

**REGULATORY REVIEW AND EVALUATION ACT:**

**WORKPLANS FOR:**

Subtitle 26 BOARD OF ACUPUNCTURE

Subtitle 27 BOARD OF NURSING

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

Subtitle 29 BOARD OF MORTICIANS

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  
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Date Due: October 1, 2007**

## EXEMPTION REQUESTS

(Chapters either comprehensively amended (CA) or initially adopted (IA) during the preceding 8 year period)

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

### Subtitle 26 BOARD OF ACUPUNCTURE

- 10.26.04 [Rules of Procedure for Board Hearings](#) (IA: July 22, 2002)
- 10.26.05 [Compelling Purpose Disclosure](#) (IA: October 1, 2001)

### Subtitle 27 BOARD OF NURSING

- 10.27.01 [Examination and Licensure](#) (CA: April 30, 2001)
- 10.27.03 [Nursing Education Programs](#) (CA: March 5, 2001)
- 10.27.06 [Practice of Nurse Anesthetist](#) (CA: April 3, 2000)
- 10.27.08 [Petition for Declaratory Ruling](#) (CA: April 16, 2001)
- 10.27.09 [Standards of Practice for Registered Nurses](#) (CA: April 3, 2000)
- 10.27.11 [Delegation of Nursing Functions](#) (CA: May 10, 2004)
- 10.27.12 [Nurse Psychotherapists in Independent Practice](#) (CA: June 26, 2000)
- 10.27.13 [Rehabilitation Committee](#) (CA: March 5, 2001)
- 10.27.14 Nursing Staff Agencies (By 2008, will be repealed and re-enacted under 10.07.03 – proposal to sent to AELR 8/16/07 )
- 10.27.19 [Code of Ethics](#) (CA: September 16, 2002)
- 10.27.21 [Registered Nurse—Forensic Nurse Examiner](#) (CA: April 28, 2003)
- 10.27.22 [Multistate Licensure Compact Regulations](#) (IA: April 17, 2000)
- 10.27.23 [Code of Conduct for Board Members & Investigators](#) (IA: December 25, 2000)
- 10.27.24 [Compelling Purpose Disclosure](#) (IA: July 23, 2001)

### Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

- 10.28.03 [Examination and Licensing of Optometrists](#) (CA: February 19, 2001)
- 10.28.04 [Rules of Procedure for Board Hearings](#) (CA: September 3, 2001)

- 10.28.14 [Code of Conduct](#) (CA: July 31, 2006)
- 10.28.15 [Compelling Purpose Disclosure](#) (IA: January 7, 2002)
- 10.28.16 [Selling and Dispensing of Contact Lenses](#) (IA: January 16, 2006)

### Subtitle 29 BOARD OF MORTICIANS

- 10.29.01 [Hearing Procedures](#) (CA: March 5, 2001)
- 10.29.03 [Inspection of Funeral Establishments and Funeral Service Businesses](#) (CA: November 26, 2001)
- 10.29.13 [Rehabilitation Committee](#) (IA: January 7, 2002)
- 10.29.14 [Compelling Purpose Disclosure](#) (IA: April 15, 2002)

### Subtitle 30 COMMISSION ON KIDNEY DISEASE

- 10.30.01 [General Regulations](#) (CA: December 22, 2003)
- 10.30.02 [Physical and Medical Standards](#) (IA: December 22, 2003)
- 10.30.03 [Transmissible Diseases](#) (IA: December 22, 2003)
- 10.30.04 [Dialyzer Reuse and Water Standards](#) (IA: December 22, 2003)
- 10.30.05 [Fee Schedule](#) (IA: December 22, 2003)

### Subtitle 39 BOARD OF NURSING - CERTIFIED NURSING ASSISTANTS

- 10.39.01 [Certification of Nursing Assistants](#) (IA: February 5, 2001)
- 10.39.02 [Nursing Assistant Training Programs](#) (IA: April 30, 2001)
- 10.39.03 [Certified Medicine Aides](#) (CA: March 14, 2005)
- 10.39.04 [Medication Technicians](#) (IA: April 24, 2006)

## CHAPTERS THAT HAVE BEEN REPEALED

In addition, the following chapters have been repealed and therefore are not part of the Regulatory Review:

### Subtitle 27 BOARD OF NURSING

- 10.27.04 [Licensed Practical Nursing Education Programs](#) - Repealed

### Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

- 10.28.01 [Board Procedures](#) – Repealed

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
WORK PLAN FOR EVALUATION REPORT ON  
COMAR 10.26 BOARD OF ACUPUNCTURE**

| <b>OBJECTIVES</b>  | <b>ACTION STEPS</b>   | <b>RESPONSIBLE PERSON</b> | <b>SCHEDULED COMPLETION DATE</b> |
|--|---|---------------------------|----------------------------------|
| I. Evaluate COMAR 10.26.01, .02 and .03 for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md. | 1. Inventory affected regulations.  | Penny Heisler             | 6/22/07                          |
|  | 2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.  | Penny Heisler             | 4/1/08                           |
|  | A. To invite public comment on these regulations, the following procedures and methods will be used: <ul style="list-style-type: none"> <li>1. Publication of notice in the Baltimore Sun;</li> <li>2. Posting of notice on the Board's website; and</li> <li>3. Board newsletter.</li> </ul>   |                           |                                  |
|  | B. To ensure the participation of stakeholders in the review process, the following procedures will be used: The Board will notify licensees, via posting a notice on the Board's website and including an article in the Board's newsletter to invite and encourage public comments.   |                           |                                  |
|  | C. To ensure the participation in the review process of other units affected other units affected by the regulations.   |                           |                                  |
|  | 3. Procedures for gathering and reviewing of: A. Any recent scientific Information related to the regulations being reviewed, if applicable; Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: Scientific journals will be reviewed and an internet search will be conducted to Determine If there are regulatory changes in surrounding or in the scientific Community that could impact the Board's regulations.                                 | Robin Bailey              | 2/1/08                           |
|  | 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: <ul style="list-style-type: none"> <li>A. Continue to be necessary for public interest;</li> <li>B. Continue to be supported by statutory authority and judicial opinions;</li> <li>C. Are obsolete or otherwise appropriate for amendment or repeal;</li> <li>D. Continue to be effective in accomplishing the intended purpose of the regulations;</li> <li>E. The information gathered under Action Steps 1 - 3.</li> </ul> | Robin Bailey              | 6/1/08                           |

|  |  |              |         |
|--|--|--------------|---------|
| II. Prepare report to the<br>Administrative, Executive<br>and Legislative Review<br>(AELR) Committee | 1. Consolidate information obtained from objective #1 above  | Robin Bailey | 5/1/08  |
|  | 2. Write draft report.   | Robin Bailey | 5/15/08 |
|  | 3. Coordinate executive reviews of draft report.   | Robin Bailey | 7/15/08 |
|  | 4. Consolidate review comments if any, prepare final report, and submit to Deputy Secretary's Office for sign off before forwarding to the Office of Regulation and Policy Coordination. | Robin Bailey | 8/15/08 |

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
WORK PLAN FOR EVALUATION REPORT ON  
COMAR 10.27.02, 10.27.05, 10.27.07, 10.27.10, 10.27.15, 10.27.16, 10.27.17, 10.27.18, and 10.27.20**

| <b>OBJECTIVES</b>  | <b>ACTION STEPS</b>  | <b>RESPONSIBLE PERSON</b> | <b>SCHEDULED COMPLETION DATE</b> |
|--|--|---------------------------|----------------------------------|
| I. Evaluate the above chapters for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md.  | 1. Inventory affected regulations.   | Dorothy Haynes            | 10/1/2007                        |
|  | 2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.   | Dorothy Haynes            | 12/1/2007                        |
|  | A. To invite public comment on these regulations, the following procedures and methods will be used:         |                           |                                  |
|  | 1. Publication of notice in the Maryland Register;   |                           |                                  |
|  | 2. Posting of notice on the Board's website; and   |                           |                                  |
|  | 3. Posting notice on Division of State Document's website;   |                           |                                  |
|  | B. To ensure the participation of stakeholders in the review process, the following procedures will be used: |                           |                                  |
|  | 1. Staff and Board review of comments;   |                           |                                  |
|  | 2. When applicable, consult with other Boards and Departments;   |                           |                                  |
|  | 3. When appropriate, establish a committee of stakeholders and staff to develop new regulations; and         |                           |                                  |
| 4. When appropriate, have stakeholder presentations at Board meetings.   |  |                           |                                  |
| C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:<br>When appropriate, the Board of Physicians, Board of Pharmacy, and Office of Health Care Quality will be notified in writing of proposed new or changed regulations. |  |                           |                                  |
| 3. Procedures for gathering and reviewing of regulations:  |  |                           |                                  |
| A. If applicable, review any recent scientific information germane to the regulations under review;  | Dorothy Haynes   | 2/1/2008                  |                                  |
| B. Review similar regulations adopted or repealed by other states or the federal government; and   |  |                           |                                  |
| C. Use other appropriate resources, such as consulting with professional organizations.  |  |                           |                                  |
| 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:   | Dorothy Haynes   | 4/1/2008                  |                                  |
| A. Continue to be necessary for public interest;   |  |                           |                                  |
| B. Continue to be supported by statutory authority and judicial opinions;  |  |                           |                                  |
| C. Are obsolete or otherwise appropriate for amendment or repeal;  |  |                           |                                  |
| D. Continue to be effective in accomplishing the intended purpose of the regulations;  |  |                           |                                  |
| E. The information gathered under Action Steps 1 - 3.  |  |                           |                                  |

|   |  |                |         |
|---|--|----------------|---------|
| II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee | 1. Consolidate information obtained from objective #1 above  | Dorothy Haynes | 5/1/08  |
|   | 2. Write draft report.   | Dorothy Haynes | 5/15/08 |
|   | 3. Coordinate executive reviews of draft report.   | Dorothy Haynes | 7/15/08 |
|   | 4. Consolidate review comments if any, prepare final report, and submit to Deputy Secretary's Office for sign off before forwarding to the Office of Regulation and Policy Coordination. | Dorothy Haynes | 8/15/08 |

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
WORK PLAN FOR EVALUATION REPORT ON  
COMAR 10.28 BOARD OF EXAMINERS IN OPTOMETRY**

| <b>OBJECTIVES</b>  | <b>ACTION STEPS</b>   | <b>RESPONSIBLE PERSON</b> | <b>SCHEDULED COMPLETION DATE</b> |
|--|---|---------------------------|----------------------------------|
| I. Evaluate COMAR 10.28.02, 10.28.05-10.28.13 for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md. | 1. Inventory affected regulations.  | Patricia G. Bennett       |                                  |
|  | 2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.  | Patricia G. Bennett       | 12/1/2007                        |
|  | A. To invite public comment on these regulations, the following procedures and methods will be used: <ul style="list-style-type: none"> <li>1. Publication of notice in the Maryland Register</li> <li>2. Posting of notice on the Board's website</li> </ul>   |                           |                                  |
|  | B. To ensure the participation of stakeholders in the review process, the following procedures will be used: The Board will notify licensees, via posting a notice on the Board's website and including an article in the Board's newsletter; the Board will also notify professional associations that represent eye care practitioners that regulations will be reviewed and work group sessions will be convened for the submission of comments.   |                           |                                  |
|  | C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: The Board will convene meetings and invite representatives from associations and organizations as well as other parties interested in optometric care in the state of Maryland  |                           |                                  |
|  | 4. Procedures for gathering and reviewing of: A. Any recent scientific Information related to the regulations being reviewed, if applicable; Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows: The Board will survey optometry boards throughout the country as well as the Association of Regulatory Boards of Optometry to determine whether similar regulations have been adopted or repealed.  | Patricia G. Bennett       | 2/1/2008                         |
|  | 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: <ul style="list-style-type: none"> <li>A. Continue to be necessary for public interest;</li> <li>B. Continue to be supported by statutory authority and judicial opinions;</li> <li>C. Are obsolete or otherwise appropriate for amendment or repeal;</li> <li>D. Continue to be effective in accomplishing the intended purpose of the regulations;</li> <li>E. The information gathered under Action Steps 1 - 3.</li> </ul> | Patricia G. Bennett       | 4/1/2008                         |

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

- |  |              |         |
|--|--------------|---------|
| 1. Consolidate information obtained from objective #1 above  | Robin Bailey | 5/1/08  |
| 2. Write draft report.   | Robin Bailey | 5/15/08 |
| 3. Coordinate executive reviews of draft report.   | Robin Bailey | 7/15/08 |
| 4. Consolidate review comments if any, prepare final report, and submit to Deputy Secretary's Office for sign off before forwarding to the Office of Regulation and Policy Coordination. | Robin Bailey | 8/15/08 |

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON  
COMAR 10.29**

| <b>OBJECTIVES</b>   | <b>ACTION STEPS</b>   | <b>RESPONSIBLE PERSON</b> | <b>SCHEDULED COMPLETION DATE</b> |
|---|---|---------------------------|----------------------------------|
| I. Evaluate COMAR 10.29.02/.04/.05/.06/.07/.08/.09/.10/.11/.12 for the purpose of satisfying the requirement of State Government Article, §10-130 - 10-139, Annotated Code of Md. | 1. Inventory affected regulations.  | Laurie Sheffield-James    | 9/1/07                           |
|   | 2. Procedures and methods to be used to ensure comments from public/stakeholders/other affected units.  | Laurie Sheffield-James    | 12/1/07                          |
|   | <p>A. To invite public comment on these regulations, the following procedures and methods will be used:</p> <ol style="list-style-type: none"> <li>1. Publication of notice in the Maryland Register;</li> <li>2. Posting of notice on the unit's website;</li> <li>3. Notification to licensees via newsletter;</li> <li>4. Written notification to relevant associations.</li> </ol>  |                           |                                  |
|   | <p>B. To ensure the participation of stakeholders in the review process, the following procedures will be used:</p> <p>The Board will notify licensees, the general public and relevant trade associations via: notification in the Maryland Register; posting of a notice on the Board's website; an article in the Board's newsletter; and written notification (to associations only) indicating the regulations that are being reviewed and inviting the submission of written comments.</p> <p>C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:</p> <p>The licensees, general public and associations are the only entities affected by the regulations being reviewed. The Board is not subject to additional oversight by any other units within the Department of Health and Mental Hygiene.</p> |                           |                                  |
|   | 3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:  | Robin Bailey              | 5/1/08                           |
|   | <p>The internet and relevant trade association publications will be used to research any scientific information related to the regulations; similar regulations adopted in surrounding states or the federal government; and other appropriate information.</p>   |                           |                                  |
|   | 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:  | Robin Bailey              | 6/1/08                           |
|   | <p>A. Continue to be necessary for public interest;</p> <p>B. Continue to be supported by statutory authority and judicial opinions;</p>  |                           |                                  |

- C. Are obsolete or otherwise appropriate for amendment or repeal;
- D. Continue to be effective in accomplishing the intended purpose of the regulations;
- E. The information gathered under Action Steps 1 - 3.

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

- |  |              |         |
|--|--------------|---------|
| 1. Consolidate information obtained from objective #1 above. | Robin Bailey | 6/25/08 |
| 2. Write draft report.                                       | Robin Bailey | 7/1/08  |
| 3. Coordinate executive reviews of draft report.             | Robin Bailey | 7/15/08 |
| 4. Consolidate review comments and prepare final report.     | Robin Bailey | 8/1/08  |