

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-315)**

Overview and Legal and Fiscal Impact

The regulation is being amended to (1) add a code for active shooter emergency situations to the uniform emergency codes that hospitals are required to adopt and implement; and (2) repeal the regulatory requirement that the hospitals adopt and implement uniform emergency codes within two years after the regulation is adopted.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Hospitals: Acute General Hospitals and Special Hospitals: COMAR 10.07.01.33

Legal Analysis

Summary of Regulation

The Department of Health and Mental Hygiene is amending COMAR 10.07.01.33, which requires hospitals to adopt and implement certain uniform codes for identified emergency situations as part of the hospitals' emergency or disaster plans. The amendment adds code silver for active shooter emergency situations to the uniform codes that are required to be adopted and implemented and repeals the regulatory requirement that the hospitals adopt and implement uniform codes within two years after the regulation is adopted.

Statutory Authority and Legislative Intent

The department cites § 19-308.6 of the Health – General Article as legal authority for the regulation. More specifically, § 19-308.6 requires the Secretary of Health and Mental Hygiene, in consultation with the Association of Maryland Hospitals and Health Systems and the Maryland Association of Hospital Security and Safety Directors, to develop a uniform set of emergency security codes for hospitals. Section 19-308.6 also requires the Secretary to adopt regulations to implement the uniform set of emergency security codes and hospitals to implement the provisions of the uniform set within two years of the adoption of the regulations by the Secretary.

The authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The department was contacted regarding the Statement of Purpose for the regulation. The Statement of Purpose does not describe the repeal of the regulatory requirement that that the hospitals adopt and implement the uniform codes within two years after the regulation is adopted. The department will add the description to the Statement of Purpose.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation requires hospitals to adopt a uniform emergency code (code silver) for an active shooter situation. As hospitals have been required to use uniform emergency codes for more than a decade, the department advises that there is no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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