REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS DUE OCTOBER 1, 2016 FOR:

Subtitle 26 BOARD OF ACUPUNCTURE
Subtitle 27 BOARD OF NURSING
Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY
Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS
Subtitle 30 COMMISSION ON KIDNEY DISEASE
Subtitle 39 BOARD OF NURSING—CERTIFIED NURSING ASSISTANTS

SUBMITTED BY:

Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
201 W. Preston Street, Room 512
Baltimore, Maryland 21201

Phone: (410) 767-6499

Email: dhmh.regs@maryland.gov

EXEMPTION REQUESTED

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

Subtitle 26 BOARD OF ACUPUNCTURE	
10.26.01 Fee Schedule	CA April 20, 2009
10.26.02 General Regulations	CA April 20, 2009
10.26.04 Rules of Procedure for Board Hearings	CA February 20, 2012
Subtitle 27 BOARD OF NURSING	
10.27.01 Examination and Licensure	CA September 22, 2008 and April 19, 2010
10.27.03 Nursing Education Programs	CA January 26, 2009
10.27.04 Methadone Dispensing	IA February 9, 2009
10.27.05 Practice of Nurse Midwifery	CA September 29, 2014
	posal to CA printed 11/13/2015 – Adoption Pending
10.27.07 Practice of the Nurse Practitioner	CA July 11, 2011
10.27.10 Standards of Practice for Licensed Practice	
10.27.11 Delegation of Nursing Functions	CA January 26, 2009 & Sept.19, 2011
10.27.19 Code of Ethics	CA December 11, 2014
10.27.21 Registered Nurse—Forensic Nurse Exar	
10.27.25 Cosmetic Procedures	IA May 30, 2011
10.27.26 Sanctioning Guideline	IA April 16, 2012
10.27.27 Practice of Clinical Nurse Specialist	IA October 1, 2012
Subtitle 20 DOADD OF EVAMINEDS IN ORTOM	ETDV
Subtitle 28 BOARD OF EXAMINERS IN OPTOM	CA October 19, 2009
10.28.02 Continuing Education Requirements	•
10.28.12 Therapeutic Pharmaceutical Agents	CA October 19, 2009
10.28.17 Disciplinary Sanctions and Monetary Per	nalties IA October 1, 2012
Subtitle 29 BOARD OF MORTICIANS AND FUN	ERAL DIRECTORS
10.29.02 Examination	CA February 25, 2008
10.29.03 Inspection of Funeral Est. and Funeral S	•
10.29.04 Fee Schedule	CA February 25, 2008
10.29.05 Continuing Education	CA February 8, 2010
10.29.06 Preneed Contract	CA August 27, 2007
10.29.09 Requirements for Apprenticeship	CA February 25, 2008
10.29.11 Complaint Procedures	CA July 4, 2016
10.29.13 Rehabilitation Committee	CA February 25, 2008
10.29.15 Family Security Trust Fund	IA April 5, 2010
10.29.16 Crematories—Definitions	IA April 14, 2014
10.29.17 Crematories—Permit, Licensing, and Fe	•
10.29.18 Crematories—Insp., Complaints, Inv., G	· · · · · · · · · · · · · · · · · · ·
10.29.19 Crematories—Cremation Procedures	IA April 14, 2014
10.29.20 Crematories—Code of Ethics	IA April 14, 2014
	·

10.29.21 Mortuary Transport Services	IA February 17, 2014
10.29.22 General Regulations	IA August 5, 2013

Subtitle 30 COMMISSION ON KIDNEY DISEASE

10.30.01 General Regulations	CA April 5, 2010 and March 16, 2015
10.30.02 Physical and Medical Standards	CA April 5, 2010
10.30.03 Transmissible Diseases	CA April 5, 2010
10.30.04 Dialyzer Reuse and Water Standards	CA April 5, 2010

<u>Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS</u>

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

CHAPTERS THAT HAVE BEEN TRANSFERRED, REPEALED, OR VACANT

Subtitle 27 BOARD OF NURSING

10.27.14 Nursing Staff Agencies -	Transferred to 10.07.03
10.27.17 Advanced Practice Nurses—HCACC User Fee Collection -	Repealed

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

10.28.01 Board Procedures - Repealed

<u>Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS</u>

10.39.06 Vacant

Chapter C	Codifica	tion:	COMAR 10.26.03	
Chapter N	Chapter Name: Code of Ethics			
Authority	uthority: Health Occupations Article, §§10-130—10-139, Annotated Code of Maryland			
Date Orig	inally A	Adopted	or Last Amended:	April 11, 2005
Purpose:			Ethics establishes et acupuncture in Mary	hical, educational and professional standards for licensees yland.
01.01.300	2.20E)			icle, $\S10\text{-}132(1)(i)$, Annotated Code of Maryland; COMAR essary for the public interest? \boxed{x} Yes $$ No
(2) Do (3) Ar	the reg	gulations gulation	s continue to be suppose sobsolete or otherw	ported by statutory authority and judicial opinion? Yes No vise appropriate for amendment or repeal? Yes No
B. Outre (1) Li	ach and	d Resea	rch. (State Governm	pplishing their intended purpose? XYes No nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) w the regulations and provide a summary of their participation in
		ryland A	-	the Maryland University of Integrated Health, and all active
	-		ected agencies that v in and input into th	were invited to review the regulations and provide a summary of e review process.
N	N/A			
(a) (b) (c) (d)	any no any no any no any no regula any ma	otice pub otice pub otice pos otion rev ailing by	lished in the Maryla lished in newspaper ted on the unit's we	rs of general circulation; bsite or on a Statewide website created for units to post notices of
N		d licens	-	the Maryland University of Integrated Health, and all active a email. Notice of the review was also posted on the Board's

(4)	Provide summaries of: (a) all comments received from stakeholders, affected unit (b) the adopting authority's responses to those comments.	s, or the public;	; and		
	There were no comments received from stakeholders or	the public.			
(5)	(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	d.			
	None				
(7)	Provide a summary of any relevant information gathered in federal government.	related to the reg	gulations of other states or the		
	None				
(8)	Provide a summary of any other relevant information gath	nered.			
	None				
star Ad Has	der COMAR 01.01.2003.20E(3), does the agency have any ndards being applied or enforced which should be promulg lministrative Procedure Act? Yes x No s the agency promulgated all regulations required by recent ovide explanations of the above responses, as needed:	ated as regulation	=		
	N/A				
	tions Needed. (State Government Article, §10-135(a)(2)(i.e., (check all that apply) X no action amendment	x) – (xi), Annot	rated Code of Maryland)		
	repeal repeal and adopt new regula	tions			
	reorganization	V. 0110			
Summa	ary:				
N/A	1				
	Person perfor	rming review:	Penny Heisler		
		Title:	Executive Director		

Chapter Codification:		tion:	COMAR 10.26.05		
Chapter Name: Com		Comp	pelling Purpose Disclosure		
Authority:	Health Occupations Article, §10-130—10-139, Annotated Code of Maryland				
Date Origi	inally A	Adopted	or Last Amended: October 1, 2001		
Purpose:		-	ing Purpose Disclosure Regulations establish proper procedures for the disclosure n in a certification, licensing, or investigative file.		
A. Reviev 01.01.300		e ria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the reg	gulation	s continue to be necessary for the public interest? Yes No		
(2) Do	the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No		
(3) Are	e the re	gulatior	ns obsolete or otherwise appropriate for amendment or repeal? Yes X No		
(4) Are	e the re	gulatior	as effective in accomplishing their intended purpose? Yes No		
B. Outre	ach and	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		ders invited to review the regulations and provide a summary of their participation in review process.		
		ryland <i>A</i>	Acupuncture Society, the Maryland University of Integrated Health, and all active sees.		
, ,	•		ected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.		
N	J/A				
(a) (b) (c) (d)	any no any no any no regula any ma	otice pub otice pub otice pos otion rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of riew; by the adopting authority; and aring held.		
		•	Acupuncture Society, the Maryland University of Integrated Health, and all active sees were notified via email. Notice of the review was also posted on the Board's		
(4) Pr	ovide s	ummari	es of:		

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

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

(5)	Describe any interunit conflict reviewed and the resolution or proposed re-	esolution of that conflict.
	None	
(6)	Provide a summary of any relevant scientific data gathered.	
	None	
	Provide a summary of any relevant information gathered related to the regfederal government.	gulations of other states or the
	None	
(8)	Provide a summary of any other relevant information gathered.	
	None	
star Adı Has	der COMAR 01.01.2003.20E(3), does the agency have any existing policy dards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes x No the agency promulgated all regulations required by recent legislation? wide explanations of the above responses, as needed:	
1	N/A	
	ions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot check all that apply) no action X amendment repeal repeal and adopt new regulations reorganization reorganization	ated Code of Maryland)
l l	Board voted to change the Compelling Public Disclosure regulation to ref	•
State	e Government Article, §10-617(h) should be changed to General Provision	1 Article, §4-333.
	Person performing review: Title:	Penny Heisler
	Title.	Executive Director

Chapter C	Codification: 10.27.02			
Chapter N	Name: Hearing Procedures			
Authority	Health Occupations Article,- § 8-205(a) (1), Annotated Code of Maryland			
Date Orig	ginally Adopted or Last Amended: Last Amended March 14, 2005			
Purpose:	Purpose: The regulations provide rules for formal evidentiary hearings of the Board for violations of the Nurse practice Act by licensed nurses, electrologists, nursing assistants, and medication technicians. The chapter conforms to the Maryland Rules of Civil Procedure and the Administrative Procedure Act to provide rules for conducting fair and orderly hearings before the Board. Included in this chapter are rules for discovery and notice to all parties.			
01.01.300				
	the regulations continue to be necessary for the public interest? X Yes No			
	o the regulations continue to be supported by statutory authority and judicial opinion? X Yes N			
	re the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No			
(4) Ar	re the regulations effective in accomplishing their intended purpose? X Yes No			
B. Outre	each and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland			
	ist any stakeholders invited to review the regulations and provide a summary of their participation in ad input into the review process.			
	Board counsel and staff were asked to review regulations. The current regulations do not include Direct-entry Midwives. They should be added to the chapter. Board counsel want to add some clarifying language and will hold convene a workgroup for that at the end of 2016.			
	ist any other affected agencies that were invited to review the regulations and provide a summary of eir participation in and input into the review process.			
1	None.			

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

(b) any notice published in newspapers of general circulation;

(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.
	Comment was not solicited at this time but will be in the future to consider any recommended changes from Board counsel.
(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.
	Not applicable.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	None.
(6)	Provide a summary of any relevant scientific data gathered.
	None.
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	The hearing procedures for this Board are similar to those in other states. All states use discovery and notice rules that closely resemble this Board's and all provide for a chance to be heard before some hearing body. What does differ is the venue for a hearing. Some states conduct open disciplinary hearings but most hold disciplinary hearings in closed Executive Session. This Board conducts it hearings in Executive Sessions because of the confidentiality required for discipline.
(8)	Provide a summary of any other relevant information gathered.
	The last survey done by the National Council of State Boards of Nursing had 58 respondent Boards. Thirteen Boards conduct their formal disciplinary hearings with a Hearing Examiner; 26 Boards use an Administrative Law Judge; 18 states use the full Board; 12 states use a panel of the Board; and 17 states use the Board Chairman or the chair's designee. All states have a process for the appeal of a final board disciplinary order.
sta	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ndards being applied or enforced which should be promulgated as regulations, in accordance with the liministrative Procedure Act? Yes X No
На	s the agency promulgated all regulations required by recent legislation? Yes X No
Pro	ovide explanations of the above responses, as needed:
	Direct-entry Midwives will be added to the Chapter in accordance with Health Occupations Article, §8-6C-20, Annotated Code of Maryland. Board counsel would also like to add clarifying details to the regulations for hearing and discovery.
	tions 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 will add the Direct-Entry Midwives to this chapter. If legislation is successful in 2017 new regulations will be added for one or more hearing committees. Proposals from Board counsel will be added then.

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

Chapter Codification:		tion:	10.27.06		
Chapter Name: Practice of Nurse of Nurse Anesthetist					
Authority:	Authority: Health Occupations Article, § 8-205, Annotated Code of Maryland				
Date Origi	nally A	Adopted	or Last Amended: June 18, 2007		
Purpose:		-	regulates the practice of certified registered nurse anesthetists (CRNA) who are actice registered nurses.		
A. Reviev 01.01.3002		eria. (S	rate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the reg	gulation	s continue to be necessary for the public inte		
			s continue to be supported by statutory authority and judicial opinion? X Yes No		
			ns obsolete or otherwise appropriate for amendment or repeal? X Yes No		
(4) Are	e the re	gulatio	ns effective in accomplishing their intended purpose? Yes No		
B. Outrea	ach an	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		ders invited to review the regulations and provide a summary of their participation in e review process.		
th ha w re re re re w de	eir lobine not ere publication gulation quirem gulation ith these legate,	byists, a seen the olished ons by A ons said nent to rons repe se comr , CRNA	neeting was held on September 15, 2015, that included CRNAs, Anesthesiologists, and Board staff. The CRNAs were supportive. The anesthesiologists purported to be proposed regulations in advance and offered no opinion. After the amendments the anesthesiologists and MedChi objected and a hold was placed on the aELR. The hold was lifted after about one month. Comments against the that the Board did not have authority to draft regulations, repealing the name a collaborating physician changed the relationship with collaborator, and the aled the authority of a collaborating physician or dentist. The Board disagreed nents. The amendments did not change the authority for a physician or dentist to as are still required to collaborate with a physician or dentist, and the Board does to promulgate regulations.		
	•		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
В	Soard o	f Physic	cians		

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

	 (a) any notice published in the Maryland Register; (b) any notice published in newspapers of general circulation; (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held.
	The stakeholder meeting was published on the Board's web site and e-mails were sent to professional organizations.
(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.
	See B. (1) above.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	None.
(6)	Provide a summary of any relevant scientific data gathered.
	None.
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	None.
(8)	Provide a summary of any other relevant information gathered.
	None.
star	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ndards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? Yes X No
Has	s the agency promulgated all regulations required by recent legislation? X Yes No
Pro	vide explanations of the above responses, as needed:
	N/A
	cions 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

C.

D.

reorganization

Summary:

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

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

Title: Director of Legislation

Chapter Codification:			10.27.08		
Chapter Name: Peti		Petitio	on for Declaratory Ruling		
Authority	uthority: State Government Article §T0-301 –10-305, Annotated Code of Maryland				
Date Orig	ginally A	dopted	or Last Amended: Last amended, April 16, 2001		
Purpose:	This chapter provides rules for filing a petition for a Declaratory Ruling by the Board of Nursing.				
A. Revie 01.01.300		e ria. (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	o the reg	gulations	s continue to be necessary for the public interest? X Yes No		
(2) Do	o the reg	gulations	s continue to be supported by statutory authority and judicial opinion? X Yes No		
(3) Aı	re the re	gulation	s obsolete or otherwise appropriate for amendment or repeal? Yes X No		
(4) A ₁	re the re	gulation	s effective in accomplishing their intended purpose? X Yes No		
B. Outre	each and	d Resea	rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		ders invited to review the regulations and provide a summary of their participation in review process.		
3	as regula years, lo	ation whoked at	ewed the chapter. Declaratory rulings are used less because they too often are used len they only applied to ne single situation. The Board has, in the past several former Declaratory Rulings and added them to regulation if the Declaratory was of nursing practice and was a common need.		
, ,	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
]	None.				
(a (b (c (d) any no) any no) any no regula) any ma	tice pub tice pub tice pos tion rev ailing by	ess used to solicit public comment, including: lished in the Maryland Register; lished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew; the adopting authority; and ring held.		
]	Public c	omment	was not solicited.		

		Title:	Director of Legislation
		Person performing review:	Shirley A. Devaris, RN,
Th	is chapter does not need amer	nding.	
Sumr	mary:	repeal and adopt new regulations reorganization	
	X	no action amendment repeal	
D. A	ctions Needed. (State Governocheck all that apply)	nment Article, §10-135(a)(2)(ix) – (xi), Annot	tated Code of Maryland)
]	N/A		
	as the agency promulgated all rovide explanations of the abo	regulations required by recent legislation?	X Yes No
st		E(3), does the agency have any existing policy reed which should be promulgated as regulation \overline{Y} and \overline{Y} \overline{X} \overline{X} No	=
(0	None.	other relevant information gamered.	
(S		other relevant information gathered.	
	None.		
(7	7) Provide a summary of any federal government.	relevant information gathered related to the re	gulations of other states or the
	None.		
(6	5) Provide a summary of any a	relevant scientific data gathered.	
	Not applicable.		
(5	5) Describe any interunit conf	lict reviewed and the resolution or proposed re	esolution of that conflict.
	Not applicable.		
(4		rom stakeholders, affected units, or the public responses to those comments.	; and

Chapter Codification:			10.27.09	
Chapter Name:		Standa	ards of Practice for Registered Nurses	
Authority: Health Occupations Article, §§ 8-205 and 8-316, Annotated Code of M			cupations Article, §§ 8-205 and 8-316, Annotated Code of Maryland	
Date Original	inally A	Adopted	or Last Amended: Last amended, adopted new Reg04 - March 17, 2014	
Purpose:	This chapter provides a broad overview of Registered Nursing Practice, defines frequently used terminology, establishes an outline for standards of care, and describes specialty practice in nursing.			
A. Reviev 01.01.300		e ria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do the	regula	tions co	ntinue to be necessary for the public interest? X Yes N 0	
(2) Do	the reg	gulations	s continue to be supported by statutory authority and judicial opinion? X Yes No	
			as obsolete or otherwise appropriate for amendment or repeal? $\begin{array}{ c c c c c c c c c c c c c c c c c c c$	
B. Outre (1) Li	ach an	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) ders invited to review the regulations and provide a summary of their participation in review process.	
		-	as amended in 2014 when Specialty Practice was added. Stakeholders from ulance companies, Providers, and Intensive Care nurses participated in developing	
	-		ected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.	
Т	he Ma	ryland F	Hospital Association and Nursing Educators attended sessions.	
(a) (b) (c) (d) (e)	any no any no regula any m any pu	otice publice publice position revailing by	y the adopting authority; and aring held.	
N	Aeeting	notices	were published on the web and sent via e-mail to participants.	

(4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority's responses to those comments.
MEISS wanted a specialty care nurse for every specialty care ambulance run.

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

(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	See (4) above.
(6)	Provide a summary of any relevant scientific data gathered.
	None
	Provide a summary of any relevant information gathered related to the regulations of other states or the ederal government.
	None
(8)	Provide a summary of any other relevant information gathered.
	None
star Adı	r COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ards being applied or enforced which should be promulgated as regulations, in accordance with the inistrative Procedure Act? Yes X No he agency promulgated all regulations required by recent legislation? X Yes X No
Pro	de explanations of the above responses, as needed:
1	'A
	ons Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) neck all that apply) X no action at this time amendment repeal repeal and adopt new regulations reorganization

Summary:

C.

D.

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

Person performing review: Sh

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

Chapter Codificati		tion:	10.27.12
Chapter Name:		Nurse	Psychotherapists in Independent Practice
Authority: Hea		alth Occ	cupations Article, § 8-205, Annotated Code of Maryland
Date Orig	inally A	dopted	or Last Amended: Revised June 26, 2000
Purpose:	The chapter regulates the practice of clinical nurse specialists who are certified Advanced Practice Registered Nurse Psychotherapists. They are not Nurse Practitioners.		
A. Revie 01.01.300		ria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do the	e regulat	tions co	ntinue to be necessary for the public interes Yes X No
(2) Do the	e regulat	tions co	ntinue to be supported by statutory authority and judicial opini Yes X No
(3) Are th	e regula	tions ol	osolete or otherwise appropriate for amendment or repeal? Yes X No
(4) Are th	e regula	itions ef	fective in accomplishing their intended purpose? Yes X No
B. Outre	ach and	d Resea	rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
(1) List a input into	•		invited to review the regulations and provide a summary of their participation in and cess.
Beginning i		ng in 20	11, the Board held a series of work groups with Clinical Nurse Specialists to tions for Clinical Nurse Specialists.
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
1	None.		
(a) (b) (c) (d)) any no) any no) any no regula) any ma	tice pub tice pub tice pos tion rev ailing by	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew; by the adopting authority; and aring held.
			d e-mails provided public notice of meetings. Professional associations were sked to participate.

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

D.

All stakeholders wanted to regulate to practice of Clinical Nurse Specialists (CNSs). They are a nationally recognized category of Advanced Practice Registered Nurses (APRN) that was also recognized by the Board of Nursing. Regulations should have been developed many years ago

	this remaining unregulated category of APRNs. This chapter regulates was determined during the work groups that this should be added to the regulation. The Board agrees.	a sub-category of CNSs. It
(5)	Describe any interunit conflict reviewed and the resolution or proposed re	esolution 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 refederal government.	gulations of other states or the
	None.	
(8)	Provide a summary of any other relevant information gathered.	
	None.	
Has Pro	ministrative Procedure Act? Yes X No the agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	X Yes No
	N/A	
	ions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot check all that apply) no action amendment repeal repeal and adopt new regulations X reorganization	tated Code of Maryland)
Summa		
This	chapter will be combined with Chapter 10.27.27, Practice of Clinical Nur	rse Specialist.
	Person performing review:	Shirley A. Devaris, RN, JD
	Title:	Director of Legislation

Chapter Codification:			10.27.13
Chapter Name: Rehab			pilitation Committee
Authority	: He	alth Oc	cupations Article, §§ 8-205 and 8-208, Annotated Code of Maryland
Date Orig	ginally A	Adopted	or Last Amended: Chapter Revised March 5, 2001
Purpose:		-	regulates the Rehabilitation Committee for licensees and certificate holders who due to substance abuse or mental illness.
01.01.300	02.20E)		rate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(2) Do the (3) Are the (4) Are the	e regula ne regula ne regula each an	tions contions on the distributions e	ontinue to be necessary for the public interest? Yes X No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority and judicial opinion? Yes No notinue to be supported by statutory authority aut
Ţ,	The Boa	ard rece	e review process. Intly had this on the open agenda for discussion in May, 2016 when a clean-up bill dislative session was discussed. Audience participation was encouraged.
(2) List any other affected agencies that were invited to review their participation in and input into the review process.			fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
	None.		
(a (b (c) any no) any no) any no regula) any m	otice pul otice pu otice pos ation rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of view; y the adopting authority; and aring held.
	Notice o	of the op	pen meeting and the agenda were published on the Board's web site.

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

After an open discussion the Board voted to amend the Nurse Practice Act to rename (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 X x Yes Has the agency promulgated all regulations required by recent legislation? 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 if legislation is passed repeal repeal and adopt new regulations reorganization Summary: If the legislation is successful the regulations will have to be amended to reflect the new committee name. Additionally, the Board wants to add a definition for substance abuse. Person performing review: Shirley A. Devaris, RN, JD Title: Director of Legislation

Board and public participants decided that the committee should be renamed the "Safe Practice Committee" because it does not do any rehabilitation. Its main purpose is to ensure safe practice. This is accomplished by monitoring the progress of participants in their respective rehabilitation

Chapter Codification:			10.27.15		
Chapter	r Name	Conni	Meetings – Attendance and Recording, Photographing, and Broadcasting of ons.		
Authority: Health Occupations Article, §§ 8-205 and 8-208, Annotated Code of Maryland			cupations Article, §§ 8-205 and 8-208, Annotated Code of Maryland		
Date O	riginall	ly Adopted	d or Last Amended: Adopted November 15, 1999		
Purpose	e: Th	e chapter i	regulates the public meetings of the Board.		
01.01.3	002.20	DE)	tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(2) Do (3) Are (4) Are	the reg	ulations co gulations of gulations e	ontinue to be necessary for the public interest? Yes X No ontinue to be supported by statutory authority and judicial opinion? Yes No obsolete or otherwise appropriate for amendment or repeal? Yes No offective in accomplishing their intended purpose?		
(1)	List an	ny stakehol	lders invited to review the regulations and provide a summary of their participation in e review process.		
	None	e. Board sta	aff reviewed and determined no amendment was necessary.		
	List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.				
	None	2.			
	(a) any (b) any (c) any reg (d) any (e) any	notice puly notice pur notice postulation rev mailing by public hear	ocess used to solicit public comment, including: ablished in the Maryland Register; ablished in newspapers of general circulation; asted on the unit's website or on a Statewide website created for units to post notices of view; by the adopting authority; and earing held.		
	None).			

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; (b) the adopting authority's responses to those comments.	and
	N/A	
(5)	Describe any interunit conflict reviewed and the resolution or proposed re-	esolution 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 reg federal government.	gulations of other states or the
	N/A.	
(8)	Provide a summary of any other relevant information gathered.	
	None.	
Ad Ha	ndards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes X No sthe agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	X Yes No
	N/A	
	check all that apply) X no action amendment repeal repeal and adopt new regulations reorganization ary:	ated Code of Maryland)
T	ne Chapter adequately meets the needs of the board and does not require ar	mending or revising.
		Shirley A. Devaris, RN, JD
	Person performing review: Title:	Director of Legislation

Chapter Codification:			10.27.16			
Chapter Name: Regi			tered Nurse – Worker's Compensation Medical Case Manager			
Authority	Authority: Health Occupations Article, §§ 8-201 and 8-205, Annotated Code of Maryland					
Date Ori	ginally A	Adopted	or Last Amended: Adopted November 15, 1999			
Purpose:	11115		regulates the practice and certification of registered nurses who provide medical ment for Worker's Compensation claimants.			
A. Revi 01.01.30		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) D	o the reg	gulation	s continue to be necessary for the public interest? X Yes No			
(2) D	o the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No			
			ns obsolete or otherwise appropriate for amendment or repeal? Yes No			
(4) A	re the re	gulatio	ns effective in accomplishing their intended purpose? X Yes No			
B. Outr	each an	d Resea	arch. (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 partial and input into the review process.						
	remains	the san	ew it was determined that this chapter did not need amending as the practice ne as it was in 1999 when this Chapter was adopted. Accordingly, no stakeholder n convened.			
	-		Pected agencies that were invited to review the regulations and provide a summary of in and input into the review process.			
	None.					
(i (i (i	a) any no b) any no c) any no regula d) any m e) any pu	otice pul otice pu otice pos ation rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of view; y the adopting authority; and aring held.			
	N/A					

(4) Provide summaries of:

	(b) the adopting authority's responses to those comments.			
	N/A			
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.			
	N/A			
(6)	Provide a summary of any relevant scientific data gathered.			
	N/A			
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.			
	N/A			
(8)	Provide a summary of any other relevant information gathered.			
	There are about 497 RN-WCCMs in Maryland who are certified by the Board after completing a Board approved required course. They have to take a refresher course if they have not practiced for 1,000 hours as a RN-WCCM in the year prior to renewal.			
sta Ac Ha	Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? Yes No Provide explanations of the above responses, as needed:			
]	J/A			
	tions 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			
Summ N/A				
19/2				
	Similey 11. Devails, Kin, 3D			
	Title: Director of Legislation			

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

Chapter Codification:		tion:	10.27.18				
Chapter	Name:	Mone	etary Penalties				
Authorit	y: Hea	alth Oc	cupations Article, § 8-316, Annotated Code of Maryland				
Date Ori	iginally A	Adopted	or Last Amended: April 10, 1995				
Purpose	: The o	The chapter provides monetary penalties for violations of the Nurse Practice Act.					
A. Revi 01.01.30		e ria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR				
(1) I	Oo the reg	gulation	s continue to be necessary for the public interest? X Yes No				
			s continue to be supported by statutory authority and judicial opinion? X Yes No				
			ns obsolete or otherwise appropriate for amendment or repeal? X Yes No				
(4) A	Are the re	gulation	ns effective in accomplishing their intended purpose? Yes No				
B. Outi	reach and	d Resea	arch. (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 pand input into the review process.							
	None.						
			Sected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.				
N/A							
(a) any no b) any no c) any no regula d) any m	otice pul otice pul otice pos otion rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of view; by the adopting authority; and aring held.				
(4)	N/A						
(4) J	(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.
С.	star Ad	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ndards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? Yes X No s the agency promulgated all regulations required by recent legislation? Yes X No
	Pro	ovide explanations of the above responses, as needed:
		Legislation was introduced in 2016 by the Maryland Nurse's Association (Chapter 199, Senate Bill 393) that increased the penalty from \$5,000 to \$20,000 for violations of Health Occupations Article, \$\$ 8-701—8-706, Annotated Code of Maryland. The chapter has to be amended to reflect the increase.
D.		tions 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
Sui	nma	ary:
		the chapter will be amended to reflect the increased penalty for violations of Health Occupations Article, 8-701—8-706, Annotated Code of Maryland.
		Person performing review: Shirley A. Devaris, RN, JD
		Title: Director of Legislation

Chapter Codification: 10.27.20			10.27.20		
Chapter Name: Management of Infusion Therapy by the Registered Nurse and the Licensed			agement of Infusion Therapy by the Registered Nurse and the Licensed Practical		
Authority	Authority: Health Occupations Article, §8-205, Annotated Code of Maryland				
Date Orig	ginally A	Adopted	l or Last Amended: Last amended, October 27, 2003		
Purpose:	Purpose: The chapter regulates infusion therapy by defining frequently used terminology, establishing education requirements for licensed nurses, and listing procedures that can and cannot be performed by RNs or LPNs.				
A. Revie 01.01.300			tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) De	o the reg	gulation	as continue to be necessary for the public interest? X Yes No		
(2) De	o the reg	gulation	as continue to be supported by statutory authority and judicial opinion? X Yes		
(3) A1	re the re	gulatio	ns obsolete or otherwise appropriate for amendment or repeal? X Yes X No		
(4) A1	re the re	gulatio	ns effective in accomplishing their intended purpose? X Yes No		
B. Outre	each an	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylan		
	•		lders invited to review the regulations and provide a summary of their participation in e review process.		
1	regulation discussi that LPI	ons that on at th Ns shou	Occupational Safety and Health, DHMH, petitioned the Board to reconsider existing allow LPNs to administer neoplastic agents via intravesicular catheter. After the Board's regularly scheduled meeting on April 27, 2016, the Board determined ald not be allowed to administer neoplastic agents in this manner. Notice of this d on the Board's web site.		
(2) List any other affected agencies that were invited to review the regulations and proven their participation in and input into the review process.					
	None.				
(a (b (c (d	any no any no any no any no regula any m	otice pul otice pu otice pos ation rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices o view; by the adopting authority; and aring held.		
	Publica	tion of	Board agenda on web site.		

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; (b) the adopting authority's responses to those comments.	and							
	The change has not been published yet. There might be comments after published.	the amended regulation is							
(5)	Describe any interunit conflict reviewed and the resolution or proposed re-	esolution of that conflict.							
	None.								
(6)	Provide a summary of any relevant scientific data gathered.								
	None.								
(7)	gulations of other states or the								
	None.								
(8)	Provide a summary of any other relevant information gathered.								
	None.								
На	ministrative Procedure Act? Yes X No s the agency promulgated all regulations required by recent legislation? Wide explanations of the above responses, as needed:	X Yes No							
	No legislation has been introduced that requires amending this chapter.								
	tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot check all that apply) no action X amendment repeal repeal and adopt new regulations reorganization ary:	ated Code of Maryland)							
	egulation .05 G of this chapter will be amended to indicate that LPNs cannets by an intravesicular catheter.	not administer neoplastic							
	Person performing review:								
		Shirley A. Devaris, RN, JD							

Chapter C	odificat	tion:	10.27.22	
Chapter N	ame:	Multi	state Licensure Compact Regulation	
Authority	Неа	alth Occ	cupations Article, § 8-205, Annotated Code of Maryland	
Date Originally Adopted or Last Amended: Adopted July 23, 2001 and amended in January2016				
Purpose:	The c	hapter	provides rules for administering the Nurse Licensure Compact.	
A. Revie v		ria. (St	rate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do the	regulat	ions co	ontinue to be necessary for the public interest? X Yes No	
(2) Do the	regulat	ions co	entinue to be supported by statutory authority and judicial opinion? X Yes No	
(3) Are the	e regula	tions o	bsolete or otherwise appropriate for amendment or repeal? Yes No	
			ffective in accomplishing their intended purpose? Yes X No	
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
	•		ders invited to review the regulations and provide a summary of their participation in ereview process.	
(NCSBN	J) have	s, Board Counsel, Staff and the National Council of State Board of Nursing reviewed the proposed enhanced licensure compact and agreed to introduce it in tive session.	
	•		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.	
			Health and Mental Hygiene was asked to review the legislation and has offered to epartmental bill.	
(a) (b) (c) (d) (e)	any no any no any no regula any ma	tice pultice pultice postion revailing b	y the adopting authority; and aring held.	
	Board n	neeting	s and agenda notices for the Board meetings.	

(+)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.
	None.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	None.
(6)	Provide a summary of any relevant scientific data gathered.
	None.
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	Maryland was the first state to adopt and implement the Nurse Multistate Licensure Compact (Chapter 186, Senate Bill 590, 1999 Legislative Session). Since then 25 states have become members of the compact and last year a new enhanced Nurse Licensure Compact was adopted by the National Council of State Boards of Nursing (NCSBN). This proposal amends the current statute to include some provisions that were omitted from the current compact and were of concern to states that had not joined the compact. Membership in the compact stagnated because states had concerns such as how discipline would be administered, loss of autonomy over discipline, background checks were not required, immunity for compact administrators, and loss of revenue. The enhanced compact has been able to address most of these concerns. Loss of revenue is still a concern for the District of Columbia and for that reason they may never be able to join the compact. Surrounding states of Virginia and Delaware are member states. Since the enhanced compact was introduced in 2015, 4 new states have adopted it that are not part of the present compact and 6 existing member states have also adopted the new enhanced compact.
(8)	Provide a summary of any other relevant information gathered.
	The Nurse Licensure Compact facilitates mobility for nurses, provides a data base that notifies the Board if a nurse from another home state has been charged with a violation of the NPA in that state, is a valuable tool for practicing telemedicine, is cost effective by decreasing redundancy in licensing nurses, and provides uniformity in nurse licensure laws.
sta	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or indards being applied or enforced which should be promulgated as regulations, in accordance with the liministrative Procedure Act? Yes X No
Ha	as the agency promulgated all regulations required by recent legislation? X Yes No

Provide explanations of the above responses, as needed:

The Board adopted a regulation in January, 2105 allowing a nurse from another compact state to practice in Maryland for 90 days or until the application for an endorsement license can be processed.

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

no action

X amendment if legislation passes in 2017 repeal repeal and adopt new regulations reorganization

Summary:

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

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

Title: Director of Legislation

Chapter Codification:		tion:	10.27.23			
Chapter Name:		Code	Code of Conduct for Board Members and Investigators			
Authority: Health		alth Oc	cupations Article, §8-205(a)(1), Annotated Code of Maryland			
Date Origi	nally A	Adopted	or Last Amended: Adopted December 25, 2000. No amendments since then.			
		ding rec	r provides rules of conduct for Board Members and Board Investigator by quirements for observing confidentiality and rules for recusal of a Board member estigator if there is a conflict of interest.			
A. Reviev 01.01.3002		e ria. (St	rate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) Do	the reg	gulation	s continue to be necessary for the public interest? X Yes No			
			s continue to be supported by statutory authority and judicial opinion? X Yes No			
			as obsolete or otherwise appropriate for amendment or repeal? \square Yes \square No			
			ns effective in accomplishing their intended purpose? X Yes No			
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)			
(1) Lis	st any s	stakehol	ders invited to review the regulations and provide a summary of their participation in ereview process.			
I	Board s	staff and	l Board Counsel.			
, ,	•		fected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.			
A	All age	ncies ha	ave a similar provision in their regulations.			
(a) (b) (c) (d)	any no any no any no regula any m	otice pul otice pu otice pos otion rev ailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of view; y the adopting authority; and aring held.			
1	None, a	is the re	gulations are based on the State Ethic Committee's rules that have not changed.			

	` ′	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.								
	(6)	None. Provide a summary of any relevant scientific data gathered.								
		None.								
		Provide a summary of any relevant information gathered related to the regulated government.	ulations of other states or the							
		None.								
	(8)	Provide a summary of any other relevant information gathered.								
		None.								
	• Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? X Yes No Provide explanations of the above responses, as needed:									
	I	N/A								
D.	(tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotation check all that apply) X no action amendment repeal repeal and adopt new regulations reorganization ary:	ted Code of Maryland)							
	T	There has not been any change in the State Ethic Rules. The regulations do not need amending								
L		Person performing review:	Shirley A. Devaris, RN, JD							
		Title:	Director of Legislation							

Chapter Codification:			10.27.24
Chapter Name: Compelling Disclosure			
Authority: State Government Article, §10-617(h)(3), Annotated Code of Maryland			
Date Or	iginally A	Adopted	or Last Amended: Adopted July 23, 2001. No amendments since then.
Purpose	11113	chapte ose to do	r provides rules for disclosure of Board records when there is a compelling public o so.
	iew Crite	eria. (S	rate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) I	Oo the reg	gulation	s continue to be necessary for the public interest? X Yes No
			s continue to be supported by statutory authority and judicial opinion Yes No
			ns obsolete or otherwise appropriate for amendment or repeal? X No
			ns effective in accomplishing their intended purpose? X Yes No
B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylan(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.			
	Board s	staff and	l Board Counsel.
	•		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
	All ager	ncies ha	ve a similar provision in their regulations.
((3) Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register; (b) any notice published in newspapers of general circulation; (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held. 		
	None, as the regulations are based on the State Ethic Committee's rules that have not changed.		
(4)	(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 re	esolution 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 reg federal government.	gulations of other states or the
	None.	
(8)	Provide a summary of any other relevant information gathered.	
	None.	
Ad: Has	ndards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes X No sthe agency promulgated all regulations required by recent legislation? Vide explanations of the above responses, as needed: $X = X$	X Yes No
	check all that apply) X no action amendment repeal repeal and adopt new regulations reorganization ary:	ated Code of Maryland)
- 1	he chapter is based on State Government Article, §10-617(H)(3), Annotate apter does not need amending.	ed Code of Maryland. This
		Shirley A. Devaris, RN, JD
	Person performing review: Title:	Director of Legislation

Chapter Codification:		tion:	10.28.03		
Chapter N	ame:	Exam	ination and Licensin	g of Optometrists	
Authority:	uthority: Health Occupations Article, §§11-205 and 11-302- 11-308, Annotated Code of Maryland				
Date Origi	inally A	Adopted	or Last Amended:	Regulation .08 amended effective October 19, 2009	
Purpose:		ements		ation and Licensing of Optometrists and sets forth fore optometrists can be licensed to practice in the state of	
A. Reviev 01.01.3002		eria. (St	ate Government Art	icle, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do	the reg	gulation	s continue to be nece	essary for the public interest? Yes No	
(2) Do	the reg	gulation	s continue to be supp	ported by statutory authority and judicial opinion? Yes No	
(3) Are	e the re	gulation	as obsolete or otherw	vise appropriate for amendment or repeal? X Yes No	
(4) Are	e the re	gulation	as effective in accom	aplishing their intended purpose? Yes No	
B. Outrea	ach and	d Resea	rch. (State Governm	nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
	•		ders invited to revier review process.	w the regulations and provide a summary of their participation in	
Т	he Mar	ryland C	Optometric Associati	on, licensees, and the public were notified.	
	•		ected agencies that value in and input into the	were invited to review the regulations and provide a summary of e review process.	
N	lone				
(a) (b) (c) (d)	any no any no any no regula any ma	otice pub otice pub otice pos otion rev ailing by	olished in the Maryla olished in newspaper sted on the unit's we	rs of general circulation; bsite or on a Statewide website created for units to post notices of	
4	3:10 M	[d.R. 61		ving Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also ent to licensees.	

(4) Provide summaries of:

Page **38** of **86**

		(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.						
		N/A						
(4	5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.						
		N/A						
(6	5)	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	3)	Provide a summary of any other relevant information gathered.						
		None						
Н	Ias	the agency promulgated all regulations required by recent legislation? X Yes No vide explanations of the above responses, as needed:						
	N	J/A						
D. A		ions 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						
	S	reorganization ummary:						
F F	Reg Reg Boa	der COMAR 10.28.03, the Board proposes to amend as follows: gulation .02 B (2) add the word" accredited" before university school of optometry; gulation .02 C (1) after ARBO delete the phrase "formerly known as the International Association of ard of Optometry, Inc. (IAB)." gulation .05 A delete the word shall and replace with "may"						
		Person performing review: Patricia G. Bennett						
		Title: Executive Director						

Chapter Codification:		tion:	10.28.04			
Chapter Name:		Rules	Rules of Procedure for Board Hearings			
Authority: Health Occupations Article, §§11-205, 302-11-308, Annotated Code of Maryland						
Date Originally Adopted or Last Amended: Reg .0109 repealed/ new.0112 adopted 9/3/01						
Purpose:	Purpose: This chapter governs the Rules of Procedure for Board Hearings when executing its responsibility regarding disciplinary hearings. It additionally sets forth regulations which describe not only specific disciplinary measures for the infraction, but also the regulations that describe the reinstatement of an optometrist's license.					
A. Revie 01.01.300		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
			s 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					
			rch. (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 parti and input into the review process.		ders invited to review the regulations and provide a summary of their participation in				
The Maryland Optometric Association, licensees, and the public were notified.			ptometric Association, licensees, and the public were notified.			
	(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.					
1	N/A					
(a) (b) (c) (d)) any no) any no) any no regula) any m	otice pub otice pub otice pos otion rev ailing by	sess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew; y the adopting authority; and ring held.			
4	43:10 M	Id.R. 61	blished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees			

		Person performing review: Title:	Patricia G. Bennett
	N/A		
S	Summary:		
		reorganization	
		repeal and adopt new regulations	
	11	amendment	
(0	check all that apply)	no action	
	•	ment Article, §10-135(a)(2)(ix) – (xi), Anno	tated Code of Maryland)
N	N/A		
Prov	vide explanations of the above	re responses, as needed:	
Has	s the agency promulgated all	regulations required by recent legislation?	x Yes No
stan		(3), does the agency have any existing policied which should be promulgated as regulated as a No	_
	None		
(8)	Provide a summary of any o	ther relevant information gathered.	
	N/A		
	Provide a summary of any refederal government.	elevant information gathered related to the re	egulations of other states or the
	N/A		
(6)		elevant scientific data gathered.	
	N/A	et leviewed and the resolution of proposed i	
(~)	Describe any interunit confli	ct reviewed and the resolution or proposed i	esolution of that conflict
(5)	N/A		

Chapter Name: Inactive Status and Reinstatement of Expired Licenses					
Chapter Name.	Inactive Status and Reinstatement of Expired Licenses				
Authority: Health Occupations Article, §§11-310, Annotated Code of Maryland					
Date Originally Adopted or Last Amended: Regulation .03B amended effective March 4, 2002					
This chapter governs the Inactive Status and Reinstatement of Expired Licenses and sets forth regulations which govern the terms by which each active licensure can become inactive; an inactive license can become active and the regulations governing the Reinstatement of Expired Licenses.					
A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)					
(1) Do the regulations continue to be necessary for the public interest? x Yes x No					
(2) Do the regulations continue to be supported by statutory authority and judicial opinion? \boxed{x} Yes					
(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? x Yes x No.					
(4) Are the regulations effective in accomplishing their intended purpose? x Yes x No					
B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryla	nd)				
(1) List any stakeholders invited to review the regulations and provide a summary of their participation i and input into the review process.	1				
The Maryland Optometric Association, licensees, and the public were notified					
(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.					
N/A					
 (3) Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register; (b) any notice published in newspapers of general circulation; (c) any notice posted on the unit's website or on a Statewide website created for units to post notices regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held. 	of				
Notices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also posted on the Board's website and sent to licensees.	£86				

` '	(a) all comments received from stakeholders, affected units, or the public; (b) the adopting authority's responses to those comments.	and						
,	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							
	Provide a summary of any relevant information gathered related to the reg federal government.	ulations of other states or the						
	N/A							
(8)	Provide a summary of any other relevant information gathered.							
	None							
Has	ninistrative Procedure Act? Yes x No the agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	x Yes No						
	N/A							
S	ions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotacheck all that apply) X no action amendment repeal repeal and adopt new regulations reorganization ummary:	nted Code of Maryland)						
N/A								
	Person performing review:	Patricia G. Bennett						
	Title:	Executive Director						

C1 C	7 - 1:6:	<u> </u>	10.28.06		
Chapter C Chapter N		Exami	ination of Patients b n Instruments and E	by Optometrists, Maintenance of Records and Keeping of Equipment	
Authority	: Hea	alth Occ	upations Article, §§	11-208, Annotated Code of Maryland	
Date Orig	ginally A	dopted	or Last Amended:	Reg .04 amended & .05 repealed/ new adopted 11/7/94	
Purpose:	and K follow	Leeping of whe	of Certain Instrumer on interacting with pa	ation of Patients by Optometrists, Maintenance of Records ntation and Equipment. It sets forth regulations that must be atients; recordkeeping regarding the interaction and the led in the care of each patient.	
A. Revie 01.01.300		e ria. (Sta	ate Government Art	icle, §10-132(1)(i), Annotated Code of Maryland; COMAR	
				essary for the public interest?	
				ported by statutory authority and judicial opinion? $\begin{bmatrix} x \end{bmatrix}$ Yes $\begin{bmatrix} & & \\ & & \\ & & \\ & & \end{bmatrix}$ No vise appropriate for amendment or repeal? $\begin{bmatrix} & & \\ & & \\ & & \\ & & \\ & & \end{bmatrix}$ No	
(4) Ar	re the re	gulation	s effective in accom	nplishing their intended purpose? Yes No	
B. Outre	ach and	d Resea	rch. (State Government)	nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
• •	•		ders invited to review review process.	w the regulations and provide a summary of their participation in	
7	The Maryland Optometric Association, licensees, and the public were notified.				
	•		ected agencies that value in and input into the	were invited to review the regulations and provide a summary of e review process.	
	None				
(a) (b) (c) (d)) any no) any no) any no regula) any ma	otice pub otice pub otice pos otion revi ailing by	olished in the Maryla olished in newspaper ted on the unit's we	rs of general circulation; bsite or on a Statewide website created for units to post notices of	
4	43:10 M	Id.R. 61		wing Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); nd 43:14 Md.R. 850 (July 8, 2016). The information was also ent to licensees.	

	(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.					
		N/A					
	(5)	Describe any interunit conflict reviewed and the resolution or proposed res	solution 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 reg federal government.	ulations of other states or the				
		N/A					
	(8)	Provide a summary of any other relevant information gathered.					
	None						
	star Adı Has	der COMAR 01.01.2003.20E(3), does the agency have any existing policy and ards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes x No s the agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	_				
	1	N/A					
D.	(cions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotate check all that apply) no action X amendment repeal repeal and adopt new regulations reorganization	ted Code of Maryland)				
	Regicom	er COMAR 10.28.06, the Board will propose the following amendment: ulation .02 delete the language "record in writing or by other legal means in puter printout" and replace with "create a written, oral or electronic recordulation .02 D delete "vocation, avocation, or" and capitalize other "Other".					
		Person performing review:	Patricia G. Bennett				
		Title: Executive Director					

Purpose: The food of the Purpose: The food of	Health Occupations Article, §§11-205,11-207, and 11-302—11-308, Annotated Company Adopted or Last Amended: Regulation .02I, J repealed effective October 19, This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice Optometrists by the State. Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; October 20E) the regulations continue to be necessary for the public interest? X Yes Nother regulations obsolete or otherwise appropriate for amendment or repeal? X Yes This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of the governance of the government of Fees which are for the government of Fees which are for the government of Fees which are for the government of Fees and Change of Fees and	2009, re set forth ice as COMAR o x Yes No
Authority: Date Original Purpose: The food A. Review Coll. 1.3002.20 (1) Do the (2) Do the (3) Are the (4) Are the	Health Occupations Article, §§11-205,11-207, and 11-302—11-308, Annotated Company Adopted or Last Amended: Regulation .02I, J repealed effective October 19, This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice Optometrists by the State. Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; October 20E) the regulations continue to be necessary for the public interest? X Yes Nother regulations obsolete or otherwise appropriate for amendment or repeal? X Yes This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of the governance of the government of Fees which are for the government of Fees which are for the government of Fees which are for the government of Fees and Change of Fees and	2009, re set forth ice as COMAR ro x Yes No
Date Original Purpose: Ti fo O A. Review C 01.01.3002.20 (1) Do the (2) Do the (3) Are th (4) Are th	This chapter governs the Fee Schedules, Types of Fees and Change of Fees which ar for the governance of all persons who endeavor to practice, and are licensed to practice. Optometrists by the State. **Criteria.* (State Government Article, §10-132(1)(i), Annotated Code of Maryland; C.20E) **This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the governance of all persons who endeavor to practice, and are licensed to practice. **Criteria.* (State Government Article, §10-132(1)(i), Annotated Code of Maryland; C.20E) **This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the government are licensed to practice. **This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the government are licensed to practice. **This chapter governs the Fee Schedules, Types of Fees and Change of Fees which are for the government are licensed to practice. **This chapter governs the Fees Schedules, Types of Fees and Change of Fees which are for the government are licensed to practice, and are licensed to practice. **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter governs the government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter government Article, §10-132(1)(i), Annotated Code of Maryland; O.20E) **This chapter government Article, §10-132(1)(i), Annotated Cod	re set forth ice as COMAR TO X Yes No
for O A. Review C 01.01.3002.20 (1) Do the (2) Do the (3) Are th (4) Are th	for the governance of all persons who endeavor to practice, and are licensed to practice. Optometrists by the State. Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; C.20E) the regulations continue to be necessary for the public interest? X Yes Nother regulations continue to be supported by statutory authority and judicial opinion? The regulations obsolete or otherwise appropriate for amendment or repeal? X Yes The regulations effective in accomplishing their intended purpose? X Yes	COMAR To X Yes No
(1) Do the (2) Do the (3) Are th (4) Are th	the regulations continue to be necessary for the public interest? X Yes N the regulations continue to be supported by statutory authority and judicial opinion? the regulations obsolete or otherwise appropriate for amendment or repeal? X Yes Yes Yes Yes Yes The regulations obsolete or otherwise appropriate for amendment or repeal? Yes The regulations effective in accomplishing their intended purpose? X Yes Yes Yes Yes The regulations obsolete or otherwise appropriate for amendment or repeal? Yes The regulations effective in accomplishing their intended purpose? Yes Yes Yes Yes Yes The regulations obsolete or otherwise appropriate for amendment or repeal? Yes The regulations obsolete or otherwise appropriate for amendment or repeal? Yes	Yes No
(2) Do the (3) Are th (4) Are th	the regulations continue to be supported by statutory authority and judicial opinion? the regulations obsolete or otherwise appropriate for amendment or repeal? X Yes the regulations effective in accomplishing their intended purpose?	Yes No
(3) Are th	the regulations obsolete or otherwise appropriate for amendment or repeal? X Yes the regulations effective in accomplishing their intended purpose? X Yes	es \square_{No}
(4) Are th	the regulations effective in accomplishing their intended purpose? X Yes	
		110
D. Outreach	ch and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Co	de of Maryland)
	t any stakeholders invited to review the regulations and provide a summary of their p input into the review process.	articipation in
The	ne Maryland Optometric Association, licensees, and the public were notified about th	e process.
	t any other affected agencies that were invited to review the regulations and provide a r participation in and input into the review process.	a summary of
Non	one	
(a) and (b) and (c) and region (d) and (e) and Notice	scribe the process used to solicit public comment, including: any notice published in the Maryland Register; any notice published in newspapers of general circulation; any notice posted on the unit's website or on a Statewide website created for units to regulation review; any mailing by the adopting authority; and any public hearing held. otices were published in the following Maryland Registers: 43:5 Md.R. 393 (March 43:10 Md.R. 611 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information	4, 2016);

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; a (b) the adopting authority's responses to those comments.	and				
	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 regulated government.	ulations of other states or the				
	N/A					
(8)	Provide a summary of any other relevant information gathered.					
	None					
sta	nder COMAR 01.01.2003.20E(3), does the agency have any existing policy sundards being applied or enforced which should be promulgated as regulation liministrative Procedure Act? Yes x No					
star Ad Ha	and and a policy or enforced which should be promulgated as regulation liministrative Procedure Act? $X = X = X$ No					
Star Ad Ha	Indards being applied or enforced which should be promulgated as regulation diministrative Procedure Act? Yes X No as the agency promulgated all regulations required by recent legislation? Evolvide explanations of the above responses, as needed:	ns, in accordance with the				
Star Ad Har	Indards being applied or enforced which should be promulgated as regulation dministrative Procedure Act? Yes X No as the agency promulgated all regulations required by recent legislation? Evidence explanations of the above responses, as needed: N/A Positions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annota (check all that apply) no action X amendment repeal repeal and adopt new regulations	x Yes No				
Star Ad Har Pro Ac	Indards being applied or enforced which should be promulgated as regulation dministrative Procedure Act? Yes X No It is the agency promulgated all regulations required by recent legislation? It is the agency promulgated all regulations required by recent legislation? It is is the agency promulgated all regulations required by recent legislation? It is is the agency promulgated all regulations required by recent legislation? It is is the agency promulgated as regulation and the index of the agency promulgated as regulation and the index of the agency promulgated as regulation and the index of the agency promulgated as regulation and the index of the agency promulgated as regulation and the agency promulgated as regulation and the index of the agency promulgated as regulation and the agency promulgated as regulation and the agency promulgated all regulations required by recent legislation? N/A It is a set of the agency promulgated all regulations required by recent legislation? It is a set of the agency promulgated all regulations required by recent legislation? It is a set of the agency promulgated all regulations required by recent legislation? It is a set of the agency promulgated all regulations required by recent legislation? It is a set of the agency promulgated all regulations required by recent legislation? It is a set of the agency promulgated all regulations required by recent legislation?	x Yes No				
star Ad Har	Indards being applied or enforced which should be promulgated as regulation diministrative Procedure Act? Yes X No as the agency promulgated all regulations required by recent legislation? Evidence explanations of the above responses, as needed: N/A Petions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotation (check all that apply) no action X amendment repeal repeal and adopt new regulations reorganization	x Yes No ted Code of Maryland)				
star Ad Har	Indiards being applied or enforced which should be promulgated as regulation diministrative Procedure Act? Yes X No Is the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations reaction? In the agency promulgated all regulations required by recent legislation? In the agency promulgated as regulation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agency promulgated all regulations required by recent legislation? In the agenc	x Yes No ted Code of Maryland)				

Chapter Codification: 10.28.08						
Chapter Name: Part		Partia	ial Waiver of Examination			
Authority	Health Occupations Article 8811-205 and 11-302—11-308 Annotated Code of MD					
Date Originally Adopted or Last Amended: Regulation .02 B amended effective October 19, 2009,						
Purpose:	This chapter governs the Partial Waiver of Examination for Optometrists who wish to practice in Maryland and are also/have been licensed in another state. The chapter sets forth the regulations governing the process.					
A. Revio 01.01.30		ria. (Sta	ate Government Article,	§10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do th	e regulat	tions co	ntinue to be necessary for	or the public interest? Yes No		
(2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes			ed by statutory authority and judicial opinion? Yes No			
(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? \[\text{x} \] Yes \[\text{No} \]						
(4) A B. Outr	re the reg	gulation d Resea	s effective in accomplis rch. (State Government	hing their intended purpose? Yes No Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	-		ders invited to review th review process.	e regulations and provide a summary of their participation in		
	The Mar	yland C	ptometric Association,	licensees, and the public were notified.		
	•		ected agencies that were in and input into the re-	invited to review the regulations and provide a summary of view process.		
	None					
(a (b (c	a) any no b) any no c) any no regula l) any ma	tice pub tice pub tice pos tion rev ailing by		Register; general circulation; e or on a Statewide website created for units to post notices of		
	43:10 M	d.R. 61	_	Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 3:14 Md.R. 850 (July 8, 2016). The information was also to licensees.		

	(a) all comments received from stakeholders, affected units, or the public;(b) the adopting authority's responses to those comments.	and						
	N/A Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.							
(5)								
	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 regretederal government.	ulations of other states or the						
	N/A							
(8)	Provide a summary of any other relevant information gathered.							
	None							
Has	ministrative Procedure Act? Yes x No s the agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	Yes X No						
	N/A							
	tions Needed. (State Government Article, $\$10-135(a)(2)(ix) - (xi)$, Annota (check all that apply)	ted Code of Maryland)						
	no action X amendment repeal repeal and adopt new regulations reorganization							
Summa	<u> </u>							
	ler COMAR 10.28.08, the Board will propose to change the title to more acceprovisions of the chapter.	curately reflect the purpose						
	Person performing review:	Patricia G. Bennett						
	Title:	Executive Director						

Chapter Codification:		cation:	10.28.09
Chapter Name:		Adve	rtising
Authori	F		cupations Article, §§11-313, Annotated Code of Maryland
	·	Adopted	or Last Amended: Regulation .04A amended effective March 4, 2002,
Purpose	This chapter governs Advertising by the Optometrists and sets forth the regulations governing the descriptions of services which reaches the public and are provided by the Optometrist.		
01.01.3	002.20H	Ξ)	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1)	Do the 1	egulation	s continue to be necessary for the public interest? Yes No
(2)	Do the r	regulation	s continue to be supported by statutory authority and judicial opinion? Yes No
(3)	Are the	regulation	as obsolete or otherwise appropriate for amendment or repeal? x Yes x No
			ns effective in accomplishing their intended purpose? Yes No
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
(1)	List any	y stakehol	ders invited to review the regulations and provide a summary of their participation in review process.
	The M	Iaryland C	Optometric Association, licensees, and the public were notified.
		•	Pected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
	None		
	(a) any (b) any (c) any regu (d) any (e) any	notice pub notice pub notice pos ulation rev mailing by public hea	y the adopting authority; and aring held.
	43:10	Md.R. 61	ablished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also oard's website and sent to licensees.

(4) Provide summaries of:

Page **50** of **86**

		(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.	star Adı	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ndards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? Yes X No
		s the agency promulgated all regulations required by recent legislation? Yes No vide explanations of the above responses, as needed:
_		N/A
υ.		lions Needed. (State Government Article, $\S10-135(a)(2)(ix) - (xi)$, Annotated Code of Maryland) check all that apply)
	`	no action
		X amendment
		repeal repeal and adopt new regulations
		reorganization
Su	mma	
		er COMAR 10.28.09, the Board will propose the following: ulation .02 B (1) adding the language "including but not limited to written, oral or electronic methods.
		Person performing review: Patricia G. Bennett
		Title: Executive Director

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

Chapter Codification:		tion:	10.28.10
Chapter Name:		Opton	netrist Accountability
Authorit	y: Hea	alth Occ	supations Article, §§11-205(a) and 11-311, Annotated Code of Maryland
Date Ori	ginally A	dopted	or Last Amended: Effective date September 7,1987
Purpose:	11115	ed cons	governs Optometrist's Accountability and sets forth the regulations governing the picuous notification of identification by each Optometrist licensed in the state of
A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Ma 01.01.3002.20E)		ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) D	o the reg	gulation	s continue to be necessary for the public interest? Yes No
(2) D	o the reg	gulations	s continue to be supported by statutory authority and judicial opinion? Yes No
			as obsolete or otherwise appropriate for amendment or repeal? $\begin{array}{ c c c c c c c c c c c c c c c c c c c$
(1) I	List any s	takehol	rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) ders invited to review the regulations and provide a summary of their participation in review process.
	The Mar	yland C	Optometric Association, licensees, and the public were notified.
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
	None		
(; (I (i	a) any no b) any no c) any no regula d) any ma	tice pub tice pub tice pos tion rev ailing by	ress used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew; by the adopting authority; and aring held.
	43:10 M	d.R. 61	blished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.

		(a) all comments received from stakeholders, affected(b) the adopting authority's responses to those comments	, ,	and					
		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 gat	hered.						
		N/A							
	(7)	Provide a summary of any relevant information gathe federal government.	red related to the reg	gulations of other states or the					
		N/A							
	(8)	Provide a summary of any other relevant information	gathered.						
		N/A							
	Adı Has	ndards being applied or enforced which should be proministrative Procedure Act? Yes x No s the agency promulgated all regulations required by recovide explanations of the above responses, as needed:		Yes X No					
	1	N/A							
D.	(tions Needed. (State Government Article, §10-135(a) (check all that apply) no action X amendment repeal repeal and adopt new re reorganization Summary:		ated Code of Maryland)					
		ler COMAR 10.28.10, the Board will propose the followlation .02 B delete the word "written".	owing:						
		D		Patricia G. Bennett					
		Person p Title:	erforming review:	Executive Director					

Chapter Codification:		tion:	10.28.11			
Chapter Name: Use		Use of	of Diagnostic Pharmaceutical Agents			
Authority: Health Occupations Article, §§11-101 and 11-404, Annotated Coe of Maryland			upations Article, §§11-101 and 11-404, Annotated Coe of Maryland			
Date Originally Adopted or Last Amended: Regulation .04 amended effective November 20, 1994			or Last Amended: Regulation .04 amended effective November 20, 1994			
Purpose	This chapter governs the Use of Diagnostic Pharmaceutical Agents and sets forth the regulations governing the certification and recertification of Optometrists to administer diagnostic pharmaceutical agents. It also sets forth the types of pharmaceutical agents that the Optometrist is licensed to use while practicing in the state of Maryland.					
	iew Crite	eria. (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) I	Oo the reg		s continue to be necessary for the public interest? X Yes No			
(3) A	Are the re	gulation	s continue to be supported by statutory authority and judicial opinion? Yes No sobsolete or otherwise appropriate for amendment or repeal? Yes No so effective in accomplishing their intended purpose? Yes No			
			rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)			
(1) List any stakeholders invit and input into the review p			ders invited to review the regulations and provide a summary of their participation in review process.			
	The Mar	ryland C	ptometric Association, licensees, and the public were notified.			
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.			
None						
((a) any no (b) any no (c) any no regula (d) any m	otice pub otice pub otice pos otion rev ailing by	ess used to solicit public comment, including: lished in the Maryland Register; lished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew; the adopting authority; and ring held.			
	43:10 M	Id.R. 61	blished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); I (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.			

(4) Provide summaries of:(a) all comments received from stakeholders, affected units, or the public;(b) the adopting authority's responses to those comments.	and
N/A	
(5) Describe any interunit conflict reviewed and the resolution or proposed re	solution of that conflict.
N/A	
(6) Provide a summary of any relevant scientific data gathered.	
N/A	
Provide a summary of any relevant information gathered related to the reg federal government.	gulations of other states or the
N/A	
(8) Provide a summary of any other relevant information gathered.	
N/A	
standards being applied or enforced which should be promulgated as regulation Administrative Procedure Act? Yes No Has the agency promulgated all regulations required by recent legislation? Provide explanations of the above responses, as needed: N/A	X Yes No
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annota (check all that apply) no action X amendment repeal repeal and adopt new regulations reorganization Summary:	ated Code of Maryland)
Under COMAR 10.28.11, the Board will propose the following:	
Regulation .01 B (1) delete as credit hour is defined in 10.28.02 B (2) - Continu Regulation .02 A (1) and (2) add the language "but not limited to"; Regulation .02 B add the language "unless clinically indicated"; Regulation .04 A, B and .05 delete the word diagnostic and replace it with "top	
Person performing review: Title	Patricia G. Bennett

Chapter Codification: Chapter Name: Civil		tion:	10.28.13		
		Civil	l Penalties		
Authority	: He	alth Occ	cupations Article, §§11-205, 11-313-, 11-314 and 11-315, Annotated Code of MD		
Date Orig	inally A	Adopted	or Last Amended: .01, .02B, .05 A, C amended /.06 adopted August 17, 2015		
Purpose:	This chapter governs the Board's ability/authority to inflict monetary penalties upon Optometrists licensed in the state of Maryland. It also sets forth the regulations governing violations which are subject to the fine, the threshold for the amount of the fine and the Factors to be considered in the assessment of the penalty.				
A. Revie 01.01.300		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the reg	gulation	s continue to be necessary for the public interest?		
			s continue to be supported by statutory authority and judicial opinion? Yes No		
			as obsolete or otherwise appropriate for amendment or repeal? $\begin{array}{ c c c c c c c c c c c c c c c c c c c$		
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
(1) Li	List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.				
ī	The Ma	ryland C	Optometric Association, licensees, and the public were notified.		
	-		rected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
ı	Vone				
(a) (b) (c) (d)	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.				
4	13:10 M	Id.R. 61	ablished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.		

(4)	rovide summaries of:) all comments received from stakeholders, affected units, or the public; and) the adopting authority's responses to those comments.
(-)	N/A
(5)	rescribe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
(6)	N/A
(6)	rovide a summary of any relevant scientific data gathered.
	N/A
(7)	rovide a summary of any relevant information gathered related to the regulations of other states or the deral government.
	N/A
(8)	rovide a summary of any other relevant information gathered.
	N/A
	ne agency promulgated all regulations required by recent legislation? X Yes No de explanations of the above responses, as needed:
]	A
(ns Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) eck all that apply) X no action amendment repeal repeal and adopt new regulations reorganization mmary:
	innary.
N/A	
	Person performing review:
	Title:
	Tiuc.

Chapter Codification:		tion:	10.28.14
Chapter Name: Cod		Code	of Conduct
Authority	y: Hea	alth Occ	cupations Article, §§1-212 and 11-205, Annotated Code of Mayland
Date Orig	ginally A	dopted	or Last Amended: Chapter revised effective July 31,2006
Purpose:			governs the Code of Conduct of each optometrist licensed by the State of I sets forth regulations which are definitive of the types of conduct that are not
A. Revi 01.01.30		e ria. (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) D	o the reg	gulations	s continue to be necessary for the public interest? X Yes No
			s continue to be supported by statutory authority and judicial opinion? $\begin{bmatrix} x \end{bmatrix}$ Yes $\begin{bmatrix} x \end{bmatrix}$ No as obsolete or otherwise appropriate for amendment or repeal? $\begin{bmatrix} x \end{bmatrix}$ Yes $\begin{bmatrix} x \end{bmatrix}$ 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. Outr (1) L	each and ist any s	d Resea takehol	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland ders invited to review the regulations and provide a summary of their participation in review process.
	The Mar	yland C	Optometric Association, licensees, and the public were notified
			ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
	N/A		
(a (b (c	a) any no b) any no c) any no regula d) any ma	tice pub tice pub tice pos tion rev ailing by	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of iew; y the adopting authority; and uring held.
	43:10 M	d.R. 61	ablished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.

	* *	From stakeholders, affected units, or the public; responses to those comments.	and
	N/A		
(5)	Describe any interunit con	flict reviewed and the resolution or proposed re	esolution of that conflict.
	N/A		
(6)	Provide a summary of any	relevant scientific data gathered.	
	N/A		
(7)	Provide a summary of any federal government.	relevant information gathered related to the res	gulations of other states or the
	N/A		
(8)	Provide a summary of any	other relevant information gathered.	
	None		
На	Iministrative Procedure Act? as the agency promulgated allowide explanations of the above	l regulations required by recent legislation?	X Yes No
	N/A		
	tions Needed. (State Gover (check all that apply) X Summary:	no action amendment repeal repeal and adopt new regulations reorganization	ated Code of Maryland)
N/A	Δ		
Person performing review: Patricia C		Patricia G. Bennett	
		Title:	Executive Director
			L

Chapter Codification:		tion:	10.28.15
Chapter Name: Com		Comp	elling Purpose Disclosure
Authority	: He	alth Occ	eupations Article, §§11-205; State Government Article §10-617-(h)(3)
Date Orig	inally A	Adopted	or Last Amended: Effective January 7, 2002
Purpose:	This chapter governs Compelling Purpose Disclosure which sets forth the circumstances by which the Board can disclose the results of an investigation or general licensing information to other agencies or entities.		
A. Revie 01.01.300		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the reg	gulation	s continue to be necessary for the public interest?
(3) Ar (4) Ar B. Outre (1) Li an	e the re e the re ach and st any s d input	gulatior gulatior d Resea takehol into the	s continue to be supported by statutory authority and judicial opinion? X Yes No as obsolete or otherwise appropriate for amendment or repeal? X Yes No seeffective in accomplishing their intended purpose? X Yes No No erch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) ders invited to review the regulations and provide a summary of their participation in review process.
]	The Mai	ryland C	Optometric Association, licensees, and the public were notified
	-		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
N	N/A		
(a) (b) (c) (d) (e)	any no any no any no regula any ma any pu	otice publice publice position revailing by	y the adopting authority; and uring held.
4	13:10 M	ld.R. 61	blished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.

	repeal repeal and adopt new regulations reorganization Summary: I/A	Patricia G. Bennett							
S	repeal and adopt new regulations reorganization								
	repeal								
(check all that apply) X no action amendment								
	tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot	ated Code of Maryland)							
I	N/A								
Pro	ovide explanations of the above responses, as needed:								
Adı	ndards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes x No sthe agency promulgated all regulations required by recent legislation?	x Yes No							
	der COMAR 01.01.2003.20E(3), does the agency have any existing policy								
(0)	None								
(8)	Provide a summary of any other relevant information gathered.								
	N/A								
(7)	Provide a summary of any relevant information gathered related to the refederal government.	gulations of other states or the							
	N/A								
(6)	Provide a summary of any relevant scientific data gathered.								
	N/A								
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.								
	N/A								

Chapter Codification: Chapter Name:		tion:	10.28.16	
		Sellin	ing and Dispensing of Contact Lenses	
Authority: Health Occ. §§11-101, 11-205 and 11-404.4, Health Gen. §24-301.1, Ann. Code of MI			s. §§11-101, 11-205 and 11-404.4, Health Gen. §24-301.1, Ann. Code of MD	
Date Orig	inally A	dopted	or Last Amended: Effective January 16, 2006	
Purpose: This chapter governs the Selling and Dispensing of Contact Lenses and determines the definition of the device and sets forth regulation(s) which covers this action in the Health Occupations Article, §11-404.4.				
A. Revie 01.01.300		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do	the reg	gulations	s continue to be necessary for the public inter X Yes No	
			s continue to be supported by statutory authority and judicial opinion? x Yes x No as obsolete or otherwise appropriate for amendment or repeal? x Yes x No	
B. Outre	ach and	d Resea	rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
	•		ders invited to review the regulations and provide a summary of their participation in review process.	
Т	The Mar	yland C	Optometric Association, licensees, and the public were notified.	
	•		fected agencies that were invited to review the regulations and provide a summary of and input into the review process.	
N	N/A			
(a) (b) (c) (d)	any no any no any no any no regula any ma	tice pub tice pub tice pos tion rev ailing by	ress used to solicit public comment, including: solished in the Maryland Register; solished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of iew; sy the adopting authority; and aring held.	
4	3:10 M	d.R. 61	blished in the following Maryland Registers: 43:5 Md.R. 393 (March 4, 2016); 1 (May 13, 2016); and 43:14 Md.R. 850 (July 8, 2016). The information was also pard's website and sent to licensees.	

Pro 1 D. Act	check all that apply) X Summary:	ment Article, §10-135(a)(2)(ix) – (xi), Annot no action amendment repeal repeal and adopt new regulations reorganization	ated Code of Maryland) Patricia G. Bennett						
Pro 1 D. Act	N/A tions Needed. (State Government of the Check all that apply) X Summary:	ment Article, §10-135(a)(2)(ix) – (xi), Annot no action amendment repeal repeal and adopt new regulations	ated Code of Maryland)						
Pro 1 D. Act	N/A tions Needed. (State Government of the Control	ment Article, §10-135(a)(2)(ix) – (xi), Annot no action amendment repeal repeal and adopt new regulations	ated Code of Maryland)						
Pro	N/A tions Needed. (State Government check all that apply)	ment Article, §10-135(a)(2)(ix) – (xi), Annot	ated Code of Maryland)						
Pro	<u> </u>	re responses, as needed:							
	ovide explanations of the abov	re responses, as needed:							
star Adı	ndards being applied or enforce ministrative Procedure Act?	(3), does the agency have any existing policy ced which should be promulgated as regulation. Yes X No regulations required by recent legislation?	_						
	None								
(8)	Provide a summary of any ot	ther relevant information gathered.							
(7)	Provide a summary of any refederal government. N/A	elevant information gathered related to the reg	gulations of other states or the						
	N/A								
(6)		elevant scientific data gathered.							
` ′	N/A								
		ct reviewed and the resolution or proposed re	esolution of that conflict.						
(5)	1 1 1/ A								
(5)	N/A								

Chapter Codification:		ion:	10.29.01		
Chapter Name: Hear		Hearii	ng Procedures		
Authority:	Hea	ılth Occ	supations Article, §§7–205(a)(1) and 7–318, Annotated Code of Maryland		
Date Origin	Date Originally Adopted or Last Amended: February, 2008				
Purpose:	rpose: The chapter applies to all formal hearings before the Board.				
01.01.3002	2.20E)		ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR ntinue to be necessary for the public interest?		
(2) Do the	regulat	ions co	ntinue to be supported by statutory authority and judicial opinion? XYes No		
(3) Are the	regula	tions ol	osolete or otherwise appropriate for amendment or repeal? Yes X No		
(4) Are the	regula	tions ef	fective in accomplishing their intended purpose? X Yes No		
B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland					
	•		ders invited to review the regulations and provide a summary of their participation in review process.		
			e stakeholders from all professional associations if they vote to propose any submittal.		
` /	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
Office of the Attorney General.					
(a) (b) (c) (d) (e)	any not any no any not regulat any ma any pul	tice pub tice pub tice pos tion rev hiling by blic hea	y the adopting authority; and ring held.		
	o chang ceived		posed at this time. Review was announced in public session. No comments were		

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.								
	None received.								
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.								
	No such conflict.								
(6)	Provide a summary of any relevant scientific data gathered.								
	None.								
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.								
	Other state regs were considered in review, not state-by-state.								
(8)	Provide a summary of any other relevant information gathered.								
	Board input.								
sta Ac	nder COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or undards being applied or enforced which should be promulgated as regulations, in accordance with the dministrative Procedure Act? Yes X No as the agency promulgated all regulations required by recent legislation? X Yes X No								
Pre	ovide explanations of the above responses, as needed:								
	No statute change or regulations required.								
	ctions 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								
Summ									
N/A									
Persor	performing review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty								
Title:	2 licensee Board members, 2 consumer Board members, and Executive Director								

			10.29.07
Chapter	Codific	ation:	
Chapter	Name:	Survi	ving Spouse
Authori	ty: H	ealth Occ	cupations Article, §7–308, Annotated Code of Maryland
Date Or	riginally	Adopted	or Last Amended: February, 2008
Purpose	The	chapter e	establishes standards for the issuance of a surviving spouse license by the Board.
	iew Cri 002.20E	•	tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do t	the regul	ations co	ontinue to be necessary for the public interest? X Yes No
(2) Do t	the regul	ations co	ontinue to be supported by statutory authority and judicial opinion? X Yes No
(3) Are	the regu	lations of	bsolete or otherwise appropriate for amendment or repeal? Yes X No
(4) Are	the regu	lations ef	ffective in accomplishing their intended purpose? X Yes No
B. Out	reach a	nd Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
			Iders invited to review the regulations and provide a summary of their participation in e review process.
			te stakeholders from all professional associations if they vote to propose any submittal.
` '	•		fected agencies that were invited to review the regulations and provide a summary of n in and input into the review process.
	None		
((a) any r (b) any r (c) any r regu (d) any r	notice pub notice pub notice pos lation rev nailing b	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of view; by the adopting authority; and aring held.
	No cha		posed at this time. Review was announced in public session. No comments were

(4)	4) Provide summaries of:(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.						
	None received.						
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.						
	No such conflict.						
(6)	Provide a summary of any relevant scientific data gathered.						
	None.						
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the rederal government.						
	Other state regs were considered in review, not state-by-state.						
(8)	Provide a summary of any other relevant information gathered.						
	Board input.						
star Adı	er COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or dards being applied or enforced which should be promulgated as regulations, in accordance with the ninistrative Procedure Act? Yes No Yes No						
Pro	vide explanations of the above responses, as needed:						
1	o statute change or regulations required.						
	ons Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) heck all that apply) X no action amendment repeal repeal and adopt new regulations						
Summa	reorganization y:						
N/A							
Person	performing review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty						
Title:	2 licensee Board members, 2 consumer Board members, and Executive Director						

Chapter Codification:		tion:	10.29.08			
Chapter Name: Co		Courte	artesy Card			
Authority: Health Occupations Article, §§7–101(f) and 7–311, Annotated Code of Maryland						
Date Ori	iginally A	Adopted	or Last Amended: February, 2008			
Purpose	The chapter governs courtesy cards for those licensed to practice mortuary science in other states or countries who wish to transport human remains from Maryland to their states or countries of licensure or from their states or countries of licensure to Maryland.					
	ew Crite 002.20E)	eria. (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) I	Oo the reg	gulations	s continue to be necessary for the public interest? X Yes No			
(2) E	Oo the reg	gulations	s continue to be supported by statutory authority and judicial opinion? X Yes			
(3) A	Are the re	gulation	ns obsolete or otherwise appropriate for amendment or repeal? Yes X No			
(4) A	Are the re	gulation	ns effective in accomplishing their intended purpose? X Yes No			
(1) l	List any s	stakehol	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylar ders invited to review the regulations and provide a summary of their participation is review process.			
			e stakeholders from all professional associations if they vote to propose any submittal.			
` ′	-		Sected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.			
	None					
(a) any no b) any no c) any no regula d) any m	otice pub otice pub otice pos otion rev ailing by	cess used to solicit public comment, including: colished in the Maryland Register; colished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices or view; by the adopting authority; and carring held.			
	No chan received		posed at this time. Review was announced in public session. No comments were			

	(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.
	None received.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	No such conflict.
(6)	Provide a summary of any relevant scientific data gathered.
	None.
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	Other state regs were considered in review, not state-by-state.
(8)	Provide a summary of any other relevant information gathered.
	Board input.
sta Ac	ider COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or indards being applied or enforced which should be promulgated as regulations, in accordance with the liministrative Procedure Act? Yes X No is the agency promulgated all regulations required by recent legislation? X Yes X No
Pr	ovide explanations of the above responses, as needed:
	No statute change or regulations required.
	tions 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
Summ	•
N/A	A
	performing review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty
Title:	2 licensee Board members, 2 consumer Board members, and Executive Director

Chapter Codification:		tion:	10.29.10
Chapter Name: M		Mone	tary Penalties
Authority	: Hea	alth Occ	cupations Article, §§1–212 and 7–317, Annotated Code of Maryland
Date Orig	inally A	Adopted	or Last Amended: February, 2008
Purpose:	any m	ortuary are grou	stablishes standards for the imposition of penalties not exceeding \$5,000 against science practitioner licensee in the State if, after a hearing, the Board finds that ands under the Health Occupations Article, §7–316, Annotated Code of Maryland, revoke a license.
A. Review	Criteria	. (State G	overnment Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)
(1) Do	the reg	gulation	s continue to be necessary for the public interest? X Yes No
(2) Do	the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No
(3) Ar	e the re	gulation	as obsolete or otherwise appropriate for amendment or repeal? X Yes X No as effective in accomplishing their intended purpose? X Yes X No
			rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
(1) Li	ist any s	takehol	ders invited to review the regulations and provide a summary of their participation in review process.
			e stakeholders from all professional associations if they vote to propose any submittal.
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.
1	None		
(a) (b) (c) (d) (e)	any no any no any no regula any ma any pu	otice publice publice position revailing by	y the adopting authority; and uring held.
1	No chan	ges pro	posed at this time. Review was announced in public session. No comments were

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.									
	None received.									
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.									
	No such conflict.									
6)	rovide 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 ederal government.									
	Other state regs were considered in review, not state-by-state.									
(8)	Provide a summary of any other relevant information gathered.									
	Board input.									
На	he agency promulgated all regulations required by recent legislation? X Yes No lide explanations of the above responses, as needed:									
	No statute change or regulations required.									
	ons Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) neck all that apply) X no action amendment repeal repeal and adopt new regulations reorganization y:									
NI/A										
N/A										
Person Title:	erforming review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty									
	2 licensee Board members, 2 consumer Board members, and Executive Director									

Chapter Codification:		tion:	10.29.12			
Chapter Name:		Adve	Advertising			
Authority: Health Occupations Article, §§7–205(7), Annotated Code of Maryland						
Date Originally Adopted or Last Amended: February, 2008			or Last Amended: February, 2008			
Purpose:	11115	chapter governs advertising by all persons licensed by the Board of Morticians and eral Directors in Maryland.				
A. Revi 01.01.30		e ria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) D	o the reg	gulation	s continue to be necessary for the public interest? X Yes No			
(2) D	o the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No			
			as obsolete or otherwise appropriate for amendment or repeal? Yes X No selffective in accomplishing their intended purpose? Yes No			
(4) A	re the re	gulation	s effective in accomplishing their intended purpose? Yes No			
B. Outr	each and	d Resea	rch. (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 and input into the review process.					
			e stakeholders from all professional associations if they vote to propose any submittal.			
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.			
	None					
(£	a) any no b) any no c) any no regula d) any ma e) any pu	tice pub tice pub tice pos tion rev ailing by blic hea	y the adopting authority; and uring held.			
	No changes proposed at this time. Review was announced in public session. No comments were					

	` ′	(4) Provide summaries of:(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.					
		None received.					
	(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.					
		No such conflict.					
	(6)	Provide a summary of any relevant scientific data gathered.					
		None.					
		Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.					
		Other state regs were considered in review, not state-by-state.					
	(8)	Provide a summary of any other relevant information gathered.					
		Board input.					
C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, o standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? X Yes No							
	Provide explanations of the above responses, as needed: No statute change or regulations required.						
D.	Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply) X no action amendment repeal repeal and adopt new regulations reorganization						
Su	mma						
	N/A						
Peı	rson	performing review: Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty					
Tit	le:						
_ 10	2 licensee Board members, 2 consumer Board members, and Executive Director						

Chapter Codification		tion:	10.29.14				
Chapter Name: Co		Comp	ompelling Purpose Disclosure				
Authority: Health Occupations Article, §7–205, State Government Article, 10–617(h)(3), Annotated Code of Marvland			-205, State Government Article, 10-617(h)(3), Annotated				
Date Ori	ginally A	dopted	or Last Amended:	April, 2002			
Purpose:	11115		permits the Board to th, under certain circ	disclose investigative information to other agencies, or other cumstances.			
A. Revi o		eria. (St	ate Government Art	icle, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) D	o the reg	gulations	s continue to be nece	essary for the public interest? X Yes No			
(2) D	o the reg	gulations	s continue to be supp	ported by statutory authority and judicial opinion? X Yes No			
(3) A	re the re	gulation	s obsolete or otherw	vise appropriate for amendment or repeal? Yes X No			
(4) A	re the re	gulation	s effective in accom	aplishing their intended purpose? X Yes No			
B. Outr	each and	d Resea	rch. (State Governm	nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)			
	•		ders invited to review review process.	w the regulations and provide a summary of their participation in			
			e stakeholders from submittal.	all professional associations if they vote to propose any			
	-		ected agencies that v in and input into th	were invited to review the regulations and provide a summary of e review process.			
None							
(a (b (c	 (3) Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register; (b) any notice published in newspapers of general circulation; (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held. 						
	No chan	ges pro	posed at this time. R	eview was announced in public session. No comments were			
(4) F	(4) Provide summaries of:						

		a) all comments received from stakeholders, affected units, or the public; andb) the adopting authority's responses to those comments.			
	None received.	None received.			
(5)	Describe any interur	nit conflict reviewed and the resolution or proposed resolution of that conflict.			
	No such conflict.				
(6)	Provide a summary	Provide a summary of any relevant scientific data gathered.			
	None.				
(7)	Provide a summary federal government.	of any relevant information gathered related to the regulations of other states or the			
	Other state regs we	ere considered in review, not state-by-state.			
(8)	Provide a summary	of any other relevant information gathered.			
	Board input.				
stai Ad	Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? Yes X Yes X No				
Pro	vide explanations of	the above responses, as needed:			
]	No statute change or	regulations required.			
	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					
	performing review:	Victor March, James Govoni, Wayne Cooper, Camille Bryant, Ruth Ann Arty			
Title:	2 licensee Board members, 2 consumer Board members, and Executive Director				

Chapter Codification:		10.30.05	
Chapter Nar	Schedule		
Authority:	Health Ge	eneral, 13-301-13-16, and 16-204, Annotated Code of Maryland	
Date Origina	ally Adopte	d or Last Amended: 05/05/2010 Amended	
Purpose:	Establishes :	Sees.	
A. Review 01.01.3002.2	,	tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do the re	egulations c	ontinue to be necessary for the public interest? X Yes No	
(2) Do the re	egulations c	ontinue to be supported by statutory authority and judicial opinion? X Yes No	
(3) Are the r	egulations of	obsolete or otherwise appropriate for amendment or repeal? Yes X No	
(4) Are the r	egulations e	effective in accomplishing their intended purpose? X Yes No	
B. Outreac	h and Rese	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
	•	lders invited to review the regulations and provide a summary of their participation in e review process.	
pos	•	LIC Commission Meetings: postings to all dialysis facilities in the State, and Commission's website, and requesting comments from Office of Health Care	
	•	fected agencies that were invited to review the regulations and provide a summary of n in and input into the review process.	
thu	Office of Health Care Quality was informed and they had no comments. All the dialysis facilities, thus the stakeholders in the State were informed and asked for comments. There were no comments.		
(a) an (b) a (c) an (d) a	ny notice puny notice puny notice pony notice pony notice pony metalion re	by the adopting authority; and	

posting on the Commission website the Public minutes, discussing the fee schedule and the request for comments, which were included in the public postings.

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Posting on websites, postings at all dialysis facilities, advertising at the Commission meeting,

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public (b) the adopting authority's responses to those comments.	; and						
	No comments were received from any of the stakeholders or entities involved or affected by the fee schedule. Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict. None							
(5)								
(6)	Provide a summary of any relevant scientific data gathered.							
	N/A							
7)	Provide a summary of any relevant information gathered related to the reg federal government.	gulations of other states or the						
	N/A							
(8)	Provide a summary of any other relevant information gathered.							
	N/A							
Ad:	standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? Yes No							
Pro	rovide explanations of the above responses, as needed:							
]	N/A							
	tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annote check all that apply) X no action amendment repeal repeal and adopt new regulations reorganization ary:	tated Code of Maryland)						
N/A	, because there was no indication of needed action.							
	Person performing review:	Eva Schwartz, MS, MT,						
	Title:	Executive Director,						

Chapter C	Codifica	tion:	10.39.01			
Chapter N	Vame:	Certi	ertification of Nursing Assistants			
Authority	•		cupations Article, § Iaryland	\$8-205, 8-206, 8-303, and 8-6A-01—8-6AS-16, Annotated		
Date Orig	ginally A	Adopted	or Last Amended:	Last amended in 2011 when Regulation .06 N provided a schedule for required renewal background checks.		
Purpose:		hapter pant (CN		requirements for obtaining certification as a certified nursing		
A. Revie 01.01.300		eria. (Si	tate Government A	rticle, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the re	gulation	s continue to be ne	cessary for the public interest? X Yes No		
(2) Do	the re	gulation	s continue to be su	pported by statutory authority and judicial opinion? X Yes No		
(3) Aı	(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? X Yes N			rwise appropriate for amendment or repeal? X Yes No		
B. Outre	each an	d Resea	arch. (State Govern	nment Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		lders invited to revie review process.	ew the regulations and provide a summary of their participation in		
1	Board staff and Board Counsel. Attendees at Board meetings. Development Disability Regional Nursing Directors.					
(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.						
	None.					
(a) (b)	 (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;

(e) any public hearing held.

(d) any mailing by the adopting authority; and

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Proposals to amend this chapter were on the Agenda published on the Board's web site. The proposals were presented at public meetings of the Board on July 27, 2016, June 22, 2016, May 24, 2016, and attendees were invited to comment.

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

The Board approved amendments to the regulation that will eliminate the requirement for a passport photo, will establish rules for when an application expires, what is required for

		documentation of a positive background check, and approval of national certification for CNA dialysis technicians. There were no comments from stakeholders.
	(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
		None.
	(6)	Provide a summary of any relevant scientific data gathered.
		None.
		Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
		The Federal Government requires a national certification for CNA dialysis technicians. A CNA dialysis technician cannot work longer than 18 months in a dialysis treatment center without obtaining national certification.
	(8)	Provide a summary of any other relevant information gathered.
		None.
C.	star	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or idards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? Yes X No
	Has	the agency promulgated all regulations required by recent legislation? X Yes No
	Pro	vide explanations of the above responses, as needed:
		N/A
D.		ions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) check all that apply)
	`	no action
		X amendment
		repeal
		repeal and adopt new regulations
		reorganization

Summary:

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

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

Chapter Codification: 10			10.39.02	
Chapter Name: Nurs		Nurs	ing Assistant Training Programs	
Authority: Health Occupations Article, §8-205, Annotated Code of Maryland				
Date Orig	inally A	dopted	or Last Amended: Amended November 7, 2005	
Purpose: Provides rules for training Nursing Assistants.			les for training Nursing Assistants.	
A. Revie 01.01.300		eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do	the reg	gulation	s continue to be necessary for the public interest? X Yes No	
(2) Do	the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No	
			ns obsolete or otherwise appropriate for amendment or repeal? X Yes No	
(4) Ar	e the re	gulatio	ns effective in accomplishing their intended purpose? X Yes No	
B. Outre	ach and	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
	•		ders invited to review the regulations and provide a summary of their participation in eview process.	
	Board s	taff and	l Board Counsel.	
	•		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.	
	N/A			
(a) (b) (c) (d)	 (3) Describe the process used to solicit public comment, including: (a) any notice published in the Maryland Register; (b) any notice published in newspapers of general circulation; (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review; (d) any mailing by the adopting authority; and (e) any public hearing held. 			
n	ecessar	y for th	e Board does not need stakeholder hearings. The deficiencies in the regulations are e proper oversight and administration of these programs.	
(4) Provide summaries of:				

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

		The surveyor for the nursing assistant training programs has asked that we provide some rules for required documentation by the programs and a scheme for citing the programs for deficiencies similar to the way nursing education programs are regulated under COMAR.	
	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	
		Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.	
		None.	
	(8)	Provide a summary of any other relevant information gathered.	
		The Maryland Higher Education Commission also oversees these training programs and has the administrative regulatory provisions for citing deficiencies.	
C.	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 Yes No		
	Pro	vide explanations of the above responses, as needed:	
		N/A	
D.		ions 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	
Sur	nma	rry:	
	de	he Board needs to provide regulations for required documentation and rules for sanctioning or correcting ficiencies. The amendments will provide these necessary provisions. Without these administrative idelines the Board's only way to address a program deficiency is to withdraw approval for the program.	
		Person performing review: Shirley A. Devaris, RN, JD	
		Title: Director of Legislation	

(b) the adopting authority's responses to those comments.

Chapter Codification		tion:	10.39.03	
Chapter Name: Cer		Cert	tified Medicine Aides	
Authority: Health Occupations Article, §§8-205(a) and (c) and 8-6A-018-6A-16, Annotated Code of Maryland			of	
Date Orig	inally A	Adopted	d or Last Amended: Last amended April 15, 2013	
Purpose:	This	s chapte	ter regulates the practice of certified medication aides.	
A. Revie 01.01.300		eria. (St	State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAI	R
(1) Do the	e regulat	tions co	ontinue to be necessary for the public interest? X Yes No	
(2) Do the	regula	tions co	ontinue to be supported by statutory authority and judicial opinion?	$\subseteq \bigcup_{N}$
(3) Are th	e regula	ations o	obsolete or otherwise appropriate for amendment or repeal Yes	X No
(4) Are th	e regula	ntions e	effective in accomplishing their intended purpose? X Yes No	
B. Outre	ach and	d Resea	earch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of M	Iarylanc
	•		olders invited to review the regulations and provide a summary of their participal review process.	ition in
	Board s	taff and	d Board Counsel.	
	•		ffected agencies that were invited to review the regulations and provide a summ on in and input into the review process.	ary of
	None.			
(a) (b) (c) (d)	any no any no any no any no regula any ma	otice pul otice pu otice pos tion rev ailing b	ocess used to solicit public comment, including: ablished in the Maryland Register; ablished in newspapers of general circulation; osted on the unit's website or on a Statewide website created for units to post no eview; by the adopting authority; and earing held.	otices of
	N/A			
(4) Pr	ovide s	ummar	ries of:	

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

(b) the adopting authority's responses to those comments.

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	Staff and Board counsel determined that the chapter does not need to be amended.								
((5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.							
		None.							
((6)	Provide a summary of any relevant scientific data gathered.							
		N/A							
(7) Provide a summary of any relevant information gathered related to the regulations of other states of federal government.									
		N/A							
((8)	Provide a summary of any other relevant information gathered.							
		None.							
; ;	C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? 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									
Sun	nma	ıry:							
	T	he practice for the certified medicine aides has not changed. The chapter	does not need amending.						
		Person performing review:	Shirley A. Devaris, RN, JD						
		Title:	Director of Legislation						

Chapter Codification:		tion:	10.39.04	
Chapter Name:		Med	lication Technicians	
Authority: Health Occupations Article, §§ 8-205(a) and 8-6A-018-6A-16, Annotated Code of Maryland			-205(a) and 8-6A-018-6A-16, Annotated Code of	
Date O	riginally A	Adopted	l or Last Amended:	Last amended March 12, 2007
Purpos	e: This o	chapter	regulates the practice of	of Medication Technicians.
A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)				
(1)	Do the reg	gulation	as continue to be necess	sary for the public interest? X Yes No
(2)	Do the reg	gulation	as continue to be suppo	rted by statutory authority and judicial opinion? X Yes No
(3)	Are the re	gulatio	ns obsolete or otherwis	se appropriate for amendment or repeal? Yes No
(4)	Are the re	gulatio	ns effective in accompl	lishing their intended purpose? X Yes No
	B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.			· · · · · · · · · · · · · · · · · · ·
	rules for statutory communito resear	r Delega y or reg nity. The rch the	ating Nurse Case Mana ulatory requirement for the Board is receiving me extent of the problem.	nd discussed the need to revise this chapter and to establish agers and their training programs. We do not have any roverseeing these important members of the health care more complaints about Medication Technicians and staff has After analyzing the complaints staff will present their ene a stakeholder work group.
(2)	•		fected agencies that we n in and input into the	ere invited to review the regulations and provide a summary of review process.
	Assisted living facilities, school health, Detention centers, and the Department of Developmental Disabilities are affected by these regulations. They will be included in stakeholder meetings.			
(3)	(a) any no (b) any no (c) any no regula (d) any m (e) any pu	otice purotice purotice portice portice portion revailing builting	blished in the Maryland blished in newspapers sted on the unit's webs view; by the adopting authoritaring held.	of general circulation; ite or on a Statewide website created for units to post notices of cy; and
E-mail and web notices will be used.				

(4) Provide summaries of:(a) all comments received from stakeholders, affected units, or the public; and(b) the adopting authority's responses to those comments.			and	
		N/A		
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that of			esolution 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 reg federal government.	gulations of other states or the	
		None.		
	(8)	Provide a summary of any other relevant information gathered.		
		None.		
C.	Ada Has Pro	Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes X No Has the agency promulgated all regulations required by recent legislation? X Yes No Provide explanations of the above responses, as needed:		
	The Board recognizes Delegating Nurse Case Managers (DNCM) and developed a core curriculum program for them but never established any rules for: requiring a DNCM to complete a course of instruction; requiring the community colleges to submit their curriculum for approval; requiring the settings to provide a curriculum for Board approval of the training program for medication technicians; and rules to establish a plan of correction for training programs or withdrawal of			
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (x (check all that apply)			ated Code of Maryland)	
		no action X amendment repeal repeal and adopt new regulations reorganization		
Su	mma	S .		
	tecl trai	The Board has no statutory or regulatory requirements for overseeing the DNCM and Medication technician programs. Amendments will consider the two functions of a DNCM: case management and training Medication Technicians. Some of the amendments will be under this chapter. Some amendments might be added to the chapter for Registered Nurse Practice or the Chapter on Delegation of		
		Shirley A. Devaris, RN, JD		
		Title:	Director of Legislation	