REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS — JULY 1, 2014 FOR:

Subtitle 01 PROCEDURES
Subtitle 02 DIVISION OF REIMBURSEMENTS
Subtitle 03 HEALTH STATISTICS
Subtitle 04 FISCAL
Subtitle 06 DISEASES
Subtitle 23 ADVANCE DIRECTIVE REGISTRY

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

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EXEMPTION REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health and Mental Hygiene 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 01 PROCEDURES

10.23.01 Advance Directive Registry

10.01.04 Fair Hearing Appeals Under the Maryland State Medical Assistance Program	n FM
10.01.06 Fair Hearing Appeals under the Special Supplemental Food Program for Women, Infants, and Children (WIC)	FM
 10.01.09 Procedures for Hearing Before the Hospital Appeal Board and Nursing Hom Appeal Board 10.01.16 Retention and Disposal of Medical Records and Protected Health Information 10.01.17 Fees for Community Health Programs 10.01.20 Nursing Facility Quality Assessment 10.01.21 Medical Orders for Life-Sustaining Treatment (MOLST) Form — Procedures and Requirements 	CA: 6/19/06 n CA: 3/24/08 CA: 9/17/12 IA: 10/6/08
·	
Subtitle 03 HEALTH STATISTICS	
10.03.01 Vital Records	CA: 1/9/12
10.03.02 Release of Confidential Information in the Center for Maternal and Child Health and the Office for Genetics and Children with Special Health Care	
Needs	CA: 10/22/07
Subtitle 04 FISCAL	
10.04.01 Local Health Services Funding	CA: 11/14/11
Subtitle 06 DISEASES	
40.00.04.0	
10.06.01 Communicable Diseases and Related Conditions of Public Health Importance	CA: 4/6/09
10.06.04 School Health Services and Required Immunizations Before Entry into	
School 10.06.06 Communicable Disease Prevention—Handling, Treatment, and Disposal	CA: 11/24/05
of Special Medical Waste	CA: 11/6/06
Subtitle 23 ADVANCE DIRECTIVE REGISTRY	

CA: 12/6/07

CHAPTERS THAT ARE VACANT OR THAT HAVE BEEN REPEALED

Subtitle 01 PROCEDURES

10.01.01 Health Care Practitioner User Fee Collection 10.01.18 10.01.19	Repealed Vacant Vacant
Subtitle 02 DIVISION OF REIMBURSEMENTS	
 10.02.04 Schedule of Charges for Providers of the Alcohol and Drug Abuse Administration 10.02.05 Schedule of Charges for Providers of the Drug Abuse Administration 	Repealed Repealed
10.02.06 Schedule of Charges for Health Facilities Operated by or Funded in Whole or in Part by the Lab. Admin.	Repealed
10.02.07 Schedule of Charges for Health Facil. Oper. by or Funded in Whole or in Part by the CPHA	Repealed
10.02.08 Schedule of Charges for Providers of the Mental Hygiene Administration10.02.09 Schedule of Charges for Health Facil. Oper. by or Funded in Whole or in Part by the MRDDA	Repealed Repealed
10.02.10 Schedule of Charges for Providers of the Office of Chronic and Rehabilitation Facilities	Repealed
10.02.11 Schedule of Charges for Providers of the Medical Care Policy Administration	Repealed
Subtitle 04 FISCAL	
10.04.05 Community Residential Services 10.04.06 Late Payments	Repealed Repealed
Subtitle 06 DISEASES	

Repealed

10.06.03 Testing for Phenylketonuria (PKU) in the Newborn Child

Chapter C	odifica	ition:	10.01.02
Chapter N	ame:	Proce	edures for Public Hearings
Authority	Не	alth-Ge	eneral Article, § 2-104(b), Annotated Code of Maryland
Date Orig	inally 1	Adopted	d or Last Amended: September 13, 1993 (20:18 Md. R. 1429)
Purpose:	publi	c before	applies to hearings the Secretary conducts to gather information from the general e making a decision or taking an action such as adopting a regulation or issuing a ficate, or permit.
A. Revie 01.01.300			tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the re	gulation	hs continue to be necessary for the public interest? \boxed{x} Yes $$ No
(2) Do	the re	gulation	ns continue to be supported by statutory authority and judicial opinion? Yes No
			ns obsolete or otherwise appropriate for amendment or repeal? \bigvee_{x} Yes \bigvee_{x} No
			ns effective in accomplishing their intended purpose? X Yes No arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
(1) Li	st any	stakehol	lders invited to review the regulations and provide a summary of their participation in a view process.
Г	The gen	neral pub	blic and DHMH employees were asked to comment; no responses were received.
pa			fected agencies that were invited to review the regulations and provide a summary of the ind input into the review process.

(3)	Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register;
	(a) 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.
	A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.
(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.		or enfor	(3), does the agency have any existing policed which should be promulgated as regular Yes x No	
	Has the agency promulg	ated all	regulations required by recent legislation?	x Yes No
	Provide explanations of	the abov	re responses, as needed:	
D.	Actions Needed. (State (check all that apply)	Govern	ment Article, §10-135(a)(2)(ix) – (xi), Anno	otated Code of Maryland)
		_X	no action	
			amendment	
			repeal	
			repeal and adopt new regulations	
			reorganization	
Su	mmary:			
			Person performing review:	Kathleen A. Ellis
			Title:	
			Title.	Deputy Counsel and Assistant Attorney General

Chapter Codific	cation: 10.01.03
Chapter Name:	Procedures for Hearings Before the Secretary of Health and Mental Hygiene
Authority: I	Health-General Article, § 2-104(b); State Government Article, § 10-204; Annotated Code of
Date Originally	February 6, 1989 (16:2 Md. R. 158) Adopted or Last Amended:
regul prom	chapter applies to hearings that the Secretary is required to conduct by statute or lation except for those hearings for which specific procedural regulations have been nulgated. They are intended to supplement procedures established by the Administrative edures Act and the Office of Administrative Hearings.
01.01.3002.20E	
(1) Do the 1	regulations continue to be necessary for the public interest? X Yes No
(2) Do the 1	regulations continue to be supported by statutory authority and judicial opinion? Yes No
	regulations obsolete or otherwise appropriate for amendment or repeal? X Yes No regulations effective in accomplishing their intended purpose? X Yes No
	and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
` ′	y stakeholders invited to review the regulations and provide a summary of their participation in and to the review process.
The go	eneral public and DHMH employees were asked to comment; no responses were received.
	y other affected agencies that were invited to review the regulations and provide a summary of their ation in and input into the review process.

(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.
	A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.
(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.
	The regulations have not been updated since the creation of the Office of Administrative Hearings. Thus, some of the procedures described and language used in the regulations are outdated.

C.	• Under COMAR 01.01.2003.20E(3), does the agency have any existing policy standards being applied or enforced which should be promulgated as regulation 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:	
D.	. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot (check all that apply)	ated Code of Maryland)
	no action	
	_x amendment	
	repeal	
	repeal and adopt new regulations	
	reorganization	
Su	ummary:	
	Person performing review:	Kathleen A. Ellis
	Title:	Deputy Counsel and Assistant Attorney General

Chapter (Codification: COMAR 10.01.05
Chapter N	Name: Board of Review Procedures
Authority	Health General Article, §§2-104(b)(1) and 2-207, Annotated Code of Maryland
Date Orig	ginally Adopted or Last Amended: Last Amended October 15, 2001
Purpose:	To govern all appeals taken by an aggrieved party to the Board of Review of the Department of Health and Mental Hygiene.
A. Revie 01.01.300	ew Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 02.20E)
(1) D	o the regulations continue to be necessary for the public interest? Yes No
(2) D	o the regulations continue to be supported by statutory authority and judicial opinion? x Yes No
(3) A	re the regulations obsolete or otherwise appropriate for amendment or repeal? Yes X No
(4) A	re the regulations effective in accomplishing their intended purpose? X Yes No
B. Outro	each and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
, ,	ist any stakeholders invited to review the regulations and provide a summary of their participation in and aput into the review process.
]	The Board of Review members discussed the regulations with Board counsel in a closed session. Maryland Disability Law Center (MDLC) Law Offices of Fred S. London, P.C.
pa	ist any other affected agencies that were invited to review the regulations and provide a summary of their articipation in and input into the review process. N/A
-	11//11

(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 was published in the October 4, 2013 issue of the Maryland Register and on the Maryland Division of State Documents' 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.
	MD Disability Law Center Summary of Comments – The Board of Review process creates an unneccesary step in an already untimely appeals process and violates the federal regulations
(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.
	No other state has such a Board
(8)	Provide a summary of any other relevant information gathered.
	None

	OE(3), does the agency have any existing policy forced which should be promulgated as regulating? Yes x No	
Has the agency promulgated a	ll regulations required by recent legislation?	X Yes No
Provide explanations of the al	ove responses, as needed:	
D. Actions Needed. (State Gove (check all that apply)	ernment Article, §10-135(a)(2)(ix) – (xi), Anno	tated Code of Maryland)
<u>X</u>	no action	
	amendment	
	repeal	
	repeal and adopt new regulations	
	reorganization	
Summary:		
_	e Office of Governmental Affairs' 2011-2018 V DHMH Procedures – Board of Review Proced	
	Person performing review:	Carlita Lindsey
	, ,	Caritta Emusey

Chapter Co	odification	: 10.01.07
Chapter Na	ame:	Petitions for Adoption, Amendment, or Repeal of Regulations
Authority:	Sta	te Government Article, §10-123; Health-General Article, §2-104; Annotated Code of Md.
Date Origin	nally Ado	pted or Last Amended: December 20, 1993
Purpose:		chapter establishes the procedures for submitting petitions to the Department to algate, amend, or repeal a regulation over which the Secretary has rulemaking authority.
A. Review	v Criteria	. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)
(1) Do	the regul	ations continue to be necessary for the public interest? X Yes No
(2) Do	the regul	ations continue to be supported by statutory authority and judicial opinion? X Yes No
(3) Ar	e the regu	lations obsolete or otherwise appropriate for amendment or repeal? Yes X No
(4) Ar	e the regu	lations effective in accomplishing their intended purpose? X Yes No
B. Outrea	ch and R	esearch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
	•	takeholders invited to review the regulations and provide a summary of their participation in and the review process.
	The gen	eral public was invited to comment on this chapter. No comments were received.
	-	other affected agencies that were invited to review the regulations and provide a summary of their on in and input into the review process.
		MH units, Health Officers, and Facility Directors were invited to comment on the ons. No comments were received.
(a (b (c	a) any no b) any no c) any no regula d) any m	the process used to solicit public comment, including: stice published in the Maryland Register; stice published in newspapers of general circulation; stice posted on the unit's website or on a Statewide website created for units to post notices of tion review; sailing by the adopting authority; and blic hearing held.
	August	nts were solicited by the following methods: 23, 2013 - Published a public notice in the Regulatory Review and Evaluation section of the d Register 40:17 Md.R. 1417 requesting comments be submitted by September 16, 2013.

	No comments were received.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	No conflicts.
(6)	Provide a summary of any relevant scientific data gathered.
	N/A
	Provide a summary of any relevant information gathered related to the regulations of other states or th federal government.
	An internet search for similar Petition regulations was conducted on the federal government and the following States: Delaware, Pennsylvania, Nevada, Nebraska, and Massachusetts. As in Maryland, all of the queried states have provisions and established procedures in their regulations/codes to allow parties to petition the agency to request a change in an established regulation. Likewise, the Federal Government allows for petitions to be filed to change Department-specific regulations. The petitions are published in the Notice section of the Federal Register. While some processes were more involved than others, the basic concept was the same – give the public an opportunity to voice their opinion in order to change established regulations.
(8)	Provide a summary of any other relevant information gathered.
	An internet search for Petition regulations was also conducted on other Departments/Units within the State. Out of 36 Titles of COMAR, 24 Titles contain a specific chapter or regulation regarding petitions to adopt, amend or repeal regulations. Surveyed regulations were all very similar in nature. All offered interested persons an opportunity to file a petition to adopt, amend, or repeal any regulation. As with COMAR 10.01.07, twenty (20) out of 24 regulations surveyed requires a response be made within 60 days of receipt of the petition for regulatory change. Other minor language differences occurred, but none were substantive or major in nature.
stan	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or adards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? Yes X No
Нас	s the agency promulgated all regulations required by recent legislation? Yes No

D. Actions Needed. (State (check all that apply)	Govern	ment Article, §10-135(a)(2)(ix) – (xi), Annot	tated Code of Maryland)
	X	no action	
		amendment	
		repeal	
		repeal and adopt new regulations	
		reorganization	
Summary:			
N/A			
		Person performing review:	Michele Phinney
		TT: 1	
		Title:	Director, Office of Regulation and Policy
			Coordination

Chapter Codification: 10.01.08
Chapter Name: Procedures for Access to Records
Authority: State Government Article, §§10-611—10-628; Health-General Article, §2-104(b); Annotated Code of Maryland
Date Originally Adopted or Last Amended: February 18, 2002
Purpose: This chapter establishes the procedures for requesting and gaining access to records and information of the Department of Health and Mental Hygiene, its administrations, and its facilities.
 A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.2003.20E) (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 ONo
(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? O Yes O 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 General Public. A notice was placed in the Baltimore Sun. No comments from the public.
(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 State Agencies. A notice was placed in the Maryland Register. No comments from any State Agencies.

- (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 regulations review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

An ad was placed in the November 8th issue of the Baltimore Sun inviting public comment until December 16, 2013. An ad was placed in the November 15th issue of the Maryland Register and on their website inviting public comment until December 16, 2013.

	4 1	D 1	•	C
(4) Provide.	summaries	ot.
٠,		1101140	ballillial	$\mathbf{o}_{\mathbf{I}}$.

No conflict.

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

No comments from the public or from other state agencies.

(5) Describe an	ny interunit	conflict	reviewed	and the	resolution	or proposed	resolution	of that	conflict.
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(6) Provide a summary of any relevant scientific data gathered.

No scientific data gathered.

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

COMAR 10.01.08 paragraph .03 C says "C. Unavailable Records. If a requested record has been destroyed or lost, the custodian shall notify the applicant of this fact within 10 working days of the request and shall explain in the response the circumstances of the destruction or loss. "Delaware's Freedom of Information Act, 29 Del. C. §§10001-10006 deals with more than just unavailability of records by saying in paragraph 10003 item g1 "The public body shall respond to a FOIA request as soon as possible, but in any event within 15 business days after the receipt thereof, either by providing access to the requested records, denying access to the records or parts of them, or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If access cannot be provided within 15 business days, the public body shall cite 1 of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request." Delaware also deals with requesting e-mails.

(8) Provide a summary of any other relevant information gathered.
COMAR 07.01.02 deals with oral requests of records. 10.01.08 only permits written requests which leave a paper trail. It would be in the best interest of the Department to only permit written requests.
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:
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:
Suggested language change for COMAR 10.01.08.03:
.03 Procedures Regarding Inspection or Copying of a Record. A.—B. (text unchanged) C. Response to Requests.
(1) The custodian shall respond to a record request as soon as possible, but not later than 10 business days after the receipt of the request, by:
 (a) Providing access to the requested records; (b) Denying access to the record or parts of the record with an explanation for the denial; or (c) Advising that additional time is needed because the request: (i) Is for voluminous records; (ii) Requires legal advice; or (iii) A record is in storage or archived. [C. Unavailable Records.]
(2) If a requested record has been destroyed or lost, the custodian shall notify the applicant of this fact within 10 working days of the request and shall explain in the response the circumstances of the destruction or loss.
(3) If access cannot be provided within 10 business days, the custodian shall: (a) Cite the reasons why more time is needed; and
 (b) Provide a good-faith estimate of how much additional time is required to fulfill the request. D. (text unchanged)

Person performing review: Walter Zerrlaut

Title: Records Officer

Chapter Codific	ation: 10.01.11				
Chapter Name:	ne: Correction or Amendment of Public Records				
	e Government Article, §§10-613(b) and 10-625; Health-General Article, §2-104(b); Annotated e of MD				
Date Originally	Adopted or Last Amended: December 20,1993				
record	regulations set out procedures for persons in interest who are authorized to inspect a public to request the correction or amendment of that public record in the Department of Health ental Hygiene under State Government Article, §10-625, Annotated Code of Maryland.				
E. Review Crit 01.01.2003.	eria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 20E)				
(1) Do the re	egulations continue to be necessary for the public interest? • Yes • No				
(2) Do the re	egulations continue to be supported by statutory authority and judicial opinion? • Yes ONo				
(3) Are the 1	regulations obsolete or otherwise appropriate for amendment or repeal? O Yes O No				
(4) Are the r	regulations effective in accomplishing their intended purpose? • Yes • No				
F. Outreach a	nd Research. (State Government Article, §10-135(a)(2)(i) – (viii), Annotated Code of Maryland)				
	stakeholders invited to review the regulations and provide a summary of their participation in and the review process.				
The Gen	neral Public. A notice was placed in the Baltimore Sun. No comments from the public.				

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

their participation in and input into the review process.

- (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 regulations review;

(2) List any other affected agencies that were invited to review the regulations and provide a summary of

All State Agencies. A notice was placed in the Maryland Register. No comments from any State

- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

Agencies.

An ad was placed in the November 8th issue of the Baltimore Sun inviting public comment until December 16, 2013. An ad was placed in the November 15th issue of the Maryland Register and on their website inviting public comment until December 16, 2013.

- (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 from the public or from other state agencies.

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

No conflict.

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

No scientific data gathered.

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

When a person wishes to make a correction to Public Records for DHMH they send the request to the Custodian or Secretary. The Custodian or Secretary gathers information for the Department's response. If the person is unhappy with the response, they can request an administrative review. They can even file a petition at the appropriate Circuit Court if they are unhappy with the administrative review.

The secretary of a military department has a board who hears all requests which makes the determination. There is not an appeals process afterwards. Even though the Custodian or Secretary initially decides what the Department's response is, DHMH does have an appeals process available.

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

COMAR 02.06.02 and COMAR 30.01.05 have a section for Return of Nonconforming Requests. Other than that, their regulations are very similar to DHMH's. COMAR 02.06.02 says:

- .06 Return of Nonconforming Request.
- A. The Office shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.
- B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Office shall return the request to the requester with:
 - (1) An explanation of the reason for the return; and
 - (2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted and considered.

standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? O Yes No	
Has the agency promulgated all regulations required by recent legislation? •Yes •Yes •Yes	
Provide explanations of the above responses, as needed:	
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 repeal and adopt new regulations reorganization	
Summary:	
Recodify and Amend Regulations .0611 to be .0712 and create a new Regulation .06 that Reads:	
 .06 Return of Nonconforming Request. A. The Department shall accept a request to correct or amend a public record when it is received it complies with Regulations .04 and .05 of this chapter. B. If the request does not comply with Regulations .04 and .05 of this chapter, the Department shareturn the request to the requester with: An explanation of the reason for the return; and A statement that, on receipt of a request that complies with Regulations .04 and .05 of this chapter, the request will be accepted and considered. 	hall
Recodify Regulations .0611 to be Regulations .0712 and correct codification references.	

C.

Person performing review: Walter Zerrlaut

Title: Records Officer

Chapter Codification: 10.01.12	
Chapter Name: Declaratory Rulings	
Authority: State Government Article, §§ 10-301 – 10-305, Annotated Code of M	aryland
Date Originally Adopted or Last Amended: April 11, 1994 (21:7 Md. R. 530)	
Purpose: These regulations establish procedures for requesting and issuing declar	atory rulings.
A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of 01.01.3002.20E)	Maryland; COMAR
(1) Do the regulations continue to be necessary for the public interest? \boxed{x} Y	es No
(2) Do the regulations continue to be supported by statutory authority and judici No	al opinion? Yes Yes
(3) Are the regulations obsolete or otherwise appropriate for amendment or repe (4) Are the regulations effective in accomplishing their intended purpose?	
B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), A	
(1) List any stakeholders invited to review the regulations and provide a summa and input into the review process.	ary of their participation in
The general public and DHMH employees were asked to comment; no response to the second	conses were received.
(2) List any other affected agencies that were invited to review the regulations a their participation in and input into the review process.	and provide a summary of

(3)	Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register;
	(a) 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.
	A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.
(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

	2003.20E(3), does the agency have any existing policy statements, guidelines, or or enforced which should be promulgated as regulations, in accordance with the are Act? Yes x No
	gated all regulations required by recent legislation? X Yes No
Provide explanations of	f the above responses, as needed:
D. Actions Needed. (State (check all that apply)	e Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
	x_ no action
	amendment
	repeal
	repeal and adopt new regulations
	reorganization
Summary:	
Jummary.	
	Person performing review: Kathleen A. Ellis
	Title: Deputy Counsel and Assistant Attorney General

Chapter C	Codification: 10.01.13
Chapter N	Name: Procedures for Interagency Coordination for Licensing Residential Child Care Facilities
Authority	Health-General Article, §§ 2-104(b), 7-714, 7-903, 8-403, 8-404, 10-204, 10-514—10-524, and 10-920—10-926, Annotated Code of Maryland
Date Orig	ginally Adopted or Last Amended:October 11, 1993 (20: 20 Md. R. 1571)
Purpose:	An applicant for a license for a residential child care facility or a residential child care program may seek a variance or waiver under this regulation. This chapter applies to licenses regulated by COMAR 10.22.03, 10.22.11, 10.22.14, 10.23.02, and 10.47.01 under certain circumstances.
A. Revie 01.01.300	ew Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 02.20E)
(1) Do	o the regulations continue to be necessary for the public interest? Yes No
(2) Do No	o the regulations continue to be supported by statutory authority and judicial opinion? X Yes
	re the regulations obsolete or otherwise appropriate for amendment or repeal? \square Yes \square No re the regulations effective in accomplishing their intended purpose? \square Yes \square No
B. Outre	each and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylan
. ,	ist any stakeholders invited to review the regulations and provide a summary of their participation is and input into the review process.
7	The general public and DHMH employees were asked to comment; no responses were received.
	ist 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	None

(3)	Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register;
	(a) 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.
	A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.
(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 polic standards being applied or enforced which should be promulgated as regulated 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:	
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Anno (check all that apply)	otated Code of Maryland)
x_ no action	
amendment	
repeal	
repeal and adopt new regulations	
reorganization	
Summary:	
Person performing review:	Kathleen A. Ellis
Title:	Deputy Counsel and Assistant Attorney
	General

Chapter C	Codification:	10.01.14
Chapter N	Name: Ope	n Meetings – Attendance and Recording, Photographing, and Broadcasting of
Authority	: State Gov	vernment Article, § 10-507(b), Annotated Code of Maryland
Date Orig	inally Adopte	d or Last Amended: May 24, 1993 (20:10 Md. R. 851)
Purpose:	observe, and	ations describe the circumstances under which members of the public may attend, d participate in the open sessions of public bodies within or established by the of Health and Mental Hygiene.
A. Revie 01.01.300	,	State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the regulatio	ns continue to be necessary for the public interest? X Yes No
(2) Do No	o the regulation	ns continue to be supported by statutory authority and judicial opinion? X Yes
		ons obsolete or otherwise appropriate for amendment or repeal? Yes No No No No
B. Outre	each and Rese	earch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
	•	olders invited to review the regulations and provide a summary of their participation in he review process.
7	Γhe general pι	ablic and DHMH employees were asked to comment; no responses were received.
	•	ffected agencies that were invited to review the regulations and provide a summary of on in and input into the review process.
1	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.
	A notice requesting comments was posted on DHMH's website and circulated to DHMH employees responsible for reviewing regulations.
` /	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.
	Review of recent amendments to the Open Meetings Act and recent decisions of the Open Meetings Compliance Board

	003.20E(3), does the agency have any existing policy state or enforced which should be promulgated as regulations as Act? Yes x No	
Has the agency promulg	ated all regulations required by recent legislation?	Yes No
Provide explanations of	he above responses, as needed:	
D. Actions Needed. (State (check all that apply)	Government Article, §10-135(a)(2)(ix) – (xi), Annotate	d Code of Maryland)
	_x no action	
	amendment	
	repeal	
	repeal and adopt new regulations	
	reorganization	
Summary:		
	Person performing review:	Cathleen A. Ellis
		Deputy Counsel and Assistant Attorney General

Chapter	Codifica	ition:	10.01.15
Chapter	Name:	Exem	nption from Self Referral Laws
Authori	ty: He	alth Occ	cupations Article, §1-301 et seq, Annotated Code of Maryland
Date Or	iginally A	Adopted	d or Last Amended: June 25, 2001
Purpose	For the Mary		ose of enforcing Health Occupations Article, §1-301 et seq., Annotated Code of
	iew Crito 002.20E)		tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) I	Do the re	gulation	ns continue to be necessary for the public interest? X Yes No
(2) I No	Do the re	gulation	ns continue to be supported by statutory authority and judicial opinion? X Yes
(3)	Are the re	egulation	ns obsolete or otherwise appropriate for amendment or repeal? Yes X No
(4)	Are the re	egulation	ns effective in accomplishing their intended purpose? X Yes No
B. Out	reach an	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
	•		lders invited to review the regulations and provide a summary of their participation in e review process.
	Marylar Office of	nd Insur of the At	rance Administration (MIA) ttorney General (OAG) th Care Commission (MHCC)
L			

(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 MHCC has indicated it is doing a study of this matter and the OIG, MIA, OAG, have indicated that they have no comment, and OIG reiterates that federal law must be followed as well.

 (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.
(c) notice posted on the unit's website
Also emailed regulations to identified stakeholders for review.
(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.
Identified stakeholders: MIA, OAG, OIG, and the MHCC have been emailed. MIA, OAG, and OIG haves no comment and MHCC is conducting a Study on applications for exemption from self-referral, with the report due to the legislature in September 2014.
(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.
Researched self-referral laws, including exceptions for all 50 states and the District of Columbia.
(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
27 states have physician self-referral laws and provide exceptions. Of those, only the state of Virginia has regulations that provide an application process for exceptions. There are federal laws that include exceptions and regulations prohibiting physician self referral in programs like Medicare.
(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 standards being applied or enforced which should be promulgated as regulative 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:	
There has been no legislation in recent years regarding this chapter.	
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot (check all that apply)	tated Code of Maryland)
_X no action	
amendment	
repeal	
repeal and adopt new regulations	
reorganization	
Summary:	
The Maryland Health Care Commission is currently conducting a Study on ap from self-referral, with the report due to the legislature in September 2014. To one exception granted under this regulation.	<u> </u>
Person performing review:	Wynee E. Hawk
Title:	Manager, Policy and Legislation

Chapter Codificat	ion: 10.02.01
Chapter Name:	Charges for Services Provided through the Department of Health and Mental Hygiene
Authority: Hea	alth-General Article. §§16-201 16-407. Annotated Code of Marvland
Date Originally A	Last Amended March 2001
patien	revailing purpose is to insure uniformity of charges for services rendered by state int medical facilities, local health departments, private providers and laboratories, and ating said costs.
A. Review Crite 01.01.3002.20E)	ria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do the reg	ulations continue to be necessary for the public interest? X Yes No
(2) Do the reg	ulations continue to be supported by statutory authority and judicial opinion? X Yes
	gulations obsolete or otherwise appropriate for amendment or repeal? Yes No gulations effective in accomplishing their intended purpose? Yes No
	Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
· · · · · · · · · · · · · · · · · · ·	takeholders invited to review the regulations and provide a summary of their participation in into the review process.
Local he	alth departments, Maryland Disability Law Center and the Legal Aid Bureau.
· · · · · · · · · · · · · · · · · · ·	other affected agencies that were invited to review the regulations and provide a summary of cipation in and input into the review process.
In additi	on to the above, all Maryland state residents.

 (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.
In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as 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.
No comments were received.
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
No interunit conflict occurred.
(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.
Maryland law is relatively consistent with that of the prevailing east coast states.

(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 standards being applied or enforced which should be promulgated as regulating 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:	
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Anno (check all that apply)	tated Code of Maryland)
X no action	
amendment	
repeal	
repeal and adopt new regulations	
reorganization	
Summary:	
Person performing review:	Kim Y. Johnson
Title:	Adm. I – Attorney,
	Division of Cost Accounting and Reimbursements

Chapter C	Codification: 10.02.02
Chapter N	Name: Abandonment or Abuse of Responsible Relatives by Recipients of Care
Authority	Health-General Article. §16-203. Annotated Code of Marvland
Date Orig	zinally Adopted or Last Amended: Last Amended - 2005
Purpose:	To define and determine responsible relatives and when they will be legally and financially responsible for the costs of care of relatives. Title also required to determine when responsible relatives can be excused from the legal and financial requirement to pay for the costs of care for relatives.
A. Revie 01.01.300	w Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 02.20E)
(1) Do	o the regulations continue to be necessary for the public interest? X Yes No
(2) Do No	the regulations continue to be supported by statutory authority and judicial opinion? X Yes
	re the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No Yes No
	each and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
	ist any stakeholders invited to review the regulations and provide a summary of their participation in ad input into the review process.
I	Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.
	ist any other affected agencies that were invited to review the regulations and provide a summary of eir participation in and input into the review process.
Ā	All state residents.

 (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.
In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as 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.
No comments were received.
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
No interunit conflict occurred.
(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.
Maryland law is relatively consistent with that of the prevailing east coast states.

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

None

C. Under COMAR 01.01.200 standards being applied or Administrative Procedure	enforced which should	be promulgated as regulati	y statements, guidelines, or ions, in accordance with the
Has the agency promulgat	ed all regulations requir	ed by recent legislation?	x Yes No
Provide explanations of the	ne above responses, as no	eeded:	
• Actions Needed. (State Control (check all that apply)	Government Article, §10	-135(a)(2)(ix) – (xi), Anno	tated Code of Maryland)
	X_ no action		
	amendment		
	repeal		
	_	new regulations	
	reorganization	-	
ummary:			
	P	erson performing review:	Kim Y. Johnson
		Title:	Adm. I – Attorney, Division of Cost Accounting and
			Reimbursements

Chapter C	Codification: 10.02.03
Chapter N	Jame: Appeal Hearings to the Division of Reimbursements
Authority	: Health-General Article. §2-207. Annotated Code of Marvland
Date Orig	inally Adopted or Last Amended: Last Amended June 1999
Purpose:	To provide for the means, mechanisms, polices and procedures to request a review of a rate established by the Division. The provision sets forth the responsibilities of the Division as well as the responsible party in appeal a rate.
A. Revie 01.01.300	w Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR (2.20E)
(1) Do	o 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
	The the regulations obsolete or otherwise appropriate for amendment or repeal? $\frac{x}{x}$ No re the regulations effective in accomplishing their intended purpose? $\frac{x}{x}$ Yes $\frac{x}{x}$ No
	ach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
(1) Li	ist any stakeholders invited to review the regulations and provide a summary of their participation in d input into the review process.
I	Local health departments, Maryland Disability Law Center and the Legal Aid Bureau.
	ist any other affected agencies that were invited to review the regulations and provide a summary of eir participation in and input into the review process.
I	n addition to the above, all Maryland state residents.

 (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 regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held.
In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as 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.
No comments were received.
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
No interunit conflict occurred.
(6) Provide a summary of any relevant scientific data gathered.
A review of a half dozen of the Division's files, the field agents are complying with the rules.
(7) Provide a summary of any relevant information gathered related to the regulations of other states or federal government.
Maryland law is relatively consistent with that of the prevailing east coast states.

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

N/A

Yes X No ations required by recent legislation? sponses, as needed:	x Yes No
sponses, as needed:	x Yes No
A .: 1 . 810 105()(0)(;) . (;) A	
A .: 1 . 810 .125(\/2\/; \)	
Article, §10-135(a)(2)(ix) – (xi), Annot	rated Code of Maryland)
action	
endment	
eal	
eal and adopt new regulations	
rganization	
Person performing review:	Kim Y. Johnson
Title:	Adm. I – Attorney, Division of Cost Accounting and
	endment eal eal and adopt new regulations rganization Person performing review:

Chapter Co	odifica	tion:	10.04.02
Chapter Na	ame:		ishment and Payment of In-Patient Charges by Recipients of Services ad Other eable Persons for the Patient's Care
Authority:	Hea	alth-Ger	neral Article. §§16-201—16-407. Annotated Code of Marvland
Date Origi	nally A	Adopted	or Last Amended: Last Amended October 2001
Purpose:			the ability of recipients of services, responsible relatives and other chargeable y for services rendered to individuals in State operated facilities.
A. Reviev 01.01.3002		e ria. (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the reg	gulations	s continue to be necessary for the public interest? X Yes No
(2) Do No	the reg	gulations	s continue to be supported by statutory authority and judicial opinion? Yes
			as obsolete or otherwise appropriate for amendment or repeal? Yes No No Selfective in accomplishing their intended purpose? Yes No
			rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
` ,	•		ders invited to review the regulations and provide a summary of their participation in review process.
L	ocal he	ealth dep	partments, Maryland Disability Law Center and the Legal Aid Bureau.
	-		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
Ir	n additi	on to th	e above, all Maryland state residents.

 (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 or regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held.
In August 2013, a Notice of the Proposed Changes, with opportunity for public comment was mailed, via certified mail to all of the local health departments in the state, as well as to the Maryland Disability Law Center and the Legal Aid Bureau. The Notice of Proposed Changes was published in the Maryland Register and was requested to be posted on DHMH website. There were no public hearings held as 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.
No comments were received.
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
No interunit conflict occurred.
(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.
Maryland law is relatively consistent with that of the prevailing east coast states and California.

(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 standards being applied or enforced which should be promulgated as regulating 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:	
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Anno (check all that apply)	tated Code of Maryland)
X no action	
amendment	
repeal	
repeal and adopt new regulations	
reorganization	
Summary:	
Person performing review:	Kim Y. Johnson
Title:	Adm. I – Attorney,
	Division of Cost Accounting and Reimbursements

Chapter Codification:		10.04.03		
Chapter Na	me: Standa	ards for Audits of Grants and Contracts with Providers and Local Health		
Authority:	uthority: State Finance and Procurement Article, §7-404, Annotated Code of Maryland			
Date Origin	ally Adopted	or Last Amended: March 6, 1989		
	of grants and	of this chapter is to prescribe standards, policies, and procedures for the auditing contracts of the Department of Health and Mental Hygiene with vendors, ervice, and local health departments.		
A. Review 01.01.3002.		ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do t	he regulations	s continue to be necessary for the public interest? X Yes No		
(2) Do t No	he regulations	s continue to be supported by statutory authority and judicial opinion? X Yes		
		as obsolete or otherwise appropriate for amendment or repeal? Yes X No as effective in accomplishing their intended purpose? X Yes No		
		rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•	ders invited to review the regulations and provide a summary of their participation in review process.		
	licited commo	ents from public and stakeholders via Maryland Register announcement – No received.		
		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
No	one			

(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.
	Maryland Register Announcement
(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)	Describes a successful of the section of the sectio
(0)	Provide a summary of any relevant scientific data gathered.
	None
	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

	l or enforced which	the agency have any existing policy h should be promulgated as regulatives X No	•
Has the agency promul	gated all regulation	ns required by recent legislation?	Yes X No
Provide explanations of			
D. Actions Needed. (State (check all that apply)		icle, §10-135(a)(2)(ix) – (xi), Anno	tated Code of Maryland)
	_X no actio	on	
	amendn	ment	
	repeal		
	repeal a	and adopt new regulations	
	reorgani	ization	
Summary:			
		Person performing review:	Timothy Laureska
		Title:	Chief DHMH—OIG External Audit Division

Chapter Codification:		10.04.04		
Chapter N	Chapter Name: Human Services Agreements Manual			
Authority	Authority: Health-General Article, §2-104(b); State Government Article, §10-110; Annotated Code of Maryland			
Date Orig	inally Adopt	ed or Last Amended: September 5, 1988		
Purpose:	Purpose: Administrative and fiscal policy for grants/contacts, cost reimbursement contacts, grant –in-aid and purchase of services contracts for human services funding which are made by the Maryland Department of Health and Mental Hygiene.			
A. Revie 01.01.300		State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the regulati	ons continue to be necessary for the public interest? X Yes No		
(2) Do No	(2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No			
		ons obsolete or otherwise appropriate for amendment or repeal? $\begin{array}{ c c c c c c c c c c c c c c c c c c c$		
B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylan				
(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.				
S	Stakeholders	in general were invited.		
	-	affected agencies that were invited to review the regulations and provide a summary of on in and input into the review process.		
1	N/A			

(3)	Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register;
	(b) any notice published in newspapers of general circulation;
	(c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
	(d) any mailing by the adopting authority; and
	(e) any public hearing held.
	Publication of the notice in the Maryland Register.
(4)	Provide summaries of:
` ′	(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.
	No comments received.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	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

	1.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or oplied or enforced which should be promulgated as regulations, in accordance with the ocedure Act? Yes X No
Has the agency pr	omulgated all regulations required by recent legislation?
Provide explanation	ons of the above responses, as needed:
D. Actions Needed. (check all that a	(State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) pply)
	_x no action
	amendment
	repeal
	repeal and adopt new regulations
	reorganization
ummary:	
	Person performing review: Gregory Jones Sr.
	Title: Chief Grants & Local Hlt Acct

Chapter Codification:		odification	COMAR 10.06.02	
Chapter Name: Com		ame:	Communicable Diseases - Rabies	
Authority: Health-General Article §§18-102; 18-312–18-320; and 18-604, Annotated Code of Maryland				
Da	te Origi	nally Adop	ted or Last Amended: March 24, 2008	
Pu	To provide for coordinated rabies control efforts by the Maryland Department of Health and Mental Hygiene (the Department), local health officers, physicians, veterinarians, and other Maryland government agencies as guided by policy statements such as the Compendium of Rabies Prevention and Control published by the National Association of State Public Health Veterinarians.			
	Review .01.3002		(State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
	(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			
В.	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.				
		Departme rabies coo animal co	rtment invited comments from: the general public (the Department posted a notice to the nt's website); the Maryland Veterinary Medical Association; local health department rdinators and other key contacts at each of the 24 local health departments; Maryland ntrol agencies; the Maryland Department of Agriculture (MDA); the Maryland nt of Natural Resources (DNR); and the Environmental Health Liaison Committee, omprised of Maryland Department of the Environment (MDE) and Department tives.	

MDA, DNR, and MDE were invited to review the regulations. None of these agencies provided comments.

their participation in and input into the review process.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of

- (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 Department solicited comments by:

- posting a notice to the Department website;
- sending an email message to the Maryland Veterinary Medical Association membership (sent on 5/14/2013);
- sending an email message to local health department rabies coordinators and other key contacts at each local health department in the State, points-of-contact for animal control colleagues, and colleagues at MDA and DNR (sent on 5/6/2013);
- publishing a notice in the Maryland One Health Bulletin, which includes a readership of veterinary, animal health and public health communities (published in Vol. 3 Issue 4, 2013);
- making an announcement at an Environmental Health Liaison Committee meeting held on 5/21/2013; and
- making an announcement at the annual Zoonotic Disease Update, attendees of which included local health department and Animal Control partners, on 6/4/2013.

(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.

Comments received were generally focused on requests for: greater clarification for terms such as "apparently healthy" and "quarantine;" additional requirements or restrictions related to feral cats; and other general issues. See attached spreadsheet for complete summary of feedback received. The Department responded to each comment acknowledging receipt of feedback and informed individuals that their comments would be taken into consideration as revisions are made to these regulations.

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

No inter-unit conflicts identified.

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

The Department relies on the scientific guidance provided in the Compendium of Rabies Prevention and Control published by the National Association of State Public Health Veterinarians (see www.nasphv.org). The Compendium has been updated since the last amendments were made to COMAR 10.06.02 and a primary goal of amending COMAR 10.06.02 at this time is to ensure that Maryland regulations are in alignment with the most recent scientific guidance available.

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

Other states have confirmed that only licensed veterinarians are allowed to administer rabies vaccinations to animals. No other information has been requested of or provided by other states or the federal government regarding rabies prevention and control.

(8) Provide a summary of	any other relevant information gathered.
No other relevant infor	rmation has been gathered.
	2.20E(3), does the agency have any existing policy statements, guidelines, or enforced which should be promulgated as regulations, in accordance with the act? Yes X No
Has the agency promulgated	d all regulations required by recent legislation? Yes X No
Provide explanations of the	above responses, as needed:
There has not been any re	ecent legislation that has required promulgation of these regulations.
O. Actions Needed. (State Go (check all that apply)	no action XX amendment repeal repeal and adopt new regulations reorganization
The regulations provided in that they provide details of t will be amending existing re	COMAR 10.06.02 Communicable Diseases - Rabies are highly relevant in the rabies prevention and control program in Maryland. The Department egulations to align them with the most recent scientific guidance, to provide recent issues (e.g., feral cats) that have presented challenges for rabies in the State.
	Person performing review: Katherine Feldman, DVM, MPH
	Title: State Public Health

Veterinarian

Chapter C	Codifica	ation: COMAR 10.06.05	
Chapter N	lame:	Meningococcal Vaccination Requirements for Students in Institutions of Higher Education	
Authority	: He	ealth-General Article §18-102(b), Annotated Code of Maryland	
Date Orig	inally A	Adopted or Last Amended: November 12, 2001	
Purpose:	_	provide notification of a meningococcal vaccination requirement for students residing in ampus student housing as well as provide education and vaccination waiver information.	
A. Revie v		teria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do	the reg	egulations 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			
		regulations obsolete or otherwise appropriate for amendment or repeal? Yes Yes No regulations effective in accomplishing their intended purpose? Yes No	
3. Outre	ach and	nd Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland	
	•	stakeholders invited to review the regulations and provide a summary of their participation in t into the review process.	
p C ii s c	oublic, to Commist the address to contact properties the contact properties contact proper	epartment of Health and Mental Hygiene (the Department) invited feedback from the general the Maryland Higher Education Commission (MHEC), the Maryland Statewide Advisory ission on Immunizations, and frommembers of the Maryland Partnership for Prevention (MPP) dultimmunization coalitionfor the State. MPP is a coalition of immunization stakeholders that is:local health departments; private health care providers; government agencies; hospitals; programs (eg. WIC Program, Headstart); vaccine manufacturers; health insurance companies; and universities; long term care facilities; private citizens; and federally-qualified health	
(2) Li	ist any o	other affected agencies that were invited to review the regulations and provide a summary of ticipation in and input into the review process.	
		was invited to review the regulations and they agreed with the Department's decision that no s are needed at this time.	

- (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 Department solicited comments by: posting a notice to the Department's websiteon June 6, 2013; sending an email message on June 5, 2013 to the members of the Maryland Partnership for Prevention–state immunization coalition; and discussing the regulation at the June 2013 meetings of the Maryland Statewide Advisory Commission on Immunizations, and the Maryland Partnership for Prevention-state immunization coalition. Both of those meetings were also open to the public.

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

No comments were received.

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

No inter-unit conflicts were identified.

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

The Department follows the immunization recommendations made by the Centers for Disease Control and Prevention's (CDC) Advisory Commission of Immunization Practices (ACIP) on how to use vaccines to control disease in the United States. The ACIP recommends routine vaccination with meningococcal vaccine for adolescents aged 11 or 12 years, with a booster dose at age 16 years. In developing meningococcal vaccination recommendations ACIP has relied on relevant scientific data gathered from the following sources:

Harrison LH, et al., "Risk of Meningococcal Infection in College Students," JAMA, 281 (1999): 1906-10.

Bruce M, et al., "Meningococcal Disease in College Students. Abstracts of the 39th Annual Meeting of the Infectious Diseases Society of America," <u>Infectious Disease Society of America</u>, 276 (1999).

Neal KR, et al., "Invasive Meningococcal Disease Among University Undergraduates: Association with Universities Providing Relatively Large Amounts of Catered Hall Accommodations," <u>Epidemiology and Infection</u>, 122 (1999):351–7.

Froeschle J, "Meningococcal Disease in College Students," Clinical Infectious Diseases 29 (1999):215–6.

Centers for Disease Control and Prevention, "Meningococcal Disease and College Students: Recommendations of the Advisory Committee on Immunization Practices (ACIP)," MMWR, 49, No. RR-7 (2000):13–20.

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

A review was conducted to determine how many other states have meningococcal vaccination requirements/regulations. Currently, there are 37 states that have meningococcal prevention mandates for colleges and universities. These states include: Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin.

(8) Provide a summary of any other relevant information gathered.				
		No other relevant information was gathered.		
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	Has the agency promulgated all regulations required by recent legislation? Yes X No		
	Provide explanations of the above responses, as needed:			
	I	No recent legislation has required promulgation of regulations.		
	D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply) XX no action amendment repeal repeal and adopt new regulations reorganization Summary:			
	The regulations provided in COMAR 10.06.05 are highly relevant in that they provide details of the meningococcal college vaccination requirement in Maryland. No amendments are needed at this time.			
		Person performing review: David Blythe		
		Title: Infectious Disease Bureau Assistant Directions Epidemiologist	tor, State	
		Person performing review: Greg Reed		
		Title: Immunization Program Manager		