

**REGULATORY REVIEW AND EVALUATION ACT:**

**EVALUATION REPORTS FOR:**

**Subtitle 24 and Subtitle 25: MARYLAND HEALTH CARE COMMISSION**

**COMAR 10.24.07 State Health Plan: Overview, Psychiatric Services, and Emergency Medical Services**

**COMAR 10.24.11 State Health Plan For Facilities and Services: Ambulatory Surgical Services**

**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: regs @dhmh.state.md.us**

## **EXCEPTIONS FROM THE REVIEW PROCESS**

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

### **Subtitle 24 and Subtitle 25 MARYLAND HEALTH CARE COMMISSION**

- 10.24.01 Certificate of Need for Health Care Facilities (April 11, 2005)
- 10.24.02 Data Reporting by Hospitals (February 28, 2005)
- 10.24.03 Maryland Long-Term Care Survey (August 16, 2004)
- 10.24.04 Freestanding Ambulatory Surgical Facilities Survey (December 23, 2002)
- 10.24.08 SHP: Long Term Care Services (April 15, 2002)
- 10.24.09 SHP: Specialized Health Care Services - Acute Inpatient Rehabilitation Services (April 16, 2001)
- 10.24.10 SHP: Acute Inpatient Services (April 12, 2004)
- 10.24.12 SHP: Acute Hospital Inpatient Obstetric Services (February 28, 2005)
- 10.24.14 SHP: Alcoholism and Drug Abuse Treatment Services (January 21, 2002)
- 10.24.15 SHP: Specialized Health Care Services - Organ Transplant Services (April 15, 2002)
- 10.24.17 SHP: Specialized Health Care Services - Cardiac Surgery & Therapeutic Catheterization Services (March 15, 2004)
- 10.24.18 SHP: Specialized Health Care Services - Neonatal Intensive Care Services (October 23, 2006)
  
- 10.25.02 User Fee Assessment of Health Care Practitioners (April 11, 2005)
- 10.25.03 User Fee Assessment of Payors (April 11, 2005)
- 10.25.04 Hospital Quality and Performance Evaluation System (December 23, 2002)
- 10.25.05 Small Group Market Data Collection (October 15, 2001)
- 10.25.06 Maryland Medical Care Data Base and Data Collection (December 23, 2002)
- 10.25.07 Electronic Health Network Certification (December 23, 2002)
- 10.25.08 Health Maintenance Organization Quality and Performance Evaluation System (December 23, 2002)
- 10.25.09 Requirements for Payers to Designate Electronic Health Networks (July 23, 2001)
- 10.25.10 Maryland Trauma and Emergency Response (December 22, 2003)
- 10.25.11 Institutional Review Board (October 15, 2002)
- 10.25.12 Imposition of Fines (December 23, 2002)

### **PLEASE NOTE:**

COMAR 10.25.01 was repealed on October 23, 2006 and  
COMAR 10.24.05, 10.24.06, 10.24.13, and 10.24.16 are VACANT

**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2003 – 2011**

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.

1. Publication of notice in the Maryland Register
2. Publication of notice in newspapers of general circulation in the State
3. Posting of notice on the unit's website
4. Posting notice on Division of State Document's website

- (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.

In the update of this State Health Plan chapter, the Commission will conduct a review of the literature.

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

The collection of information on best practices from other states' planning and policy initiatives for mental health and related services will be part of the update and revision of this State Health Plan chapter.

- (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
- x repeal and adopt new regulations
- reorganization

Summary:

During 2007, it is anticipated that the Commission will conduct a statewide study of mental health system capacity needs. Based on the findings and recommendations of this study, the Commission plans to incorporate policies, review standards, and a need projection for acute psychiatric services in the State Health Plan for Acute Hospital Inpatient Services. For residential treatment center and long-term psychiatric services, the Commission will develop new State Health Plan chapters.

Person performing review:

Amelia T. Rutledge

Title:

Administrator

**Regulatory Review and Evaluation Act**  
**Evaluation Report Form**  
**2003 – 2011**

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.

\*In the Certificate of Need Task Force Report dated Nov. 22, 2005: In updating the State Health Plan, priority should be given to revision of the Acute Inpatient Services and Ambulatory Surgical Services chapters.

- (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.

1. Publication of notice in the Maryland Register
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4. Posting notice on Division of State Document's website

(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.

In the update of this State Health Plan chapter, the Commission will conduct a review of the literature.

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

The collection of information on best practices from other states' planning and policy initiatives for surgical services will be part of the update and revision of this State Health Plan chapter.

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

N/A

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

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

Provide explanations of the above responses, as needed:

N/A

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

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

Summary:

During the Fall of 2007, the Commission plans to initiate an update of the Ambulatory Surgical Services chapter of the State Health Plan. As part of this update, the scope of this plan chapter will be revised to encompass surgical services and facilities in general hospitals and ambulatory surgery facilities. The work of the Commission's Certificate of Need Task Force, which recommended the development of definitions for operating and procedure rooms, will be a component of this plan update.

Person performing review:

Amelia T. Rutledge

Title:

Administrator