

**REGULATORY REVIEW AND EVALUATION ACT:**

**WORKPLANS DUE OCTOBER 1, 2016 FOR:**

**Subtitle 31 HEALTH OCCUPATIONS BOARD**

**Subtitle 32 BOARD OF PHYSICIANS**

**Subtitle 33 BOARD OF EXAMINERS OF NURSING HOME  
ADMINISTRATORS**

**Subtitle 34 BOARD OF PHARMACY**

**Subtitle 35 POSTMORTEM EXAMINERS COMMISSION**

**Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS**

**SUBMITTED BY:**

**Department of Health and Mental Hygiene  
Office of Regulation and Policy Coordination  
201 W. Preston Street, Room 512  
Baltimore, Maryland 21201  
Phone: (410) 767-6499  
Email: [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov)**

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 33 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

10.33.01 Nursing Home Administrators

CA 3-19-12

**Subtitle 32 BOARD OF PHYSICIANS**

10.32.01 General Licensure Regulations

CA 9-29-14

10.32.02 Hearings Before the Board of Physicians

CA 3-2-15

10.32.03 Delegation of Duties by a Licensed Physician—Physician Assistant

CA 10-3-11

10.32.05 Telemedicine

IA 12-28-09

10.32.06 Licensure of Polysomnographic Technologists

CA 5-11-15

10.32.08 Licensure of Athletic Trainers

IA 7-22-13

10.32.09 Del. & Ass. of Perf. of Cosmetic Med. Procedures & Use of Cosmetic Medical Devices

IA 8-23-10

10.32.10 Lic. of Rad. Therapists, Radiographers, Nuclear Medicine Techn., & Rad. Asst. Techs.

CA 5-12-2014 and 12-22-14

10.32.11 Licensure of Respiratory Care Practitioners

CA 3-7-11

10.32.19 Disclosure of Records to State Health Agencies

IA 3-3-14

10.32.20 Licensure of Perfusionists

IA 9-15-14

**Subtitle 34 BOARD OF PHARMACY**

10.34.01 Disciplinary Proceedings

CA 1-28-08

10.34.03 Inpatient Institutional Pharmacy

CA 10-1-11

10.34.05 Pharmacy Security

CA 7-1-10

10.34.06 Reporting Pharmacist's, Pharmacy Intern's, and Pharmacy Technician's Mailing Address and Location of Employment

CA 7-1-15

10.34.07 Pharmacy Equipment

CA 7-1-10

10.34.08 Information Required on Prescriptions or Patient Drug Profiles

CA 1-28-08

10.34.09 Fees

CA 7-1-15

10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct

CA 7-1-15

10.34.11 Disciplinary Sanctions Monetary Penalties and Civil Fines

CA 7-1-15

10.34.12 Removal of Expired Medications

CA 7-1-10

10.34.13 Reinstatement of Expired Licenses for Pharmacists

CA 7-8-13

10.34.14 Opening and Closing of Pharmacies

CA 7-1-10

10.34.15 Licensure by Reciprocity

CA 10-19-09

10.34.17 Waiver of Full Service Requirements for Recognized Pharmaceutical Specialties

CA 10-19-09

10.34.18 Continuing Education for Pharmacists

CA 7-1-10

10.34.19 Sterile Pharmaceutical Compounding

CA 2-23-09

10.34.20 Format of Prescription Transmission

CA 10-4-10

10.34.21 Standard of Practice for Unlicensed Personnel

CA 1-28-08

10.34.22 Licensure of Wholesale Prescription Drug or Device Distributors

CA 7-1-14

10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities

CA 6-1-11

10.34.25 Delivery of Prescriptions

CA 3-1-12

10.34.28 Automated Medication Systems

CA 10-1-12

10.34.29 Drug Therapy Management

CA 4-15-13

10.34.30 Change to Permit—Pharmacy or Wholesale Distribution Permit Holder

CA 7-8-13

- 10.34.32 Pharmacist Administration of Vaccinations
- 10.34.33 Prescription Drug Repository Program
- 10.34.34 Pharmacy Technicians
- 10.34.35 Infusion Pharmacy Services in an Alternate Site Care Environment
- 10.34.36 Pharmaceutical Services to Residents in Assisted Living Programs & Group Homes
- 10.34.37 Pharmacy Permit Holder—Wholesale Distribution
- 10.34.38 Pharmacy Interns

- CA 4-28-14
- CA 5-9-16
- CA 7-1-15
- IA 3-1-12
- IA 6-15-13
- IA : 7-1-14
- IA 7-1-15

**Subtitle 35 POSTMORTEM EXAMINERS COMMISSION**

- 10.35.01 Medical Examiner Cases
- 10.35.02 Testing Blood and Breath for Alcohol

- CA 11-24-14
- IA 10-4-10

**Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS**

- 10.36.01 Procedures
- 10.36.02 Continuing Education
- 10.36.03 Procedure for Board Hearings
- 10.36.05 Code of Ethics and Professional Conduct
- 10.36.06 Fee Schedule
- 10.36.07 Psychology Associate
- 10.36.08 Disciplinary Sanctions and Monetary Penalties
- 10.36.09 Child Custody Evaluations in Family Law Proceedings

- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- CA 5-25-15
- IA 8-22-11

**CHAPTERS THAT HAVE BEEN TRANSFERRED, REPEALED, OR VACANT**

**Subtitle 36 BOARD OF EXAMINERS OF PSYCHOLOGISTS**

- 10.36.04 Expungement of Board Records

Repealed





Administrative, Executive  
and Legislative Review  
(AELR) Committee

- |  |                 |          |
|--|-----------------|----------|
| 2. Write draft report.                                   | Kristen Neville | 6/1/2017 |
| 3. Coordinate executive reviews of draft report.         | Kristen Neville | 7/1/2017 |
| 4. Consolidate review comments and prepare final report. | Kristen Neville | 8/1/2017 |

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON  
Subtitle 32 BOARD OF PHYSICIANS**

- COMAR 10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrist's Assistant
- COMAR 10.32.07 Unlicensed Medical Practitioners
- COMAR 10.32.12 Del. of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized under the Health Occupations Article or the Education Article
- COMAR 10.32.13 Physician License by Conceded Eminence
- COMAR 10.32.14 Unlicensed X-Ray Assistant
- COMAR 10.32.15 Registration of Physicians to Perform Acupuncture
- COMAR 10.32.16 Petition for Declaratory Ruling
- COMAR 10.32.17 Sexual Misconduct
- COMAR 10.32.18 Compelling Purpose Disclosure

<b>OBJECTIVES</b>	<b>ACTION STEPS</b>	<b>RESPONSIBLE PERSON</b>	<b>SCHEDULED COMPLETION DATE</b>
<p>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.</p>	<p>1. Inventory affected regulations.</p> <p>2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.</p>	Michele Phinney	1/5/16
	<p>A. To invite public comment on these regulations, the following procedures and methods will be used:</p> <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</li> </ul>	Wynee Hawk	9/30/16
	<p>B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Feedback from stakeholders will be solicited by several means of communication: email, website postings and direct mail where appropriate.</p>	Wynee Hawk	11/30/16
	<p>C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: DHMH internal units and other Other affected units and State agencies will be emailed to solicit comments.</p>	Wynee Hawk	11/30/16
	<p>3. Procedures for gathering and reviewing of:</p> <ul 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: Conduct research of other states and the federal government, with particular attention to states contiguous to Maryland, to identify similar regulations, the scope and structure; research other state agency regulations to identify similar regulations; the scope and structure for adaptation and use in Maryland.</li> </ul>	Wynee Hawk	1/30/17

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: Wynee Hawk 3/30/17

- 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 | Wynee Hawk | 4/28/17 |
| 2. Write draft report.                                      | Wynee Hawk | 5/2/17  |
| 3. Coordinate executive reviews of draft report.            | Wynee Hawk | 5/2/17  |
| 4. Consolidate review comments and prepare final report.    | Wynee Hawk | 8/1/17  |



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

**Subtitle 34 BOARD OF PHARMACY**

- COMAR 10.34.02 Examination for Licensure and Professional Experience Programs
- COMAR 10.34.04 Transfer and Outsourcing of Prescriptions and Prescription Orders
- COMAR 10.34.16 Portable Drug Kits for Licensed Home Health Agencies, Hospices, and Home Infusion Providers Licensed as Residential Services Agencies
- COMAR 10.34.24 Record of Drug Inventory Acquisition
- COMAR 10.34.26 Patient Safety Improvement
- COMAR 10.34.27 Compelling Purpose Disclosure
- COMAR 10.34.31 Dispensing or Distributing at a Setting That Does Not Possess a Pharmacy Permit

**OBJECTIVES**

**ACTION STEPS**

**RESPONSIBLE PERSON      SCHEDULED COMPLETION DATE**

- |  |  |   |                             |
|--|--|---|-----------------------------|
| <p>1. Evaluate the above COMAR chapters for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.</p>  | <p>1. Inventory affected regulations.</p> <p>2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.</p> <p>A. To invite public comment on these regulations, the following procedures and methods will be used:</p> <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;</li> <li>3. Posting notice on Division of State Document's website;</li> </ul> <p>B. To ensure the participation of stakeholders in the review process, the following procedures will be used:</p> <p>Posting notice on the unit's website, Board of Pharmacy Newsletter, and emailing industry stakeholders.</p> <p>C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:</p> <p>Emailing internal units within DHMH and other State agencies to solicit comments.</p> | <p>Michele Phinney</p> <p>Brian Logan</p> | <p>1/5/16</p> <p>7/1/16</p> |
| <p>3. Procedures for gathering and reviewing of:</p> <p>A. Any recent scientific information related to the regulations being reviewed, if applicable;</p> <p>B. Similar regulations adopted or repealed by other states or the federal government; and</p> <p>C. Other appropriate information, are as follows:</p> <ul style="list-style-type: none"> <li>1. Not applicable;</li> <li>2. Conduct internet search of other states and federal government, with</li> </ul> |  | <p>Brian Logan</p>                        | <p>9/1/16</p>               |



particular attention to states contiguous to Maryland, to find out whether they have similar regulations and how they are structured; and

3.. Conduct internet search of other State agency regulations to find out whether they have similar regulations and how they are structured.

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: Brian Logan 11/1/16

- 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.

1. Consolidate information obtained from objective #1 above Brian Logan 5/1/17

2. Write draft report. 6/1/17

3. Coordinate executive reviews of draft report. 7/1/17

Approve Report at the July 2017 Board Meeting.

4. Consolidate review comments and prepare final report. 8/1/17

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