

OCTOBER 1, 2009

**REGULATORY REVIEW AND EVALUATION ACT:
WORKPLANS & EXEMPTION REQUESTS FOR**

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

**Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND
SPEECH LANGUAGE PATHOLOGISTS**

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

Subtitle 44 BOARD OF DENTAL EXAMINERS

SUBMITTED BY:

**Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
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EXEMPTION REQUESTED

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

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.04	Submission of Hospital Outpatient Data Set to the Commission	C.A. March 9, 2009
10.37.06	Submission of Hospital Discharge Data Set to the Commission	C.A. March 9, 2009
10.37.09	Fee Assessment for Financing Hospital Uncompensated Care	C.A. March 9, 2009

Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS

10.38.06	Foreign-Educated Licensure Requirements	C.A. April 24, 2006, February 25, 2008 and April 6, 2009
10.38.08	Continuing Education Requirements	C.A. February 25, 2008

Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS

10.41.01	Collection of Fees	CA: February 3, 2003 and January 28, 2008
10.41.02	Code of Ethics	CA: January 6, 2003
10.41.03	Licensure and Continuing Education	CA: December 11, 2003, October 20, 2008, March 23, 2009
10.41.04	Rules of Procedure for Board Hearing	CA: March 31, 2003
10.41.06	Telehealth Communication	IA: October 20, 2008
10.41.07	Cerumen Management	CA: January 6, 2005
10.41.08	Hearing Aid Dispensers	CA: October 13, 2003, October 20, 2008, March 23, 2009,
10.41.09	Civil Penalties	CA: October 20, 2008
10.41.10	Compelling Purpose Disclosure	IA: January 7, 2002
10.41.11	Speech-Language Pathology Assistants	CA: May 19, 2008
10.41.12	Supervision of Students	IA: October 20, 2008

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

10.42.01	Regulations Governing the Board	C.A. - April 12, 2004
10.42.04	Rules of Procedure for Board Hearings	C.A. September 30, 2002
10.42.05	Fee Schedule	C.A. June 24, 2002
10.42.06	Continuing Education Requirements	C.A. November 1, 2003
10.42.07	Compelling Purpose Disclosure	O.A. April 1, 2002
10.42.08	Supervision	C.A. December 17, 2007

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.01	General Regulations	CA: June 9, 2003 and October 22, 2007)
10.43.03	Advertising	CA: October 22, 2007
10.43.04	Licensure by Credentials for Chiropractors	CA: (October 22, 2007
10.43.05	Chiropractic Externship Program	CA: October 22, 2007
10.43.06	Fees	CA: October 6, 2008
10.43.07	Chiropractic Assistants	CA: October 22, 2007
10.43.11	Continuing Education Requirements	CA: June 9, 2003
10.43.20	Massage Therapy—Continuing Education Requirements	IA: June 24, 2002

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.01	Dental Assistants	CA: January 7, 2002 & October 23, 2006
10.44.02	Licensure of Graduates of Foreign Dental Schools	CA: December 11, 2003
10.44.04	Practice of Dental Hygiene	CA: January 21, 2002
10.44.05	Licensure by Waiver of Practical Clinical Examination for Dentists	CA: December 22, 2003
10.44.06	Advertising	CA: December 10, 2001
10.44.07	Rules of Procedure for the Disciplinary Process	CA: March 1, 2004
10.44.09	Licensure by Waiver of Practical Clinical Examination for Dental Hygienists	CA: December 22, 2003
10.44.11	Inactive Licenses	CA: June 21, 2004
10.44.15	Examination for Licensure	CA: July 5, 2004
10.44.19	Dental Radiation Technologist	CA: January 2, 2006
10.44.20	Fees	CA: October 20, 2008
10.44.21	Practice of Dental Hygiene Under General Supervision in a Facility	CA: December 11, 2003
10.44.22	Continuing Education	CA: July 17, 2006

10.44.24 Retired Volunteer Licenses
10.44.25 Compelling Public Purpose
10.44.26 Volunteer Licenses
10.44.27 Dental Hygiene Practice—General Supervision—Private Office
10.44.28 Teachers' Licenses for Graduates of United States or Canadian Dental Schools and Schools of Dental Hygiene

CA: July 18, 2005
IA: December 24, 2001
CA: July 18, 2005
IA: December 11, 2003
IA: January 6, 2005

CHAPTERS THAT HAVE BEEN REPEALED OR VACATED

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.05 The Accounting and Budget Manual for Fiscal and Operating Management
10.37.07 Submission of Hospital Ambulatory Surgery Data Set to the Commission

Repealed
Repealed

Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH LANGUAGE PATHOLOGISTS

10.41.05 Master's Degree Equivalency

Repealed

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.09 Instruction in Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
10.43.16 VACATED

Repealed
Vacated

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
COMAR 10.37.01 Uniform Accounting and Reporting System for Hospitals and Related Institutions
COMAR 10.37.02 Standards of Rate Review
COMAR 10.37.03 Types and Classes of Charges Which Cannot Be Changed Without Prior Commission Approval
COMAR 10.37.08 Conduct of Public Meetings
COMAR 10.37.10 Rate Application and Approval Procedures
COMAR 10.37.11 Rules of Procedure: Related Institutions
COMAR 10.37.12 Cross-Subsidization**

OBJECTIVES	ACTION STEPS	SCHEDULED RESPONSIBLE PERSON	COMPLETION DATE
I. Evaluate COMAR 10.37 for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Diana Kemp	12/1/09
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.		
	A. To invite public comment on these regulations, the following procedures and methods will be used:	Diana Kemp	5/1/10
	(1) Publication of notice in the Maryland Register;		
	(2) Posting of notice on the unit's website; and		
	B. To ensure the participation of stakeholders in the review process, the following procedures will be used:	Diana Kemp	4/1/09
	Comments will be solicited from the hospital industry regulated by the HSCRC and Payors.		
	C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:	Diana Kemp	5/1/09
	Solicit comments from Medicaid and MHCC.		
3. Procedures for gathering and reviewing of:		Diana Kemp	5/1/09
A. Any recent scientific information related to the regulations being reviewed, if applicable;			
N/A			
B. Similar regulations adopted or repealed by other states or the federal government; and			
Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured.			

C. Other appropriate information, are as follows:

N/A

- | | | | |
|---|--|-----------------|---------|
| | 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: | Leslie Schulman | 6/1/10 |
| | 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 | Diana Kemp | 7/1/10 |
| | 2. Write draft report. | Diana Kemp | 8/1/10 |
| | 3. Coordinate executive reviews of draft report. | Diana Kemp | 8/16/10 |
| | 4. Consolidate review comments and prepare final report. | Diana Kemp | 8/31/10 |

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 38 BOARD OF PHYSICAL THERAPY EXAMINERS
COMAR 10.38.04 Physical Therapy Aide
COMAR 10.38.05 Rules of Procedure for Board Hearings
COMAR 10.38.09 Speech-Impaired Applicants
COMAR 10.38.10 Monetary Penalties**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR 10.38.04-10.38.05, 10.38.09 and 10.38.10 for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Ann Tyminski	11/13/2009
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units. <p>A. To invite public comment on these regulations, the following procedures and methods will be used:</p> <p>(1) Publication of notice in the Maryland Register;</p> <p>(2) Posting of notice on the unit's website;</p> <p>(3) Posting notice on Division of State Document's website; and</p> <p>(4) Posting notice in Jan/Feb. 2010 newsletter</p> <p>B. To ensure the participation of stakeholders in the review process, the following procedures will be used:</p> <p>Solicit input via notice in Maryland Register, on Board website and in its newsletter article. APTA of MD, Inc (professional association) will also be notified via e-mail.</p> <p>C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used:</p> <p>An e-mail will be sent to other internal DHMH units who may be affected by these regulations.</p>	Ann Tyminski	03/10/2010
	3. Procedures for gathering and reviewing of:	Ann Tyminski/ Board Leg. Committee	05/01/2010
	A. Any recent scientific information related to the regulations being reviewed, if applicable;		
	Conduct an internet search for scientific information that needs to be reviewed.		

B. Similar regulations adopted or repealed by other states or the federal government;

Conduct an internet search of other State Physical Therapy Boards, particularly those contiguous to Maryland to find out pertinent regulations and their structure.

C. Other appropriate information, are as follows:

1) Conduct an internet search of similar regulations in other Maryland State Agencies.

2) Refer Chapter 5 to Board counsel for possible revisions to the legal/ Disciplinary process.

3) Wait for passage of proposed legislation to increase penalties to from \$5,000 to \$10,000.

4) Board to clarify plan of care documentation regulations

L. Bethman
F. Gibbs

01/15/2010

Legislative Comm.
Ann Tyminski

01/15/2010

4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:

Ann Tyminski/Board
Legislative Committee

06/01/2010

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

Ann Tyminski

07/12/2010

2. Write draft report.

Ann Tyminski

08/01/2010

3. Coordinate executive reviews of draft report.

Ann Tyminski

08/16/2010

4. Consolidate and review comments and prepare final report.

Ann Tyminski

09/01/2010

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS
COMAR 10.42.02 Case Management
COMAR 10.42.03 Code of Ethics**

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Robin Bailey/James Merrow	11/31/09
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units. <ul style="list-style-type: none"> A. To invite public comment on these regulations, the following procedures and methods will be used: <ul style="list-style-type: none"> (1) Publication of notice in the <u>Maryland Register</u>; and (2) Posting of notice on the Board's website; B. To ensure the participation of stakeholders in the review process, the following procedures will be used: <ul style="list-style-type: none"> Solicit input via notification in the Maryland Register and Board's website C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: <ul style="list-style-type: none"> Email appropriate internal units within DHMH to solicit comments 	James Merrow	3/1/10
	3. Procedures for gathering and reviewing of: <ul style="list-style-type: none"> A. Any recent scientific information related to the regulations being reviewed, if applicable; <ul style="list-style-type: none"> Review behavioral publications and professional papers B. Similar regulations adopted or repealed by other states or the federal government; <ul style="list-style-type: none"> Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured. C. Other appropriate information, are as follows: <ul style="list-style-type: none"> Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured 	James Merrow	5/1/10

	<ol style="list-style-type: none"> 4. Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria: <ol style="list-style-type: none"> 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. 	James Merrow	6/1/10
II. Prepare report to the Administrative, Executive and Legislative Review (AELR) Committee	<ol style="list-style-type: none"> 1. Consolidate information obtained from objective #1 above 	James Merrow	7/12/10
	<ol style="list-style-type: none"> 2. Write draft report. 	James Merrow	8/1/10
	<ol style="list-style-type: none"> 3. Coordinate executive reviews of draft report. 	James Merrow	8/16/10
	<ol style="list-style-type: none"> 4. Consolidate and review comments and prepare final report. 	James Merrow	9/1/10

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS**

- COMAR 10.43.02 Rules of Procedure for Board Hearings**
COMAR 10.43.08 Licensure Examination—Special Needs Applicants
COMAR 10.43.10 Monetary Penalties
COMAR 10.43.12 Chiropractic Licensure
COMAR 10.43.13 Procedures for Clinical Demonstrations in Public Places
COMAR 10.43.14 Code of Ethics
COMAR 10.43.15 Record Keeping
COMAR 10.43.17 General Regulations for Massage Therapy
COMAR 10.43.18 Massage Therapy Code of Ethics
COMAR 10.43.19 Massage Therapy Advertising

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
i. Evaluate above COMAR for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Robin Bailey/Jim Vallone	11/31/09
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units. A. To invite public comment on these regulations, the following procedures and methods will be used: (1) Publication of notice in the <u>Maryland Register</u> ; (2) Posting of notice on the Board's website; B. To ensure the participation of stakeholders in the review process, the following procedures will be used: Solicit input via notification in the Maryland Register and Board's website C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: Email appropriate internal units within DHMH to solicit comments	Jim Vallone	3/1/10
	3. Procedures for gathering and reviewing of: A. Any recent scientific information related to the regulations being reviewed, if applicable; B. Similar regulations adopted or repealed by other states or the federal government; and C. Other appropriate information, are as follows:	Jim Vallone	5/1/10

- A. N/A
- B. Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured
- C. Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured

4.	Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Jim Vallone	6/1/10
	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	Jim Vallone	7/12/10
	2. Write draft report.	Jim Vallone	8/1/10
	3. Coordinate executive reviews of draft report.	Jim Vallone	8/16/10
	4. Consolidate and review comments and prepare final report.	Jim Vallone	9/1/10

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE
2003 – 2011 WORK PLAN FOR EVALUATION REPORT ON
Subtitle 44 BOARD OF DENTAL EXAMINERS**

COMAR 10.44.03 The Conduct of Experimental Programs in Dental Schools or Colleges in the State, Which Use Dental Assistants, Dental Hygienists, or Both, in the Training of Students Enrolled in the Dental School or College

COMAR 10.44.08 Civil Penalties

COMAR 10.44.10 Renewal and Reinstatement of Licenses

COMAR 10.44.12 General Anesthesia

COMAR 10.44.13 Radiographic Protection

COMAR 10.44.14 Approved Specialty Fields and Qualifications for Identification as a Specialist

COMAR 10.44.16 Petition for Declaratory Ruling

COMAR 10.44.17 Temporary License to Practice Dental Hygiene

COMAR 10.44.18 Parenteral Sedation

COMAR 10.44.23 Unprofessional Conduct

OBJECTIVES	ACTION STEPS	RESPONSIBLE PERSON	SCHEDULED COMPLETION DATE
I. Evaluate COMAR 1. for the purpose of satisfying the requirement of State Government Article, §10-130—10-139, Annotated Code of Md.	1. Inventory affected regulations.	Murray Sherman	11/31/09
	2. Procedures and methods to be used to ensure comments from public / stakeholders / other affected units.	Murray Sherman	3/1/10
	A. To invite public comment on these regulations, the following procedures and methods will be used: <ul style="list-style-type: none"> (1) Publication of notice in the Maryland Register; and (2) Posting of notice on the unit's website; B. To ensure the participation of stakeholders in the review process, the following procedures will be used: <p style="margin-left: 20px;">Solicit input via notification in the Maryland Register and Board's website</p> C. To ensure the participation in the review process of other units affected by the regulations, the following procedures will be used: <p style="margin-left: 20px;">Email appropriate internal units within DHMH to solicit comments</p>		
	3. Procedures for gathering and reviewing of:	Murray Sherman	5/1/10
	A. Any recent scientific information related to the regulations being reviewed, if applicable;		

Conduct an internet search for scientific evidence relating to the regulations

- B. Similar regulations adopted or repealed by other states or the federal government;

Conduct an internet search of other states, particularly states contiguous to Maryland, to find out whether they have similar regulations and how they are structured.

- C. Other appropriate information, are as follows:

Conduct an internet search of other Maryland State agency regulations to find out whether they have similar regulations and how they are structured

4.	Evaluate the need to retain, amend, or repeal each existing regulation based on the following criteria:	Murray Sherman	6/1/10
	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	Murray Sherman	7/12/10
	2. Write draft report.	Murray Sherman	8/1/10
	3. Coordinate executive reviews of draft report.	Murray Sherman	8/16/10
	4. Consolidate and review comments and prepare final report.	Murray Sherman	9/1/10