

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/22/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/30/2014

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	01	11	06, .07 - .11

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator	Telephone Number
Michele Phinney	410-767-5623

Mailing Address

201 W. Preston Street

City	State	Zip Code
Baltimore	MD	21201

Email
michele.phinney@maryland.gov

5. Name of Person to Call About this Document	Telephone No.
Walter Zerrlaut	410-767-3596

Email Address
walter.zerrlaut@maryland.gov

6. Check applicable items:
 X- New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 10, 2014.

Repeal of Existing Regulations

X- Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by David Morgan, Assistant Attorney General, (telephone #410-767-5162) on April 17, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Joshua M. Sharfstein, M.D.

Title

Secretary

Date

April 22, 2014

Telephone No.

410-767-4639

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.11 Correction or Amendment of Public Records

Authority: State Government Article, §§10-613(b) and 10-625; Health-General Article, §2-104(b); Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary proposes to adopt a new Regulation .06, recodify Regulations .06 and .11 to be Regulations .07 and .12, amend and recodify Regulations .07—.10 to be Regulations 08—.11 under COMAR 10.01.11 Correction or Amendment of Public Records.

Statement of Purpose

The purpose of this action is to explain that a public records request needs to comply with specific requirements already set out in regulations in order to be accepted.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 30, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain

funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This amendment clarifies the process regarding requests to correct or amend a public record and will not add any costs to the Department or to the applicant.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

See E above.

G. Small Business Worksheet:

Attached Document:

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.06 Return of Nonconforming Request.

A. The Department shall accept a request to correct or amend a public record when it is received if it complies with Regulations .04 and .05 of this chapter.

B. If the request does not comply with Regulations .04 and .05 of this chapter, the Department shall return the request to the requester with:

(1) An explanation of the reason for the return; and

(2) A statement that, on receipt of a request that complies with Regulations .04 and .05 of this chapter, the request will be accepted and considered.

10.01.11.06 (April 10, 2014)

[.06] .07 (text unchanged)

[.07] .08 Refusal of Request.

If the Department's response under Regulation [.06] .07 of this chapter, is to refuse the requested correction or amendment, the person in interest may file with the Department a concise statement of the person's reasons for:

A.—B. (text unchanged)

[.08] .09 Requirements for Statement of Disagreement.

A person who desires to file the statement of disagreement specified in Regulation [.07] of this chapter shall file the statement in not more than five, one-sided, 8-1/2 by 11 inch pages.

[.09] .10 Information Provided to Third Parties.

When the Department discloses to a third party information from a public record about which a statement in compliance with Regulations [.07] .08 and [.08] .09, of this chapter, has been filed, the Department shall furnish a copy of the statement to the third party.

[.10] .11 Administrative Review.

A. A person may request a hearing by filing a request for a hearing with the custodian of the record, if the person has been denied:

(1)—(2) (text unchanged)

(3) The right to have a statement to a third party forwarded pursuant to Regulation [.09] .10 of this chapter.

B.—D. (text unchanged)

[.11] .12 (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.

Secretary of Health and Mental Hygiene