

# **Task Force on Regulatory Efficiency: Final Report**

Maryland Department of Health and Mental Hygiene

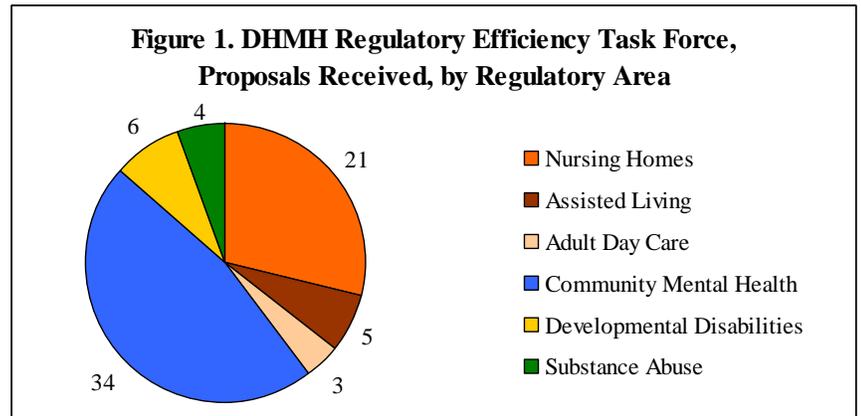
May 22, 2012

## EXECUTIVE SUMMARY

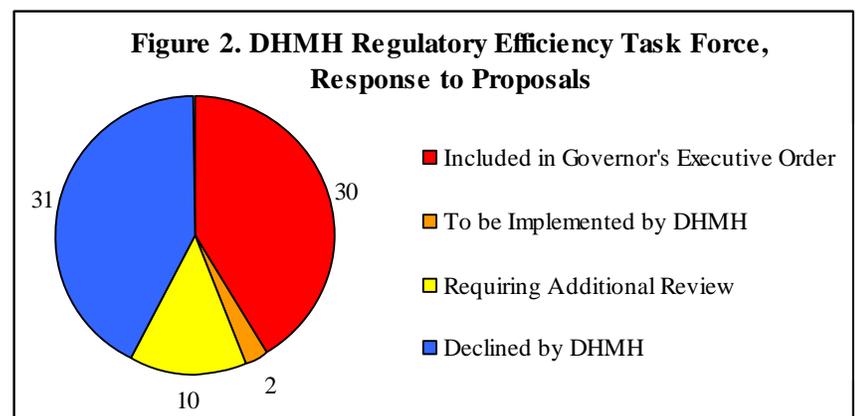
In April 2011, the Department of Health and Mental Hygiene launched an effort to identify regulatory improvements and make service to Maryland residents more efficient and effective.

The Department's Task Force on Regulatory Efficiency is designed to support Governor O'Malley's "Maryland Made Easy" Initiative, an inter-agency effort to make it easier to do business in Maryland. In order to further this initiative, the Governor's Job Creation Through Regulatory Reform Initiative was launched in the fall of 2011. This new initiative required State agencies to conduct a comprehensive review of its regulations in order to determine whether any such regulations should be modified, streamlined, or repealed in order to reduce unnecessary regulatory burdens and promote economic growth and job creation. The executive order complemented the ongoing process within the Department of Health and Mental Hygiene to solicit recommendations from interested stakeholders on regulatory barriers that could be changed.

Following a public comment period and the release of its first report, the Task Force is issuing its final report. The report identifies suggestions to improve regulation of skilled nursing facilities, assisted living homes, community mental health programs, programs serving individuals with developmental disabilities, and substance abuse treatment programs (figure 1).



The Department's efforts generated 73 proposals from the public, and 42 of these proposals are supported in this final report. Some of the proposals have been included in the Executive Order issued by the Governor, some of the proposals will be implemented by DHMH, and some will require additional review (figure 2).



Proposals included in the Governor's Executive Order include:

- **Waiving the requirement that the construction of new nursing homes must be approved by DHMH.** Current regulations that require nursing facilities to get prior approval from DHMH for construction are onerous and unnecessary.

- **Allowing wireless call bell systems, instead of hard wired systems, in skilled nursing facilities.** This will allow modern systems to be implemented to benefit facility residents.
- **Permitting clinicians in skilled nursing facilities to use electronic signatures rather than hand-written signatures for progress notes and medication orders.** This will clarify that modern, efficient electronic medical record systems are encouraged in skilled nursing facilities.

Proposals to be implemented by the Department:

- **Allowing patients to return unused medications.** This will help reduce health care costs at nursing homes by enabling the appropriate re-use of returned medications.
- **Requiring substance abuse treatment programs to report discharge information in the SMART system.** Regulations for substance abuse treatment providers will be updated to ensure that the information that is required to be reported to the state is consistent with the information that is reported in SMART, the state's electronic reporting system.

Proposals requiring additional review by the Department:

- **Streamlining the application process for community mental health programs.** Current regulations require entities with multiple program sites to submit an application for each site, and the Department will explore the merits and feasibility of enabling these entities to submit a single application for multiple sites.
- **Updating the clinical assessment of residents entering assisted living facilities to reflect the Nurse Practice Act.** This will reduce costly and time-consuming assessments and clarify that registered nurses, under the Nurse Practice Act, are permitted to perform the assessment.

Other proposals were declined by the Department. The Department:

- **Declines to eliminate the requirement that therapeutic group homes collaborate with the child's primary care physician.** The child's primary care provider may have information and input on health that is critically important to the well-being of the child.
- **Declines to make the role of the Director of Nursing in a skilled nursing facility optional.** This role is critical to protection of patients, and the Director of Nursing is permitted to delegate certain functions to others.
- **Declines to reduce from weekly to monthly the required resident care note in assisted living facilities.** Weekly care notes are the appropriate minimal requirement in the assisted living environment, where observations by direct care

staff regarding a resident's status and any change of condition are relied on by clinicians who may only make periodic visits.

Proposals to be implemented by the state have now been submitted to the formal regulatory process, including formal public comment, before taking effect.