

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	07/14/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/22/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

10 54 02 18

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.  
Jody Sheely 410-767-5047

Email Address

jody.sheely@maryland.gov

6. Check applicable items:

New Regulations

**X-** Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 13, 2014.

- Repeal of Existing Regulations
- 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:**

**X-** Yes  No

If yes, corresponding proposed text published in:

same issue

**X-** future issue

previous issue; it appeared in

: Md. R  
(vol.) (issue) (page no's) (date)

Under Maryland Register docket no.: --E.

**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 Claire Pierson, Assistant Attorney General, (telephone #410-767-6526) on June 25, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Joshua M. Sharfstein, M.D.

**Title**  
Secretary

**Telephone No.**  
410-767-6500

**Date**  
July 14, 2014

**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR**  
**WOMEN, INFANTS, AND CHILDREN (WIC)**

**10.54.02 Local Agency**

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

**Notice of Proposed Action**

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .18 under COMAR 10.54.02 Local Agency.

**Statement of Purpose**

The purpose of this action is to reflect changes in funding that will affect the amounts local agencies will be paid for providing WIC Program services. There is a net increase in the total amount of base funding; the funding amount awarded for each participant enrolled; and the amount local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

The State WIC Office has increased the rates local agencies will be paid for base funding as well as the rate per participant enrolled. The State WIC Office has also increased the rate local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.

**II. Types of Economic Impact.**

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:	(E+)	\$1,115,563
B. On other State agencies:	NONE	
C. On local governments:	(E+)	\$737,351

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or trade groups:		
(1) Johns Hopkins Univ. Bloomberg School Pub. Health	(+)	\$92,514
(2) Community Clinic, Inc.	(+)	\$227,060
(3) Greater Baden Medical Services, Inc.	(+)	\$58,638
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminate

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. The State WIC Office will distribute an estimated \$25,370,936 in the FY 2015 budget. This represents a net increase of \$1,115,563 over FY 2014. Because the federal award amount for FY 2015 increased from FY 2014, and fewer participants are anticipated in the Maryland WIC program, the per participant award is being increased. Funds will be distributed as follows: 144,685 participants will be served at \$102 per participant for a total of \$14,757,870; total base funding to local agencies will be \$9,545,000; and \$1,068,066 in funds will be provided for breastfeeding promotion and support to 19,871 participants at \$53.75 per participant. The information above is represented in the table below, along with comparisons to FY 2014 award amounts.

FY 2014	FY 2015
Annual funding at per participant rate	\$14,359,450
(146,525 participants)	\$14,757,870
(144,685 participants)	
Base funding to local agencies	\$9,125,000 \$9,545,000
Annual funding at per participant rate in Breastfeeding Peer Counselor program	
	\$770,923
(20,547 participants)	\$1,068,066
(19,871 participants)	
Annual budget	\$24,255,373 \$25,370,936

The following chart represents the proposed regulatory changes effective July 1, 2014. The purpose of these changes is to reflect funding for FY 2015.

FY 2014	FY 2015
Base funding for case load up to 3,999 participants	\$430,000 \$455,000

Base funding for case load from 4,000-7,999 participants \$465,000 \$490,000  
Base funding for case load of 8,000 or more participants \$620,000 \$640,000  
Per participant annually, based on case load assignment \$98 \$102  
Per quarter for each additional participant \$24.50 \$25.50  
Per participant in Breastfeeding Peer Counselor Funding Grant annually, based on case load assignment \$37.52 \$53.75  
Per quarter for each additional pregnant or breastfeeding participant in Breastfeeding Peer Counselor Funding Grant \$9.38 \$13.44

Based on the information above, \$25,370,936 has been requested in the FY 2015 budget.

C. Fifteen Local Health Departments (LHDs) serve as Local Agencies and receive operating funds through the DHMH Unified Grant Award process.

D(1). The Johns Hopkins University Bloomberg School of Public Health serves WIC participants in several designated geographic areas of Baltimore City. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(2). Community Clinic, Inc. serves WIC participants in Montgomery County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(3). Greater Baden Medical Services, Inc. serves WIC participants in designated geographic areas of Prince George's County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

F. Combined, Local Agencies will serve an average of 144,685 participants monthly, providing supplemental food and nutrition education to improve dietary habits of qualifying women, infants, and children under age 5.

### **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](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through September 22, 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?

Yes

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

Federal funds

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:

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

These are administrative funds provided to LHDs and nonprofit organizations operating the WIC Program and are used to provide direct client services to WIC participants.

G. Small Business Worksheet:

Attached Document:

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## Title 10

# DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

#### 10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

#### 10.54.02.18 (June 13, 2014)

##### .18 Payment to a Local Agency.

- A. (text unchanged)
- B. Effective July 1, [2013] 2014, the Department shall award to the local agency a base funding of:
  - (1) [\$430,000] \$455,000 for a case load up to 3,999 participants;
  - (2) [\$465,000] \$490,000 for a case load from 4,000 to 7,999 participants; and
  - (3) [\$620,000] \$640,000 for a case load of 8,000 or more participants.
- C. Effective July 1, [2013] 2014, the Department shall award to the local agency:
  - (1) [\$98] \$102 per participant annually, based on case load assignment; and
  - (2) [\$24.50] \$25.50 per quarter for each additional participant added by the Department to the initial case load assignment.
- D. (text unchanged)
- E. Effective July 1, [2013] 2014 the Department shall award to the local agency the following additional funds to promote and support breastfeeding by breastfeeding peer counselors:

(1) [~~\$37.52~~] *\$53.75* per pregnant or breastfeeding participant annually, based on caseload assignment; and  
(2) [~~\$9.38~~] *\$13.44* per quarter for each additional pregnant or breastfeeding participant added by the Department to the initial caseload assignment.

**JOSHUA M. SHARFSTEIN, M.D.**

**Secretary of Health and Mental Hygiene**