

**REGULATORY REVIEW AND EVALUATION ACT:**

**WORK PLANS DUE JULY 1, 2016 FOR:**

**Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES**

**Subtitle 07 HOSPITALS**

**Subtitle 08 HEALTH FACILITIES GRANTS**

**SUBMITTED BY:**

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## EXEMPTIONS REQUESTED

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

### **Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES**

10.05.04 Freestanding Kidney Dialysis Centers CA 2/18/13

### **Subtitle 07 HOSPITALS**

10.07.03 Health Care Staff Agencies	CA 9/15/14
10.07.05 Residential Service Agencies	CA 5/1/12
10.07.13 Forensic Residential Centers (FRCs)	IA 1/26/09
10.07.14 Assisted Living Programs	CA 12/29/08
10.07.15 License Fee Schedule for Hospitals and Related Institutions	CA 1/20/14
10.07.16 Limited Private Inpatient Facilities	IA 12/10/15
10.07.20 Intermediate Care Facilities for Individuals with Intellectual Disabilities or Persons with Related Conditions (ICF/IID)	CA 1/20/14
10.07.22 Hospice Care Programs: Hospice House Requirements	IA 6/10/13

## CHAPTER THAT HAVE BEEN TRANSFERRED AND IS NOW VACANT

### **Subtitle 07 HOSPITALS**

10.07.19 VACANT Transferred to COMAR 31.10.21

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON**

**Subtitle 05 FREESTANDING AMBULATORY CARE FACILITIES**

- COMAR 10.05.01 General Requirements
- COMAR 10.05.02 Freestanding Birthing Centers
- COMAR 10.05.03 Freestanding Major Medical Equipment Facilities
- COMAR 10.05.05 Freestanding Ambulatory Surgical Facilities

**Subtitle 07 HOSPITALS**

- COMAR 10.07.01 Acute General Hospitals and Special Hospitals
- COMAR 10.07.02 Comprehensive Care Facilities and Extended Care Facilities
- COMAR 10.07.04 Related Institutions—Res. Treatment Centers for Emotionally Disturbed Children and Adolescents
- COMAR 10.07.06 Hospital Patient Safety Program
- COMAR 10.07.07 Nursing Referral Service Agencies
- COMAR 10.07.08 Freestanding Medical Facilities
- COMAR 10.07.09 Residents' Bill of Rights: Comprehensive Care Facilities and Extended Care Facilities
- COMAR 10.07.10 Home Health Agencies
- COMAR 10.07.11 Health Maintenance Organizations
- COMAR 10.07.12 Health Care Facilities Within Correctional Institutions
- COMAR 10.07.17 Limited Service Hospital
- COMAR 10.07.18 Comprehensive Rehabilitation Facilities
- COMAR 10.07.21 Hospice Care Programs

<b>OBJECTIVES</b>	<b>ACTION STEPS</b>	<b>RESPONSIBLE PERSON</b>	<b>SCHEDULED COMPLETION DATE</b>
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Michele Phinney	1/5/16
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Amanda Thomas	1/30/17
	A. To invite public comment on these regulations, the following procedures and methods will be used: <ul style="list-style-type: none"> <li>1. Publication of notice in the Maryland Register;</li> <li>2. Posting of notice on the unit's website; and</li> <li>3. Holding of public hearings at various locations around the State.</li> </ul>		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used: <ul style="list-style-type: none"> <li>1. Posting of OHCQ's schedule of regulation review well in advance of accepting comments;</li> <li>2. Providing an email subscription link for participants to sign up to stay informed of process;</li> </ul>		

3. Providing online system for participants to upload and submit comments;
4. Attending committee, task force, work group, and other meetings where OHCQ may engage stakeholders; and
5. Providing in-person opportunities for stakeholders to share comments.

- C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:
  1. Contact other units and inform them of any proposed drafts and invite them to collaborate;
  2. Posting of OHCQ's schedule of regulation review well in advance of accepting comments;
  3. Providing an email subscription link for everyone to sign up to stay informed of process;
  4. Providing online system for everyone to upload and submit comments;
  5. Attending committee, task force, work group, and other meetings where OHCQ may engage everyone; and
  6. Providing in-person opportunities for other units to share comments.

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|--|----------------------|----------------------|
| <ol style="list-style-type: none"> <li>3. Procedures for gathering and reviewing of:           <ol style="list-style-type: none"> <li>A. Any recent scientific information related to the regulations being reviewed, if applicable;</li> <li>B. Similar regulations adopted or repealed by other states or the federal government; and</li> <li>C. Other appropriate information, are as follows:               <ol style="list-style-type: none"> <li>1. Consult with OHCQ and DHMH subject matter experts;</li> <li>2. Conduct an internet search on any regulations adopted or repealed by other states or the federal government; and</li> <li>3. Conduct further research based on information collected from stakeholders comment.</li> </ol> </li> </ol> </li> </ol> | <p>Amanda Thomas</p> | <p>1/30/17</p>       |
| <ol style="list-style-type: none"> <li>4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:           <ol style="list-style-type: none"> <li>A. Continue to be necessary for public interest;</li> <li>B. Continue to be supported by statutory authority and judicial opinions;</li> <li>C. Are obsolete or otherwise appropriate for amendment or repeal;</li> <li>D. Continue to be effective in accomplishing the intended purpose of the regulations;</li> </ol> </li> </ol>  | <p>(see Table 1)</p> | <p>(see Table 2)</p> |

E. The information gathered under Action Steps 1 - 3.

II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	1. Consolidate information obtained from objective #1 above	Amanda Thomas	5/1/17
	2. Write draft report.	Amanda Thomas	5/1/17
	3. Coordinate executive reviews of draft report.	Amanda Thomas	5/1/17
	4. Consolidate review comments and prepare final report.	Amanda Thomas	5/1/17

**Table 1: Person Responsible for Determination of Retention, Amendment, or Repeal of Regulations.**

<b>Regulation Number</b>	<b>Regulation</b>	<b>Person Responsible</b>
10.05.01	General Requirements	Barbara Fagan
10.05.02	Freestanding Birthing Centers	Barbara Fagan
10.05.03	Freestanding Major Medical Equipment Facilities	Barbara Fagan
10.05.05	Freestanding Ambulatory Surgical Facilities	Barbara Fagan
10.07.01	Acute General Hospitals and Special Hospitals	Renee Webster
10.07.02	Comprehensive Care Facilities and Extended Care Facilities	Margie Heald
10.07.04	Related Institutions-Res. Treatment Centers for Emotionally Disturbed Children and Adolescents	Renee Webster
10.07.06	Hospital Patient Safety Program	Renee Webster
10.07.07	Nursing Referral Service Agencies	Barbara Fagan
10.07.08	Freestanding Medical Facilities	Renee Webster
10.07.09	Resident's Bill of Rights: Comprehensive Care Facilities and Extended Care Facilities	Renee Webster
10.07.10	Home Health Agencies	Barbara Fagan
10.07.11	Health Maintenance Organizations10.07.11	Renee Webster
10.07.12	Health Care Facilities Within Correctional Institutions	Renee Webster
10.07.14	Assisted Living	Carol Fenderson
10.07.17	Limited Service Hospital	Renee Webster
10.07.18	Comprehensive Rehabilitation Facilities	Barbara Fagan
10.07.21	Hospice Care Programs	Barbara Fagan

**Table 2: Regulatory Review Schedule Notification**

<b>Review Dates</b>	<b>Regulation</b>
August 2014 through August 2016	10.07.02 Comprehensive Care Facilities and Extended Care Facilities
May 2015 through October 2016	10.07.14 Assisted Living Programs
March 2016 through September 2016	10.05.01 General Requirements 10.05.02 Freestanding Birthing Centers 10.05.05 Freestanding Ambulatory Surgical Facilities 10.07.11 Health Maintenance Organizations 10.07.12 Health Care Facilities within Correctional Institutions
May 2016 through January 2017	10.05.03 Freestanding Major Medical Equipment Facilities 10.07.04 Related Institutions—Res. Treatment Centers for Emotionally Disturbed Children and Adolescents 10.07.07 Nursing Referral Service Agencies 10.07.18 Comprehensive Rehabilitation Facilities
July 2016 through March 2017	10.07.01 Acute General Hospitals and Special Hospitals 10.07.06 Hospital Patient Safety Program 10.07.08 Freestanding Medical Facilities 10.07.10 Home Health Agencies 10.07.17 Limited Service Hospital 10.07.21 Hospice Care Programs
January 2017 through May, 2017	10.07.09 Residents' Bill of Rights: Comprehensive Care Facilities and Extended Care Facilities

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON  
Subtitle 08 HEALTH FACILITIES GRANTS**

- COMAR 10.08.01 Construction Funds For Public and Nonprofit Nursing Homes**  
**COMAR 10.08.02 Construction Funds For Public & Nonprofit Community Mental Health, Addiction, & DD Facilities**  
**COMAR 10.08.03 Construction Funds for Public and Nonprofit Adult Day Care Centers**  
**COMAR 10.08.04 Construction Funds for Public and Nonprofit Assisted Living Facilities**  
**COMAR 10.08.05 Construction Funds for Federally Qualified Health Centers**  
**COMAR 10.08.06 Construction Funds for Conversion of Nursing Facilities**

<b>OBJECTIVES</b>	<b>ACTION STEPS</b>	<b>RESPONSIBLE PERSON</b>	<b>SCHEDULED COMPLETION DATE</b>
I. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Michele Phinney	1/5/16
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Atif Chaudhry	7/30/2016
	A. To invite public comment on these regulations, the following procedures and methods will be used:		
	1. Publication of notice in the Maryland Register;		
	2. Posting of notice on the unit's website;		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:		
	1. Post a link the regulations being reviewed on the OCPBES website.		
	2. Email all known stakeholders to advise of regulation review and how they can participate in the review process. A link to the website will be included.		
	3. Stakeholder comments would be forwarded to a specific email address that would be included in our email to them as well as at the website.		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:		
1. Post a link the regulations being reviewed on the OCPBES website.			
2. Email all known units to advise of regulation review and how they can participate in the review process. A link to the website will be included.			
3. Unit comments would be forwarded to a specific email address that would be included in our email to them as well as at the website.			
3. Procedures for gathering and reviewing of:		Atif Chaudhry James Soucy	6/30/2016
A. Any recent scientific information related to the regulations being reviewed, if applicable;			

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

C. Other appropriate information, are as follows:

We would conduct an Internet search for similar regulations and other appropriate information.

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:

Atif Chaudhry  
James Soucy

9/30/2016

A. Continue to be necessary for public interest;

B. Continue to be supported by statutory authority and judicial opinions;

C. Are obsolete or otherwise appropriate for amendment or repeal;

D. Continue to be effective in accomplishing the intended purpose of the regulations;

E. The information gathered under Action Steps 1 - 3.

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

1. Consolidate information obtained from objective # 1 above

Atif Chaudhry  
James Soucy

11/15/2016

2. Write draft report.

Atif Chaudhry  
James Soucy

1/31/2017

3. Coordinate executive reviews of draft report.

Atif Chaudhry  
James Soucy

3/15/2017

4. Consolidate review comments and prepare final report.

Atif Chaudhry  
James Soucy

5/1/17