
10.27.19 Code of Ethics CA December 11, 2014
10.27.21 Registered Nurse—Forensic Nurse Examiner CA March 19, 2012
10.27.25 Cosmetic Procedures IA May 30, 2011
10.27.26 Sanctioning Guideline IA April 16, 2012
10.27.27 Practice of Clinical Nurse Specialist IA October 1, 2012

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY
10.28.02 Continuing Education Requirements CA October 19, 2009
10.28.12 Therapeutic Pharmaceutical Agents CA October 19, 2009
10.28.17 Disciplinary Sanctions and Monetary Penalties IA October 1, 2012

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS
10.29.02 Examination CA February 25, 2008
10.29.03 Inspection of Funeral Est. and Funeral Service Businesses CA February 25, 2008
10.29.04 Fee Schedule CA February 25, 2008
10.29.05 Continuing Education CA February 8, 2010
10.29.06 Preneed Contract CA August 27, 2007
10.29.09 Requirements for Apprenticeship CA February 25, 2008
10.29.11 Complaint Procedures CA July 4, 2016
10.29.13 Rehabilitation Committee CA February 25, 2008
10.29.15 Family Security Trust Fund IA April 5, 2010
10.29.16 Crematories—Definitions IA April 14, 2014
10.29.17 Crematories—Permit, Licensing, and Fees IA April 14, 2014
10.29.18 Crematories—Insp., Complaints, Inv., Grounds for Disc., and Penalties IA April 14, 2014
10.29.19 Crematories—Cremation Procedures IA April 14, 2014
10.29.20 Crematories—Code of Ethics IA April 14, 2014
Subtitle 30 COMMISSION ON KIDNEY DISEASE
10.30.01 General Regulations CA April 5, 2010 and March 16, 2015
10.30.02 Physical and Medical Standards CA April 5, 2010
10.30.03 Transmissible Diseases CA April 5, 2010
10.30.04 Dialyzer Reuse and Water Standards CA April 5, 2010

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS
10.39.05 Standards of Practice for Certified Nursing Assistants (CNA) IA November 15, 2010
10.39.07 Certified Nursing Assistants/Certified Medical Technicians(CNA/CMT)—Code of Ethics CA December 11, 2014

CHAPTERS THAT HAVE BEEN TRANSFERRED, REPEALED, OR VACANT

Subtitle 27 BOARD OF NURSING
10.27.14 Nursing Staff Agencies - Transferred to 10.07.03
10.27.17 Advanced Practice Nurses—HCACC User Fee Collection - Repealed

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY
10.28.01 Board Procedures - Repealed

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS
10.39.06 Vacant
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: COMAR 10.26.03

Chapter Name: Code of Ethics

Authority: Health Occupations Article, §§10-130—10-139, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 11, 2005

Purpose: The Code of Ethics establishes ethical, educational and professional standards for licensees who practice acupuncture 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? [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.

The Maryland Acupuncture Society, the Maryland University of Integrated Health, and all active Maryland licensees.

(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.

The Maryland Acupuncture Society, the Maryland University of Integrated Health, and all active Maryland licensees were notified via email. Notice of the review was also posted on the Board’s 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.

There were no comments received from stakeholders or the public.

(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: Penny Heisler
Title: Executive Director
### A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

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

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

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

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

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

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

The Maryland Acupuncture Society, the Maryland University of Integrated Health, and all active Maryland licensees.

(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:

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

The Maryland Acupuncture Society, the Maryland University of Integrated Health, and all active Maryland licensees were notified via email. Notice of the review was also posted on the Board’s
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority’s responses to those comments.

The Board was advised by Board Counsel at its meeting on September 8, 2015, that the Compelling Public Disclosure regulation required one change. State Government Article, §10-617(h) should be changed to General Provision Article, §4-333, Annotated Code of Maryland.

(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:

The Board voted to change the Compelling Public Disclosure regulation to reflect the following:
State Government Article, §10-617(h) should be changed to General Provision Article, §4-333.

Person performing review: Penny Heisler
Title: Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.02

Chapter Name: Hearing Procedures

Authority: Health Occupations Article, § 8-205(a) (1), Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last Amended March 14, 2005

Purpose: The regulations provide rules for formal evidentiary hearings of the Board for violations of the Nurse practice Act by licensed nurses, electrologists, nursing assistants, and medication technicians. The chapter conforms to the Maryland Rules of Civil Procedure and the Administrative Procedure Act to provide rules for conducting fair and orderly hearings before the Board. Included in this chapter are rules for discovery and notice to all parties.

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.

Board counsel and staff were asked to review regulations. The current regulations do not include Direct-entry Midwives. They should be added to the chapter. Board counsel want to add some clarifying language and will hold convene a workgroup for that at the end of 2016.

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

None.

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

Comment was not solicited at this time but will be in the future to consider any recommended changes from Board counsel.

(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.

Not applicable.

(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.

The hearing procedures for this Board are similar to those in other states. All states use discovery and notice rules that closely resemble this Board’s and all provide for a chance to be heard before some hearing body. What does differ is the venue for a hearing. Some states conduct open disciplinary hearings but most hold disciplinary hearings in closed Executive Session. This Board conducts it hearings in Executive Sessions because of the confidentiality required for discipline.

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

The last survey done by the National Council of State Boards of Nursing had 58 respondent Boards. Thirteen Boards conduct their formal disciplinary hearings with a Hearing Examiner; 26 Boards use an Administrative Law Judge; 18 states use the full Board; 12 states use a panel of the Board; and 17 states use the Board Chairman or the chair’s designee. All states have a process for the appeal of a final board disciplinary order.

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:

Direct-entry Midwives will be added to the Chapter in accordance with Health Occupations Article, §8-6C-20, Annotated Code of Maryland. Board counsel would also like to add clarifying details to the regulations for hearing and discovery.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)
The Board will add the Direct-Entry Midwives to this chapter. If legislation is successful in 2017 new regulations will be added for one or more hearing committees. Proposals from Board counsel will be added then.

Summary:

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Chapter Codification: 10.27.06

Chapter Name: Practice of Nurse of Nurse Anesthetist

Authority: Health Occupations Article, § 8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: June 18, 2007

Purpose: The chapter regulates the practice of certified registered nurse anesthetists (CRNA) who are advanced practice registered nurses.

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.

A stakeholder meeting was held on September 15, 2015, that included CRNAs, Anesthesiologists, their lobbyists, and Board staff. The CRNAs were supportive. The anesthesiologists purported to have not seen the proposed regulations in advance and offered no opinion. After the amendments were published the anesthesiologists and MedChi objected and a hold was placed on the regulations by AELR. The hold was lifted after about one month. Comments against the regulations said that the Board did not have authority to draft regulations, repealing the requirement to name a collaborating physician changed the relationship with collaborator, and the regulations repealed the authority of a collaborating physician or dentist. The Board disagreed with these comments. The amendments did not change the authority for a physician or dentist to delegate, CRNAs are still required to collaborate with a physician or dentist, and the Board does have authority to promulgate 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.

Board of Physicians

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

The stakeholder meeting was published on the Board’s web site and e-mails were sent to professional organizations.

(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.

See B. (1) above.

(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
Amendments published in Maryland Register, November 13, 2015, and are pending adoption. The amendments have not been finally adopted. The amendments when adopted will bring the practice of CRNAs into today’s health care environment as they practice today. Prior to these proposed amendments the chapter has not been amended since its adoption in 1979, except to amend Regulation .02 that sets out the criteria for certification.

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.08

Chapter Name: Petition for Declaratory Ruling

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

Date Originally Adopted or Last Amended: Last amended, April 16, 2001

Purpose: This chapter provides rules for filing a petition for a Declaratory Ruling by the Board of Nursing.

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.

Board staff reviewed the chapter. Declaratory rulings are used less because they too often are used as regulation when they only applied to one single situation. The Board has, in the past several years, looked at former Declaratory Rulings and added them to regulation if the Declaratory was applicable to all of nursing practice and was a common need.

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

None.

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

Public comment was not solicited.
(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.

Not applicable.

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

Not applicable.

(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:

This chapter does not need amending.

Person performing review: Shirley A. Devaris, RN,
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.09

Chapter Name: Standards of Practice for Registered Nurses

Authority: Health Occupations Article, §§ 8-205 and 8-316, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended, adopted new Reg. .04 - March 17, 2014

Purpose: This chapter provides a broad overview of Registered Nursing Practice, defines frequently used terminology, establishes an outline for standards of care, and describes specialty practice in nursing.

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.

This Chapter was amended in 2014 when Specialty Practice was added. Stakeholders from MIEMSS, Ambulance companies, Providers, and Intensive Care nurses participated in developing

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

The Maryland Hospital Association and Nursing Educators attended sessions.

(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.

Meeting notices were published on the web and sent via e-mail to participants.
(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.

   MEISS wanted a specialty care nurse for every specialty care ambulance run. Hospitals in remote
   areas could not provide that kind of staffing. A compromise was reached by the Board, MIEMSS
   and providers that would allow an experienced ICU nurse to staff a specialty care ambulance run
   with an EMT on Board to assist and guidance from the Base coordinator.

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

   See (4) above.

(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 at this time
   amendment
   repeal
   repeal and adopt new regulations
   reorganization

   Summary:

   This category of Specialty Practice, Regulation .04, was created because the Board anticipates that there
   will be other practice areas that need regulation but not necessarily in a new Chapter. The specialty care
   ambulance regulations as originally drafted became more of a text book than a regulatory tool. The Board
   wants to avoid this in the future. The Board anticipates that it may have a provision for Moderate
   sedation next that may be added to Specialty Practice.
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.12

Chapter Name: Nurse Psychotherapists in Independent Practice

Authority: Health Occupations Article, § 8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Revised June 26, 2000

Purpose: The chapter regulates the practice of clinical nurse specialists who are certified Advanced Practice Registered Nurse Psychotherapists. They are not Nurse Practitioners.

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? 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? 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.

Beginning in 2011, the Board held a series of work groups with Clinical Nurse Specialists to establish regulations for Clinical Nurse Specialists.

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

None.

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

The web site and e-mails provided public notice of meetings. Professional associations were contacted and asked to participate.
(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.

   All stakeholders wanted to regulate the practice of Clinical Nurse Specialists (CNSs). They are a
   nationally recognized category of Advanced Practice Registered Nurses (APRN) that was also
   recognized by the Board of Nursing. Regulations should have been developed many years ago for
   this remaining unregulated category of APRNs. This chapter regulates a sub-category of CNSs. It
   was determined during the work groups that this should be added to the new Chapter for CNS
   regulation. The Board agrees.

(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:

This chapter will be combined with Chapter 10.27.27, Practice of Clinical Nurse Specialist.

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.13

Chapter Name: Rehabilitation Committee

Authority: Health Occupations Article, §§ 8-205 and 8-208, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Chapter Revised March 5, 2001

Purpose: The chapter regulates the Rehabilitation Committee for licensees and certificate holders who are impaired due to substance abuse or mental illness.

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

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

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

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

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

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

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

The Board recently had this on the open agenda for discussion in May, 2016 when a clean-up bill for the 2017 legislative session was discussed. Audience participation was encouraged.

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

None.

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

Notice of the open meeting and the agenda were published on the Board’s web site.

(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.
(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 if legislation is passed

☐ repeal

☐ repeal and adopt new regulations

☐ reorganization

Summary:

If the legislation is successful the regulations will have to be amended to reflect the new committee name. Additionally, the Board wants to add a definition for substance abuse.

Person performing review: Shirley A. Devaris, RN, JD

Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.15

Chapter Name: Open Meetings – Attendance and Recording, Photographing, and Broadcasting of Sessions.

Authority: Health Occupations Article, §§ 8-205 and 8-208, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Adopted November 15, 1999

Purpose: The chapter regulates the public meetings of the Board.

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? 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? 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.

None. Board staff reviewed and determined no amendment was necessary.

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

None.

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

None.
(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.

   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:

   The Chapter adequately meets the needs of the board and does not require amending or revising.

Person performing review: Shirley A. Devaris, RN, JD

Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.16

Chapter Name: Registered Nurse – Worker’s Compensation Medical Case Manager

Authority: Health Occupations Article, §§ 8-201 and 8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Adopted November 15, 1999

Purpose: This chapter regulates the practice and certification of registered nurses who provide medical case management for Worker’s Compensation claimants.

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.

After staff review it was determined that this chapter did not need amending as the practice remains the same as it was in 1999 when this Chapter was adopted. Accordingly, no stakeholder meetings were convened.

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

None.

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

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.

There are about 497 RN-WCCMs in Maryland who are certified by the Board after completing a Board approved required course. They have to take a refresher course if they have not practiced for 1,000 hours as a RN-WCCM in the year prior to renewal.

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: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Chapter Codification: 10.27.18

Chapter Name: Monetary Penalties

Authority: Health Occupations Article, § 8-316, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 10, 1995

Purpose: The chapter provides monetary penalties for violations of the Nurse Practice Act.

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.

None.

(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.
(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:

Legislation was introduced in 2016 by the Maryland Nurse’s Association (Chapter 199, Senate Bill 393) that increased the penalty from $5,000 to $20,000 for violations of Health Occupations Article, §§ 8-701—8-706, Annotated Code of Maryland. The chapter has to be amended to reflect the increase.

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 chapter will be amended to reflect the increased penalty for violations of Health Occupations Article, §§ 8-701—8-706, Annotated Code of Maryland.

Person performing review: Shirley A. Devaris, RN, JD

Title: Director of Legislation
Chapter Codification: 10.27.20

Chapter Name: Management of Infusion Therapy by the Registered Nurse and the Licensed Practical Health Occupations Article, §8-205, Annotated Code of Maryland

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended, October 27, 2003

Purpose: The chapter regulates infusion therapy by defining frequently used terminology, establishing education requirements for licensed nurses, and listing procedures that can and cannot be performed by RNs or LPNs.

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.

The Maryland Occupational Safety and Health, DHMH, petitioned the Board to reconsider existing regulations that allow LPNs to administer neoplastic agents via intravesicular catheter. After discussion at the Board’s regularly scheduled meeting on April 27, 2016, the Board determined that LPNs should not be allowed to administer neoplastic agents in this manner. Notice of this change is posted on the Board’s web site.

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

None.

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

   Publication of Board agenda on web site.
(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.

   The change has not been published yet. There might be comments after the amended regulation is published.

(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:

   No legislation has been introduced that requires amending this chapter.

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

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

   Summary:

   Regulation .05 G of this chapter will be amended to indicate that LPNs cannot administer neoplastic agents by an intravesicular catheter.

   Person performing review: Shirley A. Devaris, RN, JD

   Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.22

Chapter Name: Multistate Licensure Compact Regulation

Authority: Health Occupations Article, § 8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Adopted July 23, 2001 and amended in January 2016

Purpose: The chapter provides rules for administering the Nurse Licensure Compact.

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.

Board members, Board Counsel, Staff and the National Council of State Board of Nursing (NCSBN) have reviewed the proposed enhanced licensure compact and agreed to introduce it in the 2017 legislative session.

(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.

Department of Health and Mental Hygiene was asked to review the legislation and has offered to take it on as a departmental bill.

(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.

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

None.

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

None.

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

None.

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

Maryland was the first state to adopt and implement the Nurse Multistate Licensure Compact (Chapter 186, Senate Bill 590, 1999 Legislative Session). Since then 25 states have become members of the compact and last year a new enhanced Nurse Licensure Compact was adopted by the National Council of State Boards of Nursing (NCSBN). This proposal amends the current statute to include some provisions that were omitted from the current compact and were of concern to states that had not joined the compact. Membership in the compact stagnated because states had concerns such as how discipline would be administered, loss of autonomy over discipline, background checks were not required, immunity for compact administrators, and loss of revenue. The enhanced compact has been able to address most of these concerns. Loss of revenue is still a concern for the District of Columbia and for that reason they may never be able to join the compact. Surrounding states of Virginia and Delaware are member states. Since the enhanced compact was introduced in 2015, 4 new states have adopted it that are not part of the present compact and 6 existing member states have also adopted the new enhanced compact.

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

The Nurse Licensure Compact facilitates mobility for nurses, provides a data base that notifies the Board if a nurse from another home state has been charged with a violation of the NPA in that state, is a valuable tool for practicing telemedicine, is cost effective by decreasing redundancy in licensing nurses, and provides uniformity in nurse licensure laws.

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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The Board adopted a regulation in January, 2015 allowing a nurse from another compact state to practice in Maryland for 90 days or until the application for an endorsement license can be processed.

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

- no action  
- X amendment if legislation passes in 2017  
- repeal  
- repeal and adopt new regulations  
- reorganization

**Summary:**

There is a strong expectation that the Nurse Licensure Compact will be passed in the 2017 session. The Board will have to adopt new uniform regulations for administering the compact.

Person performing review: Shirley A. Devaris, RN, JD  
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.23

Chapter Name: Code of Conduct for Board Members and Investigators

Authority: Health Occupations Article, §8-205(a)(1), Annotated Code of Maryland

Date Originally Adopted or Last Amended: Adopted December 25, 2000. No amendments since then.

Purpose: This chapter provides rules of conduct for Board Members and Board Investigator by providing requirements for observing confidentiality and rules for recusal of a Board member or Board investigator if there is a conflict of interest.

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.

Board staff and Board Counsel.

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

All agencies have a similar provision in their regulations.

(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.

None, as the regulations are based on the State Ethic Committee’s rules that have not changed.
(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.

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:

There has not been any change in the State Ethic Rules. The regulations do not need amending

Person performing review: Shirley A. Devaris, RN, JD

Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.27.24

Chapter Name: Compelling Disclosure

Authority: State Government Article, §10-617(h)(3), Annotated Code of Maryland

Date Originally Adopted or Last Amended: Adopted July 23, 2001. No amendments since then.

Purpose: This chapter provides rules for disclosure of Board records when there is a compelling public purpose to do so.

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? No 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.

Board staff and Board Counsel.

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

All agencies have a similar provision in their regulations.

(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.

None, as the regulations are based on the State Ethic Committee’s rules that have not changed.

(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.
(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:

The chapter is based on State Government Article, §10-617(H)(3), Annotated Code of Maryland. This chapter does not need amending.

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Chapter Codification: 10.28.03

Chapter Name: Examination and Licensing of Optometrists

Authority: Health Occupations Article, §§11-205 and 11-302-11-308, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Regulation .08 amended effective October 19, 2009

Purpose: This chapter governs the Examination and Licensing of Optometrists and sets forth requirements that must be met before optometrists can be licensed to practice in the state of Maryland.

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

1. Do the regulations continue to be necessary for the public interest? [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.

   The Maryland Optometric Association, licensees, and the public were notified.

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

   None

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

   Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

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.

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?            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:

Under COMAR 10.28.03, the Board proposes to amend as follows:
Regulation .02 B (2) add the word” accredited” before university school of optometry;
Regulation .02 C (1) after ARBO delete the phrase “formerly known as the International Association of Board of Optometry, Inc. (IAB).”
Regulation .05 A delete the word shall and replace with “may”

Person performing review: Patricia G. Bennett
Title: Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019

Chapter Codification: 10.28.04

Chapter Name: Rules of Procedure for Board Hearings

Authority: Health Occupations Article, §§11-205, 302-11-308, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Reg .01 - .09 repealed/ new .01 - .12 adopted 9/3/01

Purpose: This chapter governs the Rules of Procedure for Board Hearings when executing its responsibility regarding disciplinary hearings. It additionally sets forth regulations which describe not only specific disciplinary measures for the infraction, but also the regulations that describe the reinstatement of an optometrist’s license.

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

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

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

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

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

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

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

The Maryland Optometric Association, licensees, and the public were notified.

(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.

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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.

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:  Patricia G. Bennett
Title:  Executive Director
A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

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

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

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

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

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

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

The Maryland Optometric Association, licensees, and the public were notified

(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.

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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.
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: Patricia G. Bennett

Title: Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019

Chapter Codification: 10.28.06

Chapter Name: Examination of Patients by Optometrists, Maintenance of Records and Keeping of Certain Instruments and Equipment

Authority: Health Occupations Article, §§11-208, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Reg .04 amended & .05 repealed/ new adopted 11/7/94

Purpose: This chapter governs the Examination of Patients by Optometrists, Maintenance of Records and Keeping of Certain Instrumentation and Equipment. It sets forth regulations that must be followed when interacting with patients; recordkeeping regarding the interaction and the maintenance of instruments utilized in the care of each patient.

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

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

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

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

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

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

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

The Maryland Optometric Association, licensees, and the public were notified.

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

None

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

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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.

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:

Under COMAR 10.28.06, the Board will propose the following amendment:
Regulation .02 delete the language “record in writing or by other legal means including tape recorder or computer printout” and replace with “ create a written, oral or electronic record of”;
Regulation .02 D delete “vocation, avocation, or” and capitalize other “Other”.

Person performing review: Patricia G. Bennett
Title: Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019

Chapter Codification: 10.28.07

Chapter Name: Fee Schedule

Authority: Health Occupations Article, §§11-205,11-207, and 11-302—11-308, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Regulation .02I, J repealed effective October 19, 2009,

Purpose: This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are set forth for the governance of all persons who endeavor to practice, and are licensed to practice as Optometrists by the State.

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.

The Maryland Optometric Association, licensees, and the public were notified about the process.

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

None

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

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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.

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 amendment  
repeal  
repeal and adopt new regulations  
reorganization

Summary:

Under COMAR 10.28.07, the Board will delete Regulation .02H - Second office certificate - $5

Person performing review  
Title:  Patricia G. Bennett  
Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019

Chapter Codification: 10.28.08
Chapter Name: Partial Waiver of Examination
Authority: Health Occupations Article, §§11-205 and 11-302—11-308, Annotated Code of MD
Date Originally Adopted or Last Amended: Regulation .02 B amended effective October 19, 2009,
Purpose: This chapter governs the Partial Waiver of Examination for Optometrists who wish to practice in Maryland and are also/have been licensed in another state. The chapter sets forth the regulations governing the 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.

The Maryland Optometric Association, licensees, and the public were notified.

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

None

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

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

(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.

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:

Under COMAR 10.28.08, the Board will propose to change the title to more accurately reflect the purpose and provisions of the chapter.

Person performing review:  Patricia G. Bennett

Title:  Executive Director
Chapter Codification: 10.28.09

Chapter Name: Advertising

Authority: Health Occupations Article, §§11-313, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Regulation .04A amended effective March 4, 2002,

Purpose: This chapter governs Advertising by the Optometrists and sets forth the regulations governing the descriptions of services which reaches the public and are provided by the Optometrist.

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? 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? 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 Maryland Optometric Association, licensees, and the public were notified.

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

   None

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

   Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

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:

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:

Under COMAR 10.28.09, the Board will propose the following:
Regulation .02 B (1) adding the language “including but not limited to written, oral or electronic methods.

Person performing review: Patricia G. Bennett

Title: Executive Director
Chapter Codification: 10.28.10
Chapter Name: Optometrist Accountability
Authority: Health Occupations Article, §§11-205(a) and 11-311, Annotated Code of Maryland
Date Originally Adopted or Last Amended: Effective date September 7, 1987
Purpose: This chapter governs Optometrist’s Accountability and sets forth the regulations governing the required conspicuous notification of identification by each Optometrist licensed in the state of Maryland.

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

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

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

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

The Maryland Optometric Association, licensees, and the public were notified.

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

None

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

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

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

(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  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)

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

Summary:

Under COMAR 10.28.10, the Board will propose the following:
Regulation .02 B delete the word “written”.

Person performing review:  Patricia G. Bennett
Title:  Executive Director
### Regulatory Review and Evaluation Act

**Evaluation Report Form**

**2011 – 2019**

<table>
<thead>
<tr>
<th>Chapter Codification:</th>
<th>10.28.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter Name:</td>
<td>Use of Diagnostic Pharmaceutical Agents</td>
</tr>
<tr>
<td>Authority:</td>
<td>Health Occupations Article, §§11-101 and 11-404, Annotated Coe of Maryland</td>
</tr>
<tr>
<td>Date Originally Adopted or Last Amended:</td>
<td>Regulation .04 amended effective November 20, 1994</td>
</tr>
<tr>
<td>Purpose:</td>
<td>This chapter governs the Use of Diagnostic Pharmaceutical Agents and sets forth the regulations governing the certification and recertification of Optometrists to administer diagnostic pharmaceutical agents. It also sets forth the types of pharmaceutical agents that the Optometrist is licensed to use while practicing in the state of Maryland.</td>
</tr>
</tbody>
</table>

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

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

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

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

   The Maryland Optometric Association, licensees, and the public were notified.

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

   None

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

   Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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:

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:

Under COMAR 10.28.11, the Board will propose the following:
Regulation .01 B (1) delete as credit hour is defined in 10.28.02 B (2) - Continuing Education;
Regulation .02 A (1) and (2) add the language “but not limited to”;
Regulation .02 B add the language “unless clinically indicated”;
Regulation .04 A, B and .05 delete the word diagnostic and replace it with “topical ocular”.

Person performing review: Patricia G. Bennett
Title: Executive Director
### Research and Evaluation Act

#### Evaluation Report Form

**2011 – 2019**

<table>
<thead>
<tr>
<th>Chapter Codification:</th>
<th>10.28.13</th>
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<tbody>
<tr>
<td>Chapter Name:</td>
<td>Civil Penalties</td>
</tr>
<tr>
<td>Authority:</td>
<td>Health Occupations Article, §§11-205, 11-313-, 11-314 and 11-315, Annotated Code of MD</td>
</tr>
<tr>
<td>Date Originally Adopted or Last Amended:</td>
<td>.01, .02B, .05 A, C amended /.06 adopted August 17, 2015</td>
</tr>
<tr>
<td>Purpose:</td>
<td>This chapter governs the Board’s ability/authority to inflict monetary penalties upon Optometrists licensed in the state of Maryland. It also sets forth the regulations governing violations which are subject to the fine, the threshold for the amount of the fine and the Factors to be considered in the assessment of the penalty.</td>
</tr>
</tbody>
</table>

#### 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.
   
   The Maryland Optometric Association, licensees, and the public were notified.

2. List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.
   
   None

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

   Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.
(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  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: Patricia G. Bennett
Title: Executive Director
Chapter Codification: 10.28.14
Chapter Name: Code of Conduct
Authority: Health Occupations Article, §§1-212 and 11-205, Annotated Code of Maryland
Date Originally Adopted or Last Amended: Chapter revised effective July 31, 2006
Purpose: This chapter governs the Code of Conduct of each optometrist licensed by the State of Maryland and sets forth regulations which are definitive of the types of conduct that are not

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

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

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
   (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

      The Maryland Optometric Association, licensees, and the public were notified

   (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.

      Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

   (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.

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:  Patricia G. Bennett

Title:  Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019

Chapter Codification: 10.28.15

Chapter Name: Compelling Purpose Disclosure

Authority: Health Occupations Article, §§11-205; State Government Article §10-617-(h)(3)

Date Originally Adopted or Last Amended: Effective January 7, 2002

Purpose: This chapter governs Compelling Purpose Disclosure which sets forth the circumstances by which the Board can disclose the results of an investigation or general licensing information to other agencies or entities.

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

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

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

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

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

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

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

The Maryland Optometric Association, licensees, and the public were notified

(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.

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

(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.

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: Patricia G. Bennett
Title: Executive Director
Chapter Codification: 10.28.16

Chapter Name: Selling and Dispensing of Contact Lenses

Authority: Health Occ. §§11-101, 11-205 and 11-404.4, Health Gen. §24-301.1, Ann. Code of MD

Date Originally Adopted or Last Amended: Effective January 16, 2006

Purpose: This chapter governs the Selling and Dispensing of Contact Lenses and determines the definition of the device and sets forth regulation(s) which covers this action in the Health Occupations Article, §11-404.4.

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.

The Maryland Optometric Association, licensees, and the public were notified.

(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.

Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board’s website and sent to licensees.

(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.

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?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
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<td>X</td>
<td></td>
</tr>
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</table>

Has the agency promulgated all regulations required by recent legislation?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
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<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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: Patricia G. Bennett  
Title: Executive Director
Chapter Codification: 10.29.01

Chapter Name: Hearing Procedures

Authority: Health Occupations Article, §§7–205(a)(1) and 7–318, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February, 2008

Purpose: The chapter applies to all formal hearings before the Board.

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? No ☒ Yes ☐

(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.

Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

(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 the Attorney General.

(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.

No changes proposed at this time. Review was announced in public session. No comments were received.
(4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority’s responses to those comments.

None received.

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

No such conflict.

(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.

Other state regs were considered in review, not state-by-state.

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

Board input.

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:

No statute change or regulations required.

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: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title: 2 licensee Board members, 2 consumer Board members, and Executive Director
Chapter Codification: 10.29.07

Chapter Name: Surviving Spouse

Authority: Health Occupations Article, §7–308, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February, 2008

Purpose: The chapter establishes standards for the issuance of a surviving spouse license by the Board.

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? 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? 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.

Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

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

None

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

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

No changes proposed at this time. Review was announced in public session. No comments were received.
(4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority’s responses to those comments.

None received.

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

No such conflict.

(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.

Other state regs were considered in review, not state-by-state.

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

Board input.

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

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

Provide explanations of the above responses, as needed:

No statute change or regulations required.

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: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title: 2 licensee Board members, 2 consumer Board members, and Executive Director
**Regulatory Review and Evaluation Act**

**Evaluation Report Form**

**2012 – 2020**

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<th>Chapter Codification:</th>
<th>10.29.08</th>
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<tbody>
<tr>
<td>Chapter Name:</td>
<td>Courtesy Card</td>
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<tr>
<td>Authority:</td>
<td>Health Occupations Article, §§7–101(f) and 7–311, Annotated Code of Maryland</td>
</tr>
<tr>
<td>Date Originally Adopted or Last Amended:</td>
<td>February, 2008</td>
</tr>
<tr>
<td>Purpose:</td>
<td>The chapter governs courtesy cards for those licensed to practice mortuary science in other states or countries who wish to transport human remains from Maryland to their states or countries of licensure or from their states or countries of licensure to Maryland.</td>
</tr>
</tbody>
</table>

**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?  
   - Yes [X]  
   - No [ ]

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

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.
   - Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

2. List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.
   - None

3. Describe the process used to solicit public comment, including:
   - any notice published in the Maryland Register;
   - any notice published in newspapers of general circulation;
   - any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
   - any mailing by the adopting authority; and
   - any public hearing held.
   - No changes proposed at this time. Review was announced in public session. No comments were received.

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

None received.

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

No such conflict.

(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.

Other state regs were considered in review, not state-by-state.

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

Board input.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  

- Yes  
- No

Has the agency promulgated all regulations required by recent legislation?  

- Yes  
- No

Provide explanations of the above responses, as needed:

No statute change or regulations required.

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: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title: 2 licensee Board members, 2 consumer Board members, and Executive Director
Chapter Codification: 10.29.10

Chapter Name: Monetary Penalties

Authority: Health Occupations Article, §§1–212 and 7–317, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February, 2008

Purpose: The chapter establishes standards for the imposition of penalties not exceeding $5,000 against any mortuary science practitioner licensee in the State if, after a hearing, the Board finds that there are grounds under the Health Occupations Article, §7–316, Annotated Code of Maryland, to suspend or revoke a license.

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.

Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

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

None

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

No changes proposed at this time. Review was announced in public session. No comments were
(4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority’s responses to those comments.

None received.

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

No such conflict.

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.

Other state regs were considered in review, not state-by-state.

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

Board input.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  

Yes  No

Has the agency promulgated all regulations required by recent legislation?  

Yes  No

Provide explanations of the above responses, as needed:

No statute change or regulations required.

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:  Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title:  2 licensee Board members, 2 consumer Board members, and Executive Director
### Regulatory Review and Evaluation Act
#### Evaluation Report Form
#### 2012 – 2020

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<th>Chapter Codification:</th>
<th>10.29.12</th>
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<tr>
<td>Chapter Name:</td>
<td>Advertising</td>
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<tr>
<td>Authority:</td>
<td>Health Occupations Article, §§7–205(7), Annotated Code of Maryland</td>
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<tr>
<td>Date Originally Adopted or Last Amended:</td>
<td>February, 2008</td>
</tr>
<tr>
<td>Purpose:</td>
<td>This chapter governs advertising by all persons licensed by the Board of Morticians and Funeral Directors in Maryland.</td>
</tr>
</tbody>
</table>

**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.
   
   Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

2. List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.
   
   None

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

   No changes proposed at this time. Review was announced in public session. No comments were
(4) Provide summaries of:
   (a) all comments received from stakeholders, affected units, or the public; and
   (b) the adopting authority’s responses to those comments.

   None received.

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

   No such conflict.

(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.

   Other state regs were considered in review, not state-by-state.

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

   Board input.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or
   standards being applied or enforced which should be promulgated as regulations, in accordance with the
   Administrative Procedure Act?  

   ✗ Yes  ☐ No

Has the agency promulgated all regulations required by recent legislation?

   ✗ Yes  ☐ No

Provide explanations of the above responses, as needed:

   No statute change or regulations required.

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:  Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title:  2 licensee Board members, 2 consumer Board members, and Executive Director
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.29.14

Chapter Name: Compelling Purpose Disclosure

Authority: Health Occupations Article, §7–205, State Government Article, 10–617(h)(3), Annotated Code of Maryland

Date Originally Adopted or Last Amended: April, 2002

Purpose: This chapter permits the Board to disclose investigative information to other agencies, or other entities, or both, under certain circumstances.

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

(1) Do the regulations continue to be necessary for the public interest? 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.

Board will invite stakeholders from all professional associations if they vote to propose any changes before submittal.

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

None

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

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

No changes proposed at this time. Review was announced in public session. No comments were

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

None received.

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

No such conflict.

(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.

Other state regs were considered in review, not state-by-state.

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

Board input.

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:

No statute change or regulations required.

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

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<th>no action</th>
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<th>repeal and adopt new regulations</th>
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Summary:

N/A

Person performing review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty

Title: 2 licensee Board members, 2 consumer Board members, and Executive Director
Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020

Chapter Codification: 10.30.05

Chapter Name: Fee Schedule

Authority: Health General, 13-301-13-16, and 16-204, Annotated Code of Maryland

Date Originally Adopted or Last Amended: 05/05/2010 Amended

Purpose: Establishes fees.

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.

Quarterly PUBLIC Commission Meetings: postings to all dialysis facilities in the State, and postings on the Commission’s website, and requesting comments from Office of Health Care Quality as well.

(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 was informed and they had no comments. All the dialysis facilities, thus the stakeholders in the State were informed and asked for comments. There were no comments.

(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.

Posting on websites, postings at all dialysis facilities, advertising at the Commission meeting, posting on the Commission website the Public minutes, discussing the fee schedule and the request for comments, which were included in the public postings.
(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 any of the stakeholders or entities involved or affected by the fee schedule.

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

   None

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

   N/A

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

   N/A

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

   N/A

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  

   Yes  

   No

Has the agency promulgated all regulations required by recent legislation?  

   Yes  

   No

Provide explanations of the above responses, as needed:

   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, because there was no indication of needed action.

   Person performing review:  Eva Schwartz, MS, MT,

   Title:  Executive Director,
Chapter Codification:  10.39.01

Chapter Name:  Certification of Nursing Assistants

Authority:  Health Occupations Article, §§8-205, 8-206, 8-303, and 8-6A-01—8-6AS-16, Annotated Code of Maryland

Date Originally Adopted or Last Amended:  Last amended in 2011 when Regulation .06 N provided a schedule for required renewal background checks.

Purpose:  The chapter provides rules and requirements for obtaining certification as a certified nursing assistant (CNA).

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.

   Board staff and Board Counsel.
   Attendees at Board meetings.
   Development Disability Regional Nursing Directors.

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

   None.

3. Describe the process used to solicit public comment, including:
   (a) any notice published in the Maryland Register;
   (b) any notice published in newspapers of general circulation;
   (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
   (d) any mailing by the adopting authority; and
   (e) any public hearing held.
Proposals to amend this chapter were on the Agenda published on the Board’s web site. The proposals were presented at public meetings of the Board on July 27, 2016, June 22, 2016, May 24, 2016, and attendees were invited to comment.

(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.

   The Board approved amendments to the regulation that will eliminate the requirement for a passport photo, will establish rules for when an application expires, what is required for documentation of a positive background check, and approval of national certification for CNA dialysis technicians. There were no comments from stakeholders.

(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.

   The Federal Government requires a national certification for CNA dialysis technicians. A CNA dialysis technician cannot work longer than 18 months in a dialysis treatment center without obtaining national certification.

(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 amendments will eliminate the burden of providing a passport photo with an application. This frequently causes a delay or problem for the applicants. The Board has been recognizing national certification for CNA dialysis technicians and needs to put it in regulations. There have been no rules for when an application expires. Applicants should know that an application will expire if it is not completed within one year. Until now the policy was verbal and often inconsistent. The Board does not always receive the information it needs for reviewing a positive criminal background check and providing some guidance will be helpful.

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.39.02

Chapter Name: Nursing Assistant Training Programs

Authority: Health Occupations Article, §8-205, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Amended November 7, 2005

Purpose: Provides rules for training Nursing Assistants.

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.

Board staff and Board Counsel.

(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.

At this time the Board does not need stakeholder hearings. The deficiencies in the regulations are necessary for the proper oversight and administration of these programs.

(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.

The surveyor for the nursing assistant training programs has asked that we provide some rules for required documentation by the programs and a scheme for citing the programs for deficiencies similar to the way nursing education programs are regulated under COMAR.

(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.

None.

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

The Maryland Higher Education Commission also oversees these training programs and has the administrative regulatory provisions for citing deficiencies.

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 [x]  

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)

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

Summary:

The Board needs to provide regulations for required documentation and rules for sanctioning or correcting deficiencies. The amendments will provide these necessary provisions. Without these administrative guidelines the Board’s only way to address a program deficiency is to withdraw approval for the program.

Person performing review: Shirley A. Devaris, RN, JD  
Title: Director of Legislation
Chapter Codification: 10.39.03

Chapter Name: Certified Medicine Aides

Authority: Health Occupations Article, §§8-205(a) and (c) and 8-6A-01---8-6A-16, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended April 15, 2013

Purpose: This chapter regulates the practice of certified medication aides.

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.

Board staff and Board Counsel.

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

None.

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

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.
Staff and Board counsel determined that the chapter does not need to be amended.

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

None.

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

N/A

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

N/A

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

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:

The practice for the certified medicine aides has not changed. The chapter does not need amending.

Person performing review: Shirley A. Devaris, RN, JD
Title: Director of Legislation
Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: 10.39.04

Chapter Name: Medication Technicians

Authority: Health Occupations Article, §§ 8-205(a) and 8-6A-01---8-6A-16, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last amended March 12, 2007

Purpose: This chapter regulates the practice of Medication Technicians.

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.

Board staff and Board Counsel met and discussed the need to revise this chapter and to establish rules for Delegating Nurse Case Managers and their training programs. We do not have any statutory or regulatory requirement for overseeing these important members of the health care community. The Board is receiving more complaints about Medication Technicians and staff has to research the extent of the problem. After analyzing the complaints staff will present their findings to the Board and ask to convene a stakeholder work group.

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.

Assisted living facilities, school health, Detention centers, and the Department of Developmental Disabilities are affected by these regulations. They will be included in stakeholder meetings.

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.

E-mail and web notices will be used.
(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.

   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:

   The Board recognizes Delegating Nurse Case Managers (DNCM) and developed a core curriculum program for them but never established any rules for: requiring a DNCM to complete a course of instruction; requiring the community colleges to submit their curriculum for approval; requiring the settings to provide a curriculum for Board approval of the training program for medication technicians; and rules to establish a plan of correction for training programs or withdrawal of program approval.

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 Board has no statutory or regulatory requirements for overseeing the DNCM and Medication technician programs. Amendments will consider the two functions of a DNCM: case management and training Medication Technicians. Some of the amendments will be under this chapter. Some amendments might be added to the chapter for Registered Nurse Practice or the Chapter on Delegation of

Person performing review:  Shirley A. Devaris, RN, JD
Title:  Director of Legislation