



MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

June 28, 2018

The Honorable Roger Manno
The Honorable Samuel I. Rosenberg
AELR Committee
90 State Circle
Annapolis, Maryland 21401

RE: Regulatory Review and Evaluation Act:
Work Plan for COMAR 10.21 and 10.47

Dear Senator Manno and Delegate Rosenberg:

In accordance with State Government Article, §§10-130—10-139, Annotated Code of Maryland, and the implementing Executive Order 01.01.2003.20, I am submitting for your approval the work plan for the evaluation of COMAR 10.21 and 10.47.

Should there be any questions, please contact Michele A. Phinney, Director, Office of Regulations and Policy Coordination, at (410) 767-6499.

Sincerely,

Robert R. Neall
Secretary

Attachments

cc: Department of Legislative Reference (5 copies)
Division of State Documents (1 copy)
George Butler
Kathryn Selle
Nathan McCurdy
Barbara Bazron
Anna Barefoot
Kimberly Cuthrell
Kimberly Jones
Lisa Fassett
Michele Phinney

REGULATORY REVIEW AND EVALUATION ACT:

WORKPLANS DUE JULY 1, 2018 FOR:

Subtitle 21 MENTAL HYGIENE REGULATIONS

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

SUBMITTED BY:

**Maryland Department of Health
Office of Regulation and Policy Coordination
201 W. Preston Street, Room 512
Baltimore, Maryland 21201
Phone: (410) 767-6499
Email: mdh.regs@maryland.gov**

EXEMPTIONS REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of Health 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 21 MENTAL HYGIENE REGULATIONS

10.21.07 Therapeutic Group Homes
10.21.14 Resident Grievance System

CA April 29, 2013
CA October 23, 2017

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

10.47.06 Substance Abuse Treatment Outcomes Partnerships (S.T.O.P.) Fund
10.47.07 Prescription Drug Monitoring Program
10.47.08 Overdose Response Program

CA August 15, 2016
CA June 8, 2015
CA September 12, 2016

**MARYLAND DEPARTMENT OF HEALTH
2011 – 2018 WORK PLAN FOR EVALUATION REPORT ON**

Subtitle 21 MENTAL HYGIENE REGULATIONS

- 10.21.01 [Involuntary Admission to Inpatient Mental Health Facilities](#)
- 10.21.02 [Psychiatric Day Treatment Services](#)
- 10.21.03 [Requirements for Individual Treatment Plans](#)
- 10.21.04 [Community Mental Health Programs—Group Homes for Adults with Mental Illness](#)
- 10.21.05 [Aftercare Plans](#)
- 10.21.06 [Admission to Regional Institutes for Children and Adolescents](#)
- 10.21.08 [Services for Mentally Ill Hearing Impaired Patients in Facilities](#)
- 10.21.09 [Patients' Rights to Visitors](#)
- 10.21.10 [Psychiatric Residential Treatment Facility \(PRTF\) Demonstration Waiver Providers](#)
- 10.21.11 [Purchase of Residential Therapeutic Care for Children](#)
- 10.21.12 [Use of Quiet Room and Use of Restraint](#)
- 10.21.13 [Use of Quiet Room and Use of Seclusion](#)
- 10.21.15 [Petition for Emergency Evaluation—Payment for Services](#)
- 10.21.16 [Community Mental Health Programs—Application, Approval, & Disc. Processes](#)
- 10.21.17 [Community Mental Health Programs—Definitions and Administrative Requirements](#)
- 10.21.18 [Community Mental Health Programs—Therapeutic Nursery Programs](#)
- 10.21.19 [Community Mental Health Programs—Mobile Treatment Services](#)
- 10.21.20 [Community Mental Health Programs—Outpatient Mental Health Centers](#)
- 10.21.21 [Community Mental Health Programs—Psychiatric Rehabilitation Programs for Adults](#)
- 10.21.22 [Community Mental Health Programs—Residential Rehabilitation Programs](#)
- 10.21.23 [Community-Based Fund](#)
- 10.21.24 [Interagency Discharge Planning for Hospitalized Children and Adolescents](#)
- 10.21.25 [Fee Schedule—MHS—Community-Based Programs & Individual Practitioners](#)
- 10.21.26 [Community Mental Health Programs—Residential Crisis Services](#)
- 10.21.27 [Community Mental Health Programs—Respite Care Services](#)
- 10.21.28 [Community Mental Health Programs—Mental Health Vocational Programs \(MHVP\)](#)
- 10.21.29 [Community Mental Health Programs—Psychiatric Rehabilitation Services for Minors](#)
- 10.21.30 [Telemental Health Services](#)

Subtitle 47 ALCOHOL AND DRUG ABUSE ADMINISTRATION

- 10.47.01 [Requirements](#)
- 10.47.02 [Specific Program Requirements](#)
- 10.47.03 [Specific Program Requirements for Correctional Levels of Care](#)
- 10.47.04 [Certification Requirements](#)
- 10.47.05 [Education Programs](#)

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate the above Referenced COMAR for the purpose of satisfying the requirement of State Government Article, §§10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Michele Phinney	1/5/18
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Lisa N. Fassett	8/1/18
	A. To invite public comment on these regulations, the following procedures and methods will be used:		

1. Publication of notice in the Maryland Register;
2. Posting of Maryland Register link on the unit's website;

B. To ensure the participation of stakeholders in the review process, the following procedures will be used:

BHA will solicit the participation of stakeholders by posting notice of review process on BHA's website.
 BHA will notify CSA/LAA/LBHA and other BHA committee of the review process.

C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:

BHA will solicit participation of other units affected by the regulations by direct notice. (email)

3.	Procedures for gathering and reviewing of:	Lisa N. Fassett	10/1/18
	A. Any recent scientific information related to the regulations being reviewed, if applicable;		
	B. Similar regulations adopted or repealed by other states or the federal government; and		
	C. Other appropriate information, are as follows:		
	BHA will review similar regulations adopted/repealed by other states or the federal government and will review information on the current best practices or evidenced-based practices for integrated behavioral health.		

4.	Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Lisa N. Fassett	2/1/19
	A. Continue to be necessary for public interest;		
	B. Continue to be supported by statutory authority and judicial opinions;		
	C. Are obsolete or otherwise appropriate for amendment or repeal;		
	D. Continue to be effective in accomplishing the intended purpose of the regulations;		
	E. The information gathered under Action Steps 1 - 3.		

II.	Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee		
	1. Consolidate information obtained from objective #1 above	Lisa N. Fassett	3/1/19
	2. Write draft report.	Lisa N. Fassett	3/15/19
	3. Coordinate executive reviews of draft report.	Lisa N. Fassett	4/1/19
	4. Consolidate review comments and prepare final report.	Lisa N. Fassett	5/1/19