

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/24/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/1/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 27 11 01

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

Mailing Address

201 W. Preston Street

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Baltimore MD 21201

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michele.phinney@maryland.gov

5. Name of Person to Call About this Document

Shirley Devaris

Telephone No.

410-585-1902

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shirley.devaris@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: February 20, 2015.

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:

Yes No

If yes, corresponding proposed text published in:

same issue

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 Sarah E. Pendley, Assistant Attorney General, (telephone #410-585-2049) on March 23, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

March 24, 2015

**Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Subtitle 27 BOARD OF NURSING

10.27.11 Delegation of Nursing Functions

Authority: Health Occupations Article, §8-205(a)(1), Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01 under COMAR 10.27.11 Delegation of Nursing Functions.

This action was considered and approved by the Board at its regular meeting on February 25, 2015, notice of which was placed on the Board's web site on January 1 and February 1, 2015.

Statement of Purpose

The purpose of this action is to amend Regulation .01 so as to provide an exception for youth day camps from those settings where a Delegating Nurse Case Manager would ordinarily be required.

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 a meaningful economic impact on small business. An analysis of this economic impact follows.

Youth Day Camps will not have to have a full time on site Delegating Nurse Case

Manager if less than 50% of their campers have no medical problems. There will be a cost savings. The savings is inestimable because the salary and number of nurses is unknown.

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 1, 2015. 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:
Day Youth Camps are not administered by the Board of Nursing.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 27 BOARD OF NURSING

10.27.11 Delegation of Nursing Functions

Authority: Health Occupations Article, §8-205(a)(1), Annotated Code of Maryland

10.27.11.01 (February 20, 2015)

.01 Exclusion from Regulations.

A.—E. (text unchanged)

F. An individual who performs nursing assistant tasks as a student while:

(1)—(2) (text unchanged)

(3) Practicing under the direct supervision of a nurse while working as a nursing assistant; [or]

G. A nurse from delegating a nursing task to an unlicensed individual if acceptance of delegated nursing tasks does not become a routine part of the unlicensed individual's job duties; *or*

H. *A youth camp regulated in accordance with COMAR 10.16.06.*

VAN T. MITCHELL

Secretary of Health and Mental Hygiene