



# MARYLAND Department of Health

Larry Hogan, Governor · Boyd Rutherford, Lt. Governor · Dennis Schrader, Secretary

October 4, 2018

The Honorable Roger Manno  
The Honorable Samuel I. Rosenberg  
AELR Committee Chairs  
90 State Circle  
Annapolis, Maryland 21401

RE: Regulatory Review and Evaluation Act:  
Work Plans for COMAR 10.37, 10.38, and  
10.40—10.44  
Due: October 1, 2018

Dear Senator Manno and Delegate Rosenberg:

In accordance with State Government Article, §§10-130—10-139, and the implementing Executive Order 01.01.2003.20, I am submitting for your approval the work plans for the evaluation of COMAR 10.37, 10.38, 10.40—10.44.

Should there be any questions, please contact Michele Phinney, Director, Office of Regulations and Policy Coordination, at (410) 767-6499.

Sincerely,

Robert R. Neall  
Secretary

## Attachments

cc: Department of Legislative Reference (5 copies)  
Division of State Documents (1 copy)  
Lillian Reese  
Stan Lustman  
Dennis Phelps  
Diana Kemp

Carlton Curry  
Eva Schwartz  
Christopher Kelter  
Stanley Weinstein  
Michele Phinney  
Murray Sherman

**REGULATORY REVIEW AND EVALUATION ACT:**

**EVALUATION REPORTS DUE OCTOBER 1, 2018 FOR:**

**Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION**

**Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

**Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS**

**Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS,  
HEARING AID DISPENSERS, AND SPEECH  
LANGUAGE PATHOLOGISTS**

**Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS**

**Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS**

**Subtitle 44 BOARD OF DENTAL EXAMINERS**

**SUBMITTED BY:**

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

## EVALUATION REPORTS (ATTACHED)

Key
A-Amendment
NA-No Action
R&NR-Repeal and New Regulation
R&A-Repeal and Amendment
A&NR-Amendment and New Regulation

### Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.02 Standards of Rate Review	A
10.37.03 Types and Classes of Charges Which Cannot Be Changed Without Prior Commission Approval	A
10.37.04 Submission of Hospital Outpatient Data Set to the Commission	NA
10.37.06 Submission of Hospital Discharge Data Set to the Commission	A
10.37.08 Conduct of Public Meetings	A
10.37.09 Fee Assessment for Financing Hospital Uncompensated Care	A
10.37.10 Rate Application and Approval Procedures	A

### Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.01 General Regulations	A
10.38.02 Code of Ethics	A
10.38.03 Standards of Practice	A
10.38.04 Physical Therapy Aide	A
10.38.05 Rules of Procedure for Board Hearings	NA
10.38.07 Fee Schedule	NA
10.38.08 Continuing Education Requirements	A
10.38.09 Speech-Impaired Applicants	NA
10.38.11 Compelling Purpose Disclosure	NA

### Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS

10.40.04 Code of Ethics	NA
10.40.09 Compelling Purpose Disclosure	NA
10.40.10 General Provisions	NA

### Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS

10.41.01 Collection of Fees	NA
10.41.02 Code of Ethics	NA
10.41.04 Rules of Procedure for Board Hearings	NA
10.41.06 Telehealth Communication	R&NR
10.41.07 Cerumen Management	NA
10.41.08 Hearing Aid Dispensers	NA
10.41.09 Civil Penalties	NA
10.41.10 Compelling Purpose Disclosure	NA
10.41.11 Speech-Language Pathology Assistants	R&NR
10.41.12 Supervision of Students	NA

### Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.01 Regulations Governing Licensure	R&A
10.42.02 Case Management	A
10.42.03 Code of Ethics	A
10.42.04 Rules of Procedure for Board Hearings	A
10.42.05 Fee Schedule	A
10.42.06 Continuing Education Requirements	A
10.42.07 Compelling Purpose Disclosure	NA
10.42.08 Supervision	A
10.42.09 Disciplinary Sanctions and Monetary Penalties	A&NR

**Subtitle 44 BOARD OF DENTAL EXAMINERS**

10.44.01 Dental Assistants	NA
10.44.02 Licensure of Graduates of Foreign Dental Schools	NA
10.44.03 The Conduct of Experimental Programs in Dental Schools or Colleges in the State, Which Use Dental Assistants, Dental Hygienists, or Both, in the Training of Students Enrolled in the Dental School or College	NA
10.44.06 Advertising	NA?
10.44.08 Civil Penalties	NA
10.44.10 Renewal and Reinstatement of Licenses	NA
10.44.11 Inactive Licenses	NA
10.44.13 Radiographic Protection	NA
10.44.14 Approved Specialty Fields and Qualifications for Identification as a Specialist	NA?
10.44.16 Petition for Declaratory Ruling	NA
10.44.17 Temporary License to Practice Dental Hygiene	NA
10.44.24 Retired Volunteer Licenses	NA
10.44.25 Compelling Public Purpose	NA
10.44.26 Volunteer Licenses	NA
10.44.27 Dental Hygiene Practice—General Supervision—Private Office	NA
10.44.28 Teachers' Licenses for Graduates of United States or Canadian Dental Schools and Schools of Dental Hygiene	NA

**EXEMPTIONS REQUESTED**

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health 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 37 HEALTH SERVICES COST REVIEW COMMISSION**

10.37.01 Uniform Acct. & Reporting System for Hospitals & Related Inst.	CA: 3-4-13; 4-14-14; 9-14-15; and 12-21-15
10.37.07 Health Information Exchange Data	IA 9-19-11
10.37.12 Cross-Subsidization	CA 3-4-13

**Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS**

10.38.06 Foreign-Educated Licensure Requirements	CA 6-8-15
10.38.10 Disciplinary Sanctions, Monetary Penalties, and Civil Fines	CA 1-23-12
10.38.12 Dry Needling	IA 6-19-17

**Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS**

10.40.01 Examination and Post-Graduate Training	CA 7-2-18
10.40.02 Licensing and Continuing Education Requirements	CA 3-22-10, 10-1-12, 6-6-16 and 12-19-16
10.40.03 Collection of Fees	CA 7-20-15
10.40.05 Hearing Procedures	CA 10-26-15
10.40.06 Advertising	CA 7-2-18
10.40.07 Civil Penalties	CA 3-2-15
10.40.08 Interpretation of Terms in the Maryland Podiatry Act	CA 11-2-09
10.40.11 Sanctioning Guidelines	IA 4-16-12

**Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS**

10.41.03 Licensure and Continuing Education	CA 4-18-11, 4-2-12, 1-7-13, 3-17-14, 6-8-15, 6-20-16
10.41.13 Sanctioning Guidelines	CA 5-28-12

**Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS**

CA 1-2-2017

10.44.04 Practice of Dental Hygiene	CA 11-24-16
10.44.05 Licensure for Dentists Licensed in Another State	CA 12-24-12
10.44.07 Rules of Procedure for the Disciplinary Process	CA 3-5-12
10.44.09 Licensure for Dental Hygienists Licensed in Another State	CA 12-24-12
10.44.12 Anesthesia and Sedation	CA 5-11-15
10.44.15 Dentists and Dental Hygienists — Licensure by Examination	CA 12-24-12
10.44.19 Dental Radiation Technologist	CA 12-21-15
10.44.20 Fees	CA 11-24-16
10.44.21 Practice of Dental Hygiene Under General Supervision in a Facility or Long-term Care Facility	CA 12-12-11
10.44.22 Continuing Education	CA 4-18-11
10.44.23 Unprofessional Conduct	CA 8-6-12
10.44.29 Nominations and Balloting for Appointments to Board of Dental Examiners	CA 6-28-10
10.44.30 Record Keeping	CA 6-11-12
10.44.31 Sanctioning Guidelines	IA 1-23-12
10.44.32 General Competency Requirements	IA 7-9-12
10.44.33 Temporary License for Volunteer Dentists & Dental Hygienists & Temporary Dental Clinic Permits	IA 12-12-11
10.44.35 Limited Dental Drug Dispensing Permits	IA 7-20-15

**CHAPTER THAT HAVE BEEN REPEALED OR THAT ARE CURRENTLY VACANT**

**Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION**

10.37.05 The Accounting and Budget Manual for Fiscal and Operating Management	Repealed
10.37.11 Rules of Procedure: Related Institutions	Repealed

**Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS**

10.41.05 Master's Degree Equivalency –	Repealed
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**Subtitle 44 BOARD OF DENTAL EXAMINERS**

10.44.18 Parenteral Sedation-	Repealed
10.44.34 --	Vacant

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

- (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: The Commission received one comment on this regulation. The commenter expressed concern that the final sentence of subsection .02C(2) referred to a variable cost factor to the inpatient admissions as "applied to the average cost of hospitals in the screening group of the closed hospital." The commenter pointed out that no such "screening group" exists under the Commission's current review methodologies and any cost per admission is inconsistent with the current global budget system that generally incentivizes decreased patient volumes.

Responses: The Commission, in consultation with its staff, agrees with the commenter that the references to the cost per admission and screening group do not apply to Commission policies and methodologies.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Commission agrees with the stakeholder comment and suggestion to remove the last sentence of COMAR 10.37.02.02C(2). Upon consultation with staff, the Commission recognizes that the reference to “the screening group” in this sentence is an outdated reference to a policy that no longer applies to the Commission’s work.

The Commission has also found an outdated cite to the Health-General Article. COMAR 10.37.02.02C(4) cites Health-General Article, §19-217 as providing Commission review and approval responsibilities. The referenced responsibilities are now found in Health-General Article, §19-219.

Therefore, the Commission recommends amending COMAR 10.37.02.02C(2) to remove the final sentence of that subsection (“These amounts shall be applied to the average cost of hospitals in the screening group of the closed hospital (adjusted for wage differences as appropriate).”). The Commission also recommends amending COMAR 10.37.02.02C(4) to update the Health-General citation from §19-217 to §19-219.

Person performing review:

Title:



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

During the Commission's public meeting on September 13, 2017, Maryland hospitals, hospital associations, organizations, and payers in attendance were invited to review the Commission's regulations under review and provide any written comments.

- (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 Commission found that there are no other affected agencies and therefore did not invite any other agencies to review or comment during this regulatory review.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

(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: The Commission received one substantive comment on this regulation and one letter supporting the substantive comment. The commenter suggested that there are discrepancies between the regulations, Global Budget Revenue (GBR) Agreements, and HSCRC staff policy. The commenter noted that under the GBR system hospitals face increased pressure to meet budget goals and any unexpected changes in volume can result in the need for quick rate changes that typically require Commission approval. The commenter pointed out that there are times when hospitals have requested urgent relief from the rate corridors, which adds to the administrative burden of HSCRC staff. The commenter suggested that the Commission: repeal subsections .05D-F in their entirety; add language to the regulation stating that rate order will reflect the actual, unadjusted rate volume for preceding 12 months; measure rate compliance on an annual rather than monthly basis when determining any penalties; monitor rate compliance on an interim basis. Other, non-regulatory proposals from the commenter include a rate-compliance policy to match any regulatory changes and a clear process for how staff will review and approve any rate corridor changes.

Responses: The Commission, in consultation with its staff, believes the commenter's concerns are best addressed through the hospitals GBR Agreements and other sub-regulatory guidance, and not through the regulatory review process. Specifically, the Commission disagrees with the commenter that modifications to the rate corridors in subsection .05D-F are necessary under the current global revenue cap system. The Global Budget Revenue (GBR) Agreements allows for rate corridor relief beyond what is stated in the regulation and, in that way, provide GBR hospitals with the corridor relief that the commenter seeks to have in regulation. Keeping the corridor relief in the GBR Agreement also provides an additional incentive for hospitals to stay in the global revenue cap system. The Commission will consider establishing sub-regulatory guidance on how HSCRC staff should review and respond to rate-corridor relief requests in a timely fashion, especially when urgent action is needed. The Commission believes, however, that it is most appropriate to continue providing broad relief from the rate corridors through agreements with hospitals rather than through the regulatory process.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Commission believes that this regulation is a valuable tool in the overall rate-setting and compliance scheme that should remain in place. Therefore, the Commission has determined that it will not amend the rate corridors provision of this regulation, but will address stakeholder concerns through sub-regulatory guidance, if appropriate.

The Commission has also determined that the reference in subsection .05J to "rates approved effective July 1, 1978" is outdated, obsolete, and should be removed from the regulation.

The Commission recommends amending COMAR 10.37.03.05J to remove the phrase "rates approved effective July 1, 1978," and insert "all Commission-approved rates."

Person performing review: Dennis Phelps

Title Associate Director, Audit & Compliance

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

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

The Commission did not receive any comments about this regulation.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission reviewed regulations of the Maryland Medical Assistance Program (COMAR 10.09.92.01) and the Centers for Medicare and Medicaid Services (42 CFR § 412.3) to research current definitions of "admission," but the Commission determined it would make any changes to its regulation at this time.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

**Summary:**

The Commission found that this regulation continues to be for the public interest and is supported by statutory authority. There were no public or stakeholder comments, and the Commission did not find any need for substantive or technical amendments. The Commission does not recommend any amendments or changes.

Person performing review:

Dennis Phelps

Title:

Associate Director, Audit & Compliance

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification: 10.37.06

Chapter Name: Submission of Hospital Discharge Data Set to the Commission

Authority: Health-General Article §§ 19-207, 19-212, 19-215, 19-216, and 19-219, Ann. Code of Maryland

Date Originally Adopted or Last Amended: adopted Jan. 1, 1983; last amended March 3, 2014

Purpose: The purpose of this regulation is to require Maryland hospitals under the Commission's jurisdiction to timely submit relevant inpatient data to the Commission to ensure the Commission is able to assess the costs, rates, quality, and efficiency of facility services, consistent with the Health-Gen. Article §19-219.

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

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

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

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

During the Commission's public meeting on September 13, 2017, Maryland hospitals, hospital associations, organizations, and payers in attendance were invited to review the Commission's regulations under review and provide any written comments.

- (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 Commission found that there are no other affected agencies and therefore did not invite any other agencies to review or comment during this regulatory review.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

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

The Commission did not receive any comments about this regulation.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action



- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The Commission determined that no substantive amendments were needed; however, the Commission found an outdated website reference in subsection .02 of this regulation. Therefore, the Commission recommends amending COMAR 10.37.06.02 to update the Commission's website from the outdated <http://www.hsrc.state.md.us> to the corrected <http://hsrc.maryland.gov>.

Person performing review:

Dennis Phelps

Title:

Associate Director, Audit & Compliance

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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;
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  - (d) any mailing by the adopting authority; and

(e) any public hearing held.

The Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

(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: The Commission received one comment on this regulation. The commenter explained its concern that it did not have access to the public meeting agenda items and materials with enough time to provide feedback or comments during the public meeting. The Commenter also recommended that the Commission allow stakeholder comments on any agenda item including those items included as "information only." The commenter expressed its approval of ongoing Commission practice of having staff propose one of its policy changes during one month's meeting, followed by a final recommendation in the next month's meeting. Finally, the commenter expressed concern about the implication in subsection .06D's reference to votes that occur "between public meetings," and stated that all votes should occur in a public meeting.

The commenter proposed regulatory amendments that would: (1) require the Commission to publish all materials for any agenda item at least one week prior to the public meeting; (2) require that all staff proposals be followed by a final recommendation at the next Commission meeting; (3) require publication of all approved minutes on the Commission's website; (4) remove reference in section .06D to votes that occur "between public meetings."

Responses: The Commission, in consultation with its staff and legal counsel, believes that many of the commenter's suggestions are beyond what is required by the Maryland Open Meetings Act, General Provisions ("GP") Article §§ 3-101 *et seq.*, Annotated Code of Maryland. The Open Meetings Act does not require that materials beyond a meeting notice and agenda be distributed in advance of a public meeting, nor that approved minutes be available on a public body's website. See GP §§ 3-302, 3-302.1 3-306. The Open Meetings Act also does not require that the public be given an opportunity to participate. See GP § 3-303(a); *City of New Carrollton v. Rogers*, 287 Md. 56, 72 (1980). The Commission also believes it is best to have procedural guidelines rather than formal regulatory requirements that will establish the timeframe between the time staff submits proposed policy changes and the time the Commission votes on a final recommendation. Finally, the Commission agrees with the commenter that reference to votes occurring "between public meetings" is concerning but is inconsistent with Commission practice.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Commission determined that the language in subsection .06D was confusing because there are currently no matters submitted to Commission vote that occur "between public meetings." Votes occur only at open or closed meetings, not between meetings. Therefore, the Commission determined that it is appropriate to repeal subsection .06D as obsolete. The Commission also determined that its current regulations comply with the Maryland Open Meetings Act, and therefore decided it will not require a regulatory deadline for publishing pre-meeting materials on its website or for publishing meeting minutes on its website as suggested by the commenter. The Commission is interested in meeting those requirements as a matter of general policy, but not through the regulatory process.

Therefore, the Commission recommends amending COMAR 10.37.08.06A to replace "the meeting" with "a public or closed meeting" for clarity of the Commission's ongoing practice. Also, as mentioned, the Commission recommends repealing COMAR 10.37.08.06D as it is obsolete and inconsistent with past and current Commission practice.

Person performing review: Dennis Phelps

Title: Associate Director, Audit & Compliance

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

(4) Provide summaries of:

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

The Commission received one comment on this regulation. The commenter stated that the introductory language in subsection .03A, "By January 1, 2009" is obsolete and should be removed from the regulation. The Commission agrees that the reference to completion "By January 1, 2009" is obsolete.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

**Summary:**

The Commission has determined that the reference in subsection .03A to "By January 1, 2009," is obsolete. All hospitals must comply now with the regulation, meaning that the introductory clause that establishes the long-passed deadline no longer has any meaningful effect. The Commission has also determined that the "Authority" for the regulation as well as a cross-reference in subsection .01B(5) to Health-General § 19-207.1 are outdated as that section was redesignated to Health-General § 19-213.

Therefore, the Commission recommends the following amendments to COMAR 10.37.09:

- Update the "Authority" by removing §§19-207.1 and 19-207.3, and replacing with §19-213.
- Update citation in COMAR 10.37.09.01B(5) from §19.207.1(d) to §19-213(d).
- In COMAR 10.37.09.03A, removing introductory language "By January 1, 2009" as obsolete.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification: 10.37.10

Chapter Name: Rate Application and Approval Procedures

Authority: Health-General Article §§ 15-601 *et seq.* and 19-201, 19-207, 19-210 – 19-214, 19-214.1, 19-214.2, 19-214.3, 19-216 – 19-220, and 19-222, Annotated Code of Maryland

Date Originally Adopted or Last Amended: adopted Nov. 7, 1974; last amended Jan. 15, 2018

Purpose: The purpose of this regulation is to provide the procedures for regulated Maryland hospitals to file rate applications as well as the process for staff evaluation and Commission action on those applications.

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

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

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

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

During the Commission's public meeting on September 13, 2017, Maryland hospitals, hospital associations, organizations, and payers in attendance were invited to review the Commission's regulations under review and provide any written comments.

- (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 Commission found that there are no other affected agencies and therefore did not invite any other agencies to review or comment during this regulatory review.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

- (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.

Pursuant to amendments proposed in September 2017, the Commission received comments on Regulations 10.37.10.03, .04-1, .04-2, and .11 between September 13 and October 30, 2017. The Commission addressed those comments when it adopted amendments to these sections, effective January 15, 2018. The Commission provided an opportunity for public comment on all provisions of this Chapter pursuant to the regulatory review process (see §B(3) of this Evaluation Form). The Commission did not receive comments about this Chapter as part of the current review process.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Commission amended Regulations .03, .04-1, .04-2, .04-3, and .11 effective Jan. 15, 2018. Based on the recent amendments, these sections are not included in this review process. In reviewing the remaining sections of this Chapter, the Commission has determined that many provisions and references in this Chapter are outdated and need to be eliminated or amended to reflect current Commission practice as well as recent regulatory updates. For example, the Commission believes that requiring publication on its website rather than through a newspaper is a more effective means of publication. Also, the Commission now requires supporting documents with a full rate application, so reference to "supporting documents, *if any*" is obsolete. The Commission is also receiving documents electronically, so electronic formatting guidelines are appropriate. Finally, the Maryland Health Insurance Plan no longer exists, making the regulations applicable to that program obsolete. Therefore, the Commission recommends the following amendments:

- Update Regulation .01, cross-reference in F(2) from .03B(4) to .03B(3) for accuracy; also update subsection G to allow the Commission to publish notices on its website rather than "newspapers in general circulation . . ."
- In Regulation .03-1, update the deadline for the Commission to act on a partial rate application to 90 days, which is more accurate and consistent with Commission practice;
- Add Regulation .07-2J about determinations not being a contested case, consistent with the language in .07-1J;
- Add Regulation .18C to allow PDF submissions that generally match the formatting requirements of paper copies;
- Add Regulation .19C to explain that an application is "filed" only when all required documents are submitted;
- Update Regulation .24C to reflect an accurate cross-reference (replace §19-219 with §19-222);
- Repeal Regulation .26-1 as obsolete;
- Update Regulation .35C(2) to reflect re-codification (replace St. Gov't §10-601 with Gen. Prov. §§ 4-101 *et seq.*).

Person performing review:

Dennis Phelps

Title:

Associate Director, Audit & Compliance

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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 Commission posted a notice on its website beginning September 1, 2017, which notified any interested parties of the regulations under review and solicited public comments to be submitted to the Commission in writing no later than October 31, 2017.

(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: The Commission received one comment on this regulation, specifically Section .02. The commenter stated that many references in subparagraphs .02B through .02G are outdated and not consistent with current Commission practice, particularly references to the "Medicaid per diem," "Medicaid charge information," and "Medicaid rate of increase." The commenter requested that subparagraphs .02D apply to all patients, not just non-Medicaid, and that the Commission consider changing the 30-day advance notice requirement before rate changes are implemented. Finally the commenter requested that Commission "consider the applicability of Sub-sections (G) and (H) in light of the modernized all-payer model."

Responses: The Commission, in consultation with its staff, generally agrees with the commenter, but believes that the entirety of this Chapter is obsolete. Therefore, the Commission believes that repealing this Chapter is appropriate because it is not consistent with Commission practice or the current all-payer model.

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

The Commission found no interunit conflict in this review.

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

The Commission found it was unnecessary and therefore did not gather any scientific data in this regulatory review.

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

The Commission found it was unnecessary and therefore did not gather any information related to federal or other state regulations in this regulatory review.

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

The Commission consulted with senior staff to determine appropriate responses to public comments and whether the regulation, as written, remains applicable to the work staff performs.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Commission has determined that this Chapter is inapplicable to the Commission's and staff's current work given that the Commission has not previously and does not currently regulate related institutions.

Therefore, the Commission recommends the repeal of COMAR 10.37.11 in its entirety.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

Commenters requested that the language "supportive personnel" replace the current terminology of "aide." The Board agreed to adopt the suggested language.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After a comprehensive review, the Board will be amending regulations to utilize current technology in defining physical therapy supportive personnel based on stakeholder comments. Additionally, the language will be updated to include statutory limits on testing.

Person performing review:

Carlton A. Curry

Title:

Executive Director



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

Commenters suggested regulations include the statutory language that limits the number of attempts at passing the national licensure exam as supported by psychometric analysis. The Board adopted the suggestion.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Board took this opportunity to review all regulations of the Maryland Physical Therapy Practice Act. The amendments will include enhanced language to further clarify infractions related to patients and students under the supervision of a licensee.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

Commenters requested change of language with respect to defining plan of care to include achieving anticipated goals. The Board concurred. Commenters also request special language for school-based therapists. This was rejected by the Board as no practice setting has unique language

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review of stakeholder comments, the Board will propose amendments to clarify requirements for documentation of treatment, utilizing evidence-based language and accounting for the current use of electronic medical records.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

All licenses were notified electronically of the review, in addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation review.

- (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.

Comments were received from the Maryland State Steering Committee for Occupational and Physical Therapy School-Based Programs, as well as licensees.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

Commenters suggested revising the definition of "Aide." The Board revised the chapter substantially, including analogous titles and required supervision.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment



repeal

repeal and adopt new regulations

reorganization

Summary:

The Board took this opportunity to substantially revise the use of the term physical therapy aides to physical therapy supportive personnel. The Board further proposes to clarify what level of supervision will be required for this unlicensed group that is defined under the Maryland Physical Therapy practice Act.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

All licenses were notified electronically of the review, in addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation review.

- (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.

Comments were received from the Maryland State Steering Committee for Occupational and Physical Therapy School-Based Programs, as well as licensees.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

No comments made for this chapter. No changes suggested by Board.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After a comprehensive review of this chapter, the Board determined that no changes are needed at this time.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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(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 made for this chapter. No changes suggested by Board.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

- no action
- amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After a comprehensive review of this chapter, the Board determined that no changes are needed at this time.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

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

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

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

All licenses were notified electronically of the review, in addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation review.

- (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.

Comments were received from the Maryland State Steering Committee for Occupational and Physical Therapy School-Based Programs, as well as licensees.

- (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.



All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

No changes suggested or made.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

X no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, the Board does not find it necessary to amend any fees.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

(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.

- (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.

All licenses were notified electronically of the review, In addition to the review being posted on the Board's website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

Commenters suggested inclusion of clinical education mentorship for continuing education credit towards renewal requirements. The Board agrees and will propose revisions to this chapter based on a multi-year outreach to stakeholders.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

The Board is in the process of amending this chapter. Commenters suggested inclusion of clinical education mentorship for continuing education credit towards renewal requirements. The Board agrees and will propose revisions to this chapter based on a multi-year outreach to stakeholders.

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

This Board will propose amendments to this chapter to include increased, lower-cost opportunities for licensee to fulfill their continuing education requirement through professional development activities. Such changes include recognition of the clinical instruction as fulfilling portions of the continuing educational requirement.

Person performing review:

Title:

**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (3) Describe the process used to solicit public comment, including:
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- (e) any public hearing held.

All licenses were notified electronically of the review, In addition to the review being posted on the Board’s website. Additionally, the American Physical Therapy Association notified its membership of the regulation 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.

No changes suggested or made.

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, the Board determined that no action is required.

Person performing review:

Carlton A. Curry

Title:

Executive Director



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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(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 changes suggested or proposed.

(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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

After review, the Board determined that no action is needed.

Person performing review:

Carlton A. Curry

Title:

Executive Director

**Regulatory Review and Evaluation Act  
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2012 – 2020**

Chapter Codification:

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Purpose:

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

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

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

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- (a) all comments received from stakeholders, affected units, or the public; and
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(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

N/A

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

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Purpose:

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

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- (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)

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(a) all comments received from stakeholders, affected units, or the public; and  
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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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

N/A

Person performing review:

Eva Schwartz

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

N/A

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

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

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

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

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  - (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.

Notification of public meetings were posted on the Board's website at <https://health.maryland.gov/boardsahs/Pages/Index.aspx>  
The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

N/A

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The current fee structure is relevant to this Board and this Board only. Review of any states' licensure board fees is irrelevant to the revenue and expenditures for this Board to perform its statutorily mandated functions.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

(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.

- (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.

Notification of public meetings were posted on the Board's website at <https://health.maryland.gov/boardsahs/Pages/Index.aspx>  
The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

N/A

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

None.

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Code of Ethics describes the conduct required of licensed individuals to ensure patient safety and welfare.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

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

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

Summary:

The Board rarely conducts hearings, but the current regulations are clear.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
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Notification of public meetings were posted on the Board's website at <https://health.maryland.gov/boardsahs/Pages/Index.aspx>  
The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

None.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

**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 X
- reorganization

Summary:

The Board determined that the current regulations addressed the quality of the equipment rather than the quality of services delivered. Additionally, the board determined that the current regulations do not address advances in telecommunications since the regulations were promulgated in 2008. The Board believes that all health occupation boards should address and promulgate telehealth regulations that set standards for all licensed health occupational professionals and the para-professionals and staff that work in environments delivering health care services.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

Notification of public meetings were posted on the Board's website at <https://health.maryland.gov/boardsahs/Pages/Index.aspx>  
The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

None.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The current cerumen removal regulations clearly articulate that audiologists can perform cerumen (ear wax) removal.

Person performing review:

Christopher J. Kelter

Title:

Executive Director



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

None.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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

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

Summary:

The Board determined that regulations related to the licensure of hearing aid dispensers is not in need of any changes.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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The review of this chapter was also discussed in open Board meetings in the fall of 2017.

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

None.

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

None.

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

None.

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

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

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

Summary:

The Board determined that it rarely issues civil penalties and that the current regulations are not in need of any changes.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

None.

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

None.

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

None.

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

N/A

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

N/A



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

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

Provide explanations of the above responses, as needed:

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Board determined that the current regulations governing compelling public disclosure are not in need of any changes.

Person performing review:

Christopher J. Kelter

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

None.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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 X
- reorganization

Summary:

Speech-language pathology assistant (SLP-A) licensure was created by the Maryland Board long before the American Speech-Language Hearing Association (ASHA) issued model laws and regulations for SLP-As. Minor issues regarding the licensure of speech-language pathology assistants was evident immediately upon the arrival of the current Executive Director in FY 2010. The Board agreed that SLP-A regulations would be amended all at once and statutory changes would be made if necessary to facilitate the regulatory changes. The Board determined that input from licensed speech-language pathologists and currently licensed and previously licensed speech-language pathology assistants would be sought to identify possible amendments to the regulations.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
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- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

None.

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

None.

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

None.

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

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

None.

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

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

Provide explanations of the above responses, as needed:

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

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

Summary:

The Board believes that the current regulations governing the supervision of students are adequate and that educational institutions attended by the students have not raised any issues with these regulations.

Person performing review:

Title:

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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  - (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.



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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Regulations have been submitted to the MDH Office of Regulation and Policy Coordination for promulgation. See Summary below.

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

no action

X amendment

X repeal

repeal and adopt new regulations

reorganization

Summary:

Pursuant to HB 1183 (Chapter 548) and SB 986 (Chapter 549), Acts of 2017, and HB 806 (Chapter 391), Acts of 2013, the Board voted to amend Regulations .01 and .02, repeal Regulation .04, amend and recodify Regulations .05—.08 to be .04—.07 respectively, Regulations .12, .14, .16 and .19 to be Regulations .11, .13, .15 and .18 respectively, and recodify Regulations .09—.11, .13, .15, .17 and .18 to be Regulations .08—.10, .12, .14, .16, and .17 respectively. As a result for this chapter: (1) the graduate social worker license will be renamed the master social worker license; (2) the Criminal Justice Information System Central Repository will be authorized to provide the Board with notifications of future charges thus eliminating the need for repeated background checks on a licensee; (3) the Board will be authorized to renew a license only if a licensee attests that the licensee has submitted to a State and national criminal history records check; and (4) individuals applying to the Board for reactivation, reinstatement, or reissuance of a license will be required to submit certain evidence of having completed a State and national criminal history records check in accordance with certain provisions of law.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

(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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

Regulations have been submitted to the MDH Office of Regulation and Policy Coordination for promulgation. See Summary below.

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

no action

X amendment

repeal

repeal and adopt new regulations X

reorganization

Summary:

Pursuant to HB 1183 (Chapter 548) and SB 986 (Chapter 549), Acts of 2017; in addition to HB 806 (Chapter 391), Acts of 2013, the Board voted to amend Regulation .02, adopt new Regulations .03, .05, and .06, repeal Regulation .04, and amend and recodify Regulation .03 to be Regulation .04. As a result for this chapter: (1) requirements for the approval of bachelor and master social workers to engage in independent practice will be included; (2) master social workers will be discontinued from engaging in private practice on or after January 1, 2020; and (3) after July 1, 2019, a licensed bachelor social worker or licensed master social worker licensed to have practiced under the supervision of Board-approved social work for at least 3 years as an active licensee with at least 4,500 hours and a minimum of 150 hours of periodic face-to-face supervision will be required.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

A Board advisory committee reviewed Regulations .01—.07 and will be recommending clarifying language amendments to the Board once the process is complete.

Person performing review:

Stanley Weinstein

Title:

Executive Director



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Executive Director and Assistant Attorney General reviewed Regulations .01—.12 in this chapter and will be recommending to the Board minor clarifying amendments.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Executive Director and Assistant Attorney General reviewed Regulations .01—.04 in this chapter and will be recommending to the Board minor amendments.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations

reorganization



Summary:

A Board advisory committee reviewed Regulations .01—.11 and will be recommending clarifying language amendments to the Board for Regulations .04, .05 and .07, which will be recodified as Regulation .06. Additionally, the following will be recodified: Regulations .06, .08, .09, .10 and .11 to be Regulations .11, .10, .07, .08 and .09, respectively. A proposal for this will be promulgated once the Board votes to approve.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

- (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.

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

- no action  
 amendment  
 repeal  
 repeal and adopt new regulations  
 reorganization

Summary:

The Executive Director and Assistant Attorney General reviewed Regulations .01 and .02 in this chapter and determined that no changes need to be made.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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

Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

- (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.

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

no action

X amendment

repeal

repeal and adopt new regulations X

reorganization

Summary:

Pursuant to HB 1183 (Chapter 548) and SB 986 (Chapter 549), Acts of 2017; in addition to HB 806 (Chapter 391), Acts of 2013, the Board voted to amend Regulations .01, .02 and .04, adopt new Regulations .03, .05, .10 and .11, amend and recodify Regulations .03, .05, .07 and .06 to be Regulations .06, .07, .08, and .09 respectively, and repeal in their entirety Regulations .08—.10.

As a result for this chapter, requirements for the approval of bachelor and master social workers to engage in supervision of social work practice; and establish responsibilities and certain limitations will be included.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

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



Notice of public meetings were posted on the Board's website in advance, as well as the meeting agenda.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

See D. Summary below.

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

no action

X amendment

repeal

X adopt new regulations

reorganization

Summary:

Pursuant to HB 1183 (Chapter 548) and SB 986 (Chapter 549), Acts of 2017; in addition to HB 806 (Chapter 391), Acts of 2013, the Board voted to amend Regulations .01 and .04 and adopt new Regulation .07. As a result for this chapter: (1) the Board will be authorized to issue a cease and desist order or obtain injunctive relief for a violation of certain provisions of law; (2) civil fines will be established; and (3) the minimum and maximum fines for violations of the practice will be increased.

Person performing review:

Stanley Weinstein

Title:

Executive Director

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

The majority of other states have regulations similar to those in Maryland which delineate the educational requirements and duties of dental assistants.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

The majority of other states have regulations similar to those in Maryland which delineate the educational requirements and duties of those who hold licenses from foreign dental schools.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

COMAR 10.44. 03

Chapter Name:

The Conduct of Experimental Programs in Dental Schools or Colleges in the State, Which Use Dental Assistants, Dental Hygienists, or Both, in the Training of Students Enrolled in the Dental School or College

Authority:

Health Occupations Article, §§4-308 and 4-309, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

June 19, 1974

Purpose:

The chapter identifies those dental auxiliary personnel who may be utilized and employed in connection with experimental programs at the University of Maryland School of Dentistry, and mandates notice requirements to the auxiliary personnel, students, and the Maryland State Board of Dental Examiners.

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Society, Maryland Dental Hygienists' Association, the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board's monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board's website soliciting comments.

- (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.

A Board member is a professor at the University of Maryland School of Dentistry.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Research has failed to disclose similar regulations for other state dental Boards. However the full Board was advised by members of the Board that the regulations are necessary for any experimental programs that the University of Maryland School of Dentistry wishes to conduct.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

The majority of other states have regulations similar to those in Maryland which delineate the educational requirements and duties of dental assistants.

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

Recent court decisions in states other than Maryland are interpreting commercial advertising laws. The Board is presently reviewing the chapter in light of those decisions.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Board will determine whether amendment is necessary. See response to B(8).

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

COMAR 10.44.08

Chapter Name:

Civil Penalties

Authority:

Health Occupations Article, §4-205(b)(3) and 4-317, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

June 25, 2001

Purpose:

The purpose of the chapter is to establish the standards by which the Board may impose a civil penalty of not more than \$5,000 against any dentist licensed in the State who is found to be in violation of Health Occupations Article, Title 4, Annotated Code of Maryland.

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Society, Maryland Dental Hygienists' Association, the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board's monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board's website soliciting comments.

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

N/A.

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

On March 26, 2018 notice was placed on the Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

The majority of other states have regulations similar to those in Maryland which delineate the standards by which the Board may impose civil penalties against dentists.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.



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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

All dental Boards have regulations similar to those in Maryland for renewal and reinstatement of dental and dental hygiene licenses.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

All dental Boards have regulations similar to those in Maryland for reactivation of inactive licenses for dentists and dental hygienists.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Society, Maryland Dental Hygienists' Association, the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board's monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board's website soliciting comments.

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

N/A.

- (3) Describe the process used to solicit public comment, including:
  - (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;



- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Similar regulations do not appear to exist in other 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 statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  No

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification: COMAR 10.44.14

Chapter Name: Approved Specialty Fields and Qualifications for Identification as a Specialist

Authority: Health Occupations Article, §4-205, 4-315, and 4-504, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 30, 2012

Purpose: The chapter identifies the area of dental specialties recognized by the Board. The authority for the regulations is found in the Annotated Code of Maryland, § 4-504 which provides in relevant part: “The qualifications required of applicants for Board identification as a specialist may include the requirements established by various specialty certifying boards of the American Dental Association.” In addition, the section provides that “In approving additional specialties, the Board may consider those fields recognized by the American Dental Association.”

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Hygienists’ Association the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board’s monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board’s website soliciting comments.

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

N/A.

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

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

The majority of other states have regulations similar to those in Maryland which delineate the requirements for recognition as a dental specialist.

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

Recent court decisions in states other than Maryland are interpreting dental specialty laws. The Board is presently reviewing the chapter in light of those decisions.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

no action

amendment

repeal

repeal and adopt new regulations

reorganization

Summary:

The Board will determine whether amendment is necessary. See response to B(8).

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
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2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (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.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Other states have similar regulations providing for a request for a declaratory ruling, or a similarly titled ruling.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners



**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification: COMAR 10.44.17

Chapter Name: Temporary License to Practice Dental Hygiene

Authority: State Government Article, §10-304 and 10-305, Annotated Code of Maryland

Date Originally Adopted or Last Amended: February 19, 1990

Purpose: The regulations establish the process for the issuance of a temporary license to practice dental hygiene.

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Society, Maryland Dental Hygienists' Association, the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board's monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board's website soliciting comments.

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

N/A.

- (3) Describe the process used to solicit public comment, including:
  - (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;

- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

On March 26, 2018 notice was posted on the Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

A number of other dental boards have regulations for the issuance of temporary dental hygiene licenses.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

- (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.

- (3) Describe the process used to solicit public comment, including:
  - (a) any notice published in the Maryland Register;
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- (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.

On March 26, 2018 notice as posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Several other states have regulations for the issuance of volunteer licenses.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
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2012 – 2020**

Chapter Codification:

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Purpose:

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

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

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

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

- (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.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
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- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

No comments were received from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Several other states have regulations providing for the disclosure of information when a compelling public purpose exists.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.



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

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

Summary:

N/A.

Person performing review: Murray Sherman

Title: Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

(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.

- (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.

On March 26, 2018 notice as posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

Several other states have regulations for the issuance of volunteer licenses.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

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

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

**Summary:**

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

COMAR 10.44.27

Chapter Name:

Dental Hygiene Practice-General Supervision-Private Office

Authority:

Health Occupations Article, §4-308, Annotated Code of Maryland

Date Originally Adopted or Last Amended:

March 3, 2014

Purpose:

The regulations govern the practice of dental hygiene in a private dental office under the general supervision of a dentist, who may be either on or off of the premises.

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

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

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

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

Representatives of the Maryland State Dental Association, Maryland Dental Society, Maryland Dental Hygienists' Association, the Academy of General Dentistry, the National Dental Association, and members of the general public regularly attend the Board's monthly open session meetings where regulations are discussed, and at which time the public is invited to comment. In addition, a notice was placed on on the Board's website soliciting comments.

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

N/A.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;

- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

On March 26, 2018 notice was posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

A number of other states have regulations allowing dental hygienists to work under the general supervision of a dentist in a private dental office, where the dentist may be either on or off of the premises.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.

**Regulatory Review and Evaluation Act  
Evaluation Report Form  
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

(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.

(3) Describe the process used to solicit public comment, including:  
(a) any notice published in the Maryland Register;

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- (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.

On March 26, 2018 notice as posted on the Dental Board's website soliciting comments through April 25, 2018. 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 from stakeholders, affected units, or the public.

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

There were no interunit conflicts.

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

No scientific data necessary.

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

A number of other states have regulations allowing dentists and dental hygienists to obtain teachers' licenses.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A.



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

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

Summary:

N/A.

Person performing review:

Murray Sherman

Title:

Legal Assistant  
Maryland State Board of  
Dental Examiners