

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
10.27.06 Practice of Nurse Anesthetist	Proposal 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 Practical Nurses	CA May 2, 2011
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 Examiner	CA March 19, 2012
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 28 BOARD OF EXAMINERS IN OPTOMETRY

10.28.02 Continuing Education Requirements	CA October 19, 2009
10.28.12 Therapeutic Pharmaceutical Agents	CA October 19, 2009
10.28.17 Disciplinary Sanctions and Monetary Penalties	IA October 1, 2012

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

10.29.02 Examination	CA February 25, 2008
10.29.03 Inspection of Funeral Est. and Funeral Service Businesses	CA February 25, 2008
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 Fees	IA April 14, 2014
10.29.18 Crematories—Insp., Complaints, Inv., Grounds for Disc., and Penalties	IA April 14, 2014
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
10.29.22 General Regulations

IA February 17, 2014
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

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS

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

Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS

10.39.06 Vacant

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

There were no comments received from stakeholders or the public.

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

None

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

None

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

None

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:

Penny Heisler

Title:

Executive Director

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

- (4) Provide summaries of:

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

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 resolution of that conflict.

None

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

None

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

None

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Board voted to change the Compelling Public Disclosure regulation to reflect the following:
State Government Article, §10-617(h) should be changed to General Provision Article, §4-333.

Person performing review: Penny Heisler
Title: Executive Director

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Purpose:

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

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

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

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

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

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (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.

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.

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

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

Provide explanations of the above responses, as needed:

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.

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

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

Summary:

The Board 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

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

A stakeholder meeting was held on September 15, 2015, that included CRNAs, Anesthesiologists, their lobbyists, and Board staff. The CRNAs were supportive. The anesthesiologists purported to have not seen the proposed regulations in advance and offered no opinion. After the amendments were published the anesthesiologists and MedChi objected and a hold was placed on the regulations by AELR. The hold was lifted after about one month. Comments against the regulations said that the Board did not have authority to draft regulations, repealing the requirement to name a collaborating physician changed the relationship with collaborator, and the regulations repealed the authority of a collaborating physician or dentist. The Board disagreed with these comments. The amendments did not change the authority for a physician or dentist to delegate, CRNAs are still required to collaborate with a physician or dentist, and the Board does have authority to promulgate regulations.

- (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.

Board of Physicians

- (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.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

reorganization

Summary:

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

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

Board staff reviewed the chapter. Declaratory rulings are used less because they too often are used as regulation when they only applied to ne single situation. The Board has, in the past several years, looked at former Declaratory Rulings and added them to regulation if the Declaratory was applicable to all of nursing practice and was a common need.

- (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.

- (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.

Public comment was not solicited.

- (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.

Not applicable.

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

None.

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

None.

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

None.

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

Has the agency promulgated all regulations required by recent legislation? Yes No
Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

This chapter does not need amending.

Person performing review: Shirley A. Devaris, RN,
Title: Director of Legislation

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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. 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

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

None

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

- no action at this time
 amendment
 repeal
 repeal and adopt new regulations
 reorganization

Summary:

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:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

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

Chapter Codification:

10.27.12

Chapter Name:

Nurse Psychotherapists in Independent Practice

Authority:

Health Occupations Article, § 8-205, Annotated Code of Maryland

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

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

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

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

Beginning in 2011, the Board held a series of work groups with Clinical Nurse Specialists to establish regulations for Clinical Nurse Specialists.

(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.

(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 web site and e-mails provided public notice of meetings. Professional associations were contacted and asked 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.

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 for this remaining unregulated category of APRNs. This chapter regulates a sub-category of CNSs. It was determined during the work groups that this should be added to the new Chapter for CNS regulation. The Board agrees.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

This chapter will be combined with Chapter 10.27.27, Practice of Clinical Nurse Specialist.

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

Title: Director of Legislation

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

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 programs. 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

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

Provide explanations of the above responses, as needed:

N/A

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

- no action
- amendment 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

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

None. Board staff reviewed and determined no amendment was necessary.

(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.

(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.

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

N/A

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

N/A.

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

N/A

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

N/A.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Chapter adequately meets the needs of the board and does not require amending or revising.

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

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

Chapter Codification:

Chapter Name:

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Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

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.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

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

Title: Director of Legislation

**Regulatory Review and Evaluation Act
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Purpose:

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

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

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

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

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

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

N/A

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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

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

Summary:

The 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

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

Chapter Codification:

Chapter Name:

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Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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 change has not been published yet. There might be comments after the amended regulation is published.

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

No legislation has been introduced that requires amending this chapter.

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

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

Summary:

Regulation .05 G of this chapter will be amended to indicate that LPNs cannot administer neoplastic agents by an intravesicular catheter.

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

Board members, Board Counsel, Staff and the National Council of State Board of Nursing (NCSBN) have reviewed the proposed enhanced licensure compact and agreed to introduce it in the 2017 legislative session.

- (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.

Department of Health and Mental Hygiene was asked to review the legislation and has offered to take it on as a departmental bill.

- (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.

Board meetings and agenda notices for the Board meetings.

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

None.

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

None.

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

None.

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

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.

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

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

Provide explanations of the above responses, as needed:

The Board 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
- 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

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

Chapter Codification:

Chapter Name:

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Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

There has not been any change in the State Ethic Rules. The regulations do not need amending

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

Title: Director of Legislation

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

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The chapter is based on State Government Article, §10-617(H)(3), Annotated Code of Maryland. This chapter does not need amending.

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.03, the Board proposes to amend as follows:
 Regulation .02 B (2) add the word " accredited" before university school of optometry;
 Regulation .02 C (1) after ARBO delete the phrase "formerly known as the International Association of Board of Optometry, Inc. (IAB)."
 Regulation .05 A delete the word shall and replace with "may"

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

(3) Describe the process used to solicit public comment, including:
(a) any notice published in the Maryland Register;
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(d) any mailing by the adopting authority; and
(e) any public hearing held.

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review: Patricia G. Bennett

Title: Executive Director

**Regulatory Review and Evaluation Act
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2011 - 2019**

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Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
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2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.06, the Board will propose the following amendment:
 Regulation .02 delete the language “record in writing or by other legal means including tape recorder or computer printout” and replace with “ create a written, oral or electronic record of”;
 Regulation .02 D delete “vocation, avocation, or” and capitalize other “Other”.

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.07, the Board will delete Regulation .02H - Second office certificate - \$5

Person performing review

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
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2011 - 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

(4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.08, the Board will propose to change the title to more accurately reflect the purpose and provisions of the chapter.

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.09, the Board will propose the following:
Regulation .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

**Regulatory Review and Evaluation Act
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2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

Under COMAR 10.28.10, the Board will propose the following:
Regulation .02 B delete the word "written".

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

Has the agency promulgated all regulations required by recent legislation? Yes No
 Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

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) - Continuing Education;
 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 “topical ocular”.

Person performing review:
 Title

Patricia G. Bennett
Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 – 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:
Title:

**Regulatory Review and Evaluation Act
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2011 - 2019**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2011 - 2019**

Chapter Codification:

Chapter Name:

Authority:
Health Occupations Article, §§11-205; State Government Article

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:

Patricia G. Bennett

Title:

Executive Director

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

N/A

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

N/A

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

N/A

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

N/A

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

None

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

N/A

Person performing review:	Patricia G. Bennett
Title:	Executive Director

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

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

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

Provide explanations of the above responses, as needed:

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

Summary:

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

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

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

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

Provide explanations of the above responses, as needed:

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)

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

Summary:

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

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (4) Provide summaries of:

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

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.

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

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

Provide explanations of the above responses, as needed:

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

Summary:

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

**Regulatory Review and Evaluation Act
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Chapter Codification:

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Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

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

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

Provide explanations of the above responses, as needed:

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

Summary:

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

**Regulatory Review and Evaluation Act
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Purpose:

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

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

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

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

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

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

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

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.

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

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

Provide explanations of the above responses, as needed:

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)

no action
 amendment
 repeal
 repeal and adopt new regulations
 reorganization

Summary:

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

**Regulatory Review and Evaluation Act
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Purpose:

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

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

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

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

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

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (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) 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.

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

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

Provide explanations of the above responses, as needed:

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

Summary:

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

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Purpose:

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

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

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

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

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

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

No comments were received from any of the stakeholders or entities involved or affected by the fee schedule.

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

None

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

N/A

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

N/A

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

- no action
 amendment
 repeal
 repeal and adopt new regulations
 reorganization

Summary:

N/A, because there was no indication of needed action.

Person performing review:

Eva Schwartz, MS, MT,

Title:

Executive Director,

**Regulatory Review and Evaluation Act
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Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

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.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The 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

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

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

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

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

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

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

- (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 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 .

(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.

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The Board needs to provide regulations for required documentation and rules for sanctioning or correcting deficiencies. The amendments will provide these necessary provisions. Without these administrative guidelines the Board's only way to address a program deficiency is to withdraw approval for the program.

Person performing review:
Title:

Shirley A. Devaris, RN, JD

Director of Legislation

**Regulatory Review and Evaluation Act
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Authority:

Date Originally Adopted or Last Amended:

Purpose:

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

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

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

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

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

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

- (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.

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 or the 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 No

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

The 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

**Regulatory Review and Evaluation Act
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Purpose:

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

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

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

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

Board staff and Board Counsel met and discussed the need to revise this chapter and to establish rules for Delegating Nurse Case Managers and their training programs. We do not have any statutory or regulatory requirement for overseeing these important members of the health care community. The Board is receiving more complaints about Medication Technicians and staff has to research the extent of the problem. After analyzing the complaints staff will present their findings to the Board and ask to convene a stakeholder work group.

- (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.

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) 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.

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.

N/A

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

None.

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

None.

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

None.

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

None.

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

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

Provide explanations of the above responses, as needed:

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) – (xi), Annotated Code of Maryland)
 (check all that apply)

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

Summary:

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

Person performing review:

Shirley A. Devaris, RN, JD

Title:

Director of Legislation