

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>
	04/24/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 6/12/2015**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
30	01	04	01
30	01	04	02
30	01	04	07
30	01	04	11
30	01	05	01
30	01	05	02
30	01	05	03
30	01	05	07
30	06	02	08
30	08	01	04
30	08	02	03
30	08	02	05
30	08	03	01
30	08	13	03

**3. Name of Promulgating Authority**

Maryland Institute for Emergency Medical Services Systems

**4. Name of Regulations Coordinator**  
Edward F Magee

**Telephone Number**  
410-706-8531

**Mailing Address**

653 West Pratt Street

<b>City</b>	<b>State</b>	<b>Zip Code</b>
Baltimore	MD	21201

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**5. Name of Person to Call About this Document**

E. Fremont Magee

**Telephone No.**

410-706-8531

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fimagee@miemss.org

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 1/27/2015.

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

**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 E. Fremont Magee, Assistant Attorney General, (telephone #410-706-8531) on April 14, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Kevin Seaman, MD, FACEP

**Title**

Executive Director

**Telephone No.**

410-706-5074

**Date**

April 24, 2015

**Title 30**  
**MARYLAND INSTITUTE FOR EMERGENCY MEDICAL**  
**SERVICES SYSTEMS (MIEMSS)**

**Subtitle 01 GENERAL**

**30.01.04 .01 Scope.**

**Subtitle 01 GENERAL**

**30.01.04 .02 Definitions.**

**Subtitle 01 GENERAL**

**30.01.04 .07 Response to Written Request.**

**Subtitle 01 GENERAL**

**30.01.04 .11 Review of the Denial.**

**Subtitle 01 GENERAL**

**30.01.05 .01 Scope.**

**Subtitle 01 GENERAL**

**30.01.05 .02 Definitions.**

**Subtitle 01 GENERAL**

**30.01.05 .03 Who May Request**

**Subtitle 01 GENERAL**

**30.01.05 .07 Response to Request.**

**Subtitle 06 PUBLIC ACCESS AUTOMATED EXTERNAL DEFIBRILLATOR  
PROGRAM**

**30.06.02 .08 Confidentiality of Records.**

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL  
CENTERS**

**30.08.01 .04 Confidentiality of Records.**

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL  
CENTERS**

**30.08.02 .03 Initial Application Process.**

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS**

**30.08.02 .05 On-Site Review for Initial Trauma Center Designation**

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS**

**30.08.03 .01 Requirements for Trauma or Specialty Referral Centers.**

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS**

**30.08.13 .03 Confidentiality of Records of Investigation.**

Authority: Education Article §§ 13-508,13-509,13-517, Maryland Code

**Notice of Proposed Action**

□

The Maryland State Emergency Medical Services Board proposes to amend:

- (1) Regulations 01,02,07, and 11 under COMAR 30.01.04 Procedures for Access to Public Records;
- (2) Regulations 01,02,03, and 07 under COMAR 30.01.05 Correction or Amendment of Public Records;
- (3) Regulation 08 under COMAR 30.06.02 Approval of Facilities and Compliance;
- (4) Regulation 04 under COMAR 30.08.01 General Provisions;
- (5) Regulations 03 and 05 under COMAR 30.08.02 Designation of Trauma and Specialty Centers;
- (6) Regulation 01 under COMAR 30.08.03 Requirements for Designated Trauma or Specialty Referral Centers; and
- (7) Regulation 03 under COMAR 30.08.13 Disciplinary Action for Violation of Subtitle.

This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on April 14, 2015, notice of which was given by publication in 42:6 Md. R. 539 (March 20, 2015) under General Provisions Article, §3-302(c), Maryland Code.

**Statement of Purpose**

The purpose of this action is to conform certain COMAR Title 30 statutory references to certain former provisions of the State Government Article to corresponding current provisions of the General Provisions Article.

**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 E. Fremont Magee, Assistant Attorney General , Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, Maryland 21201, or call 410-706-8531, or email to [fmagee@miemss.org](mailto:fmagee@miemss.org), or fax to 410-706-2138. Comments will be accepted through July 27, 2015. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

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:  
Maryland Emergency Medical Systems Operations Fund

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:  
Changes are to statutory references only.

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

Changes are to statutory references only.

G. Small Business Worksheet:

Attached Document:

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# **Title 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)**

## **Subtitle 01 GENERAL**

Authority: Education Article, §13-508, Annotated Code of Maryland

## Chapter 04 Procedures for Access to Public Records

### .01 Scope.

This chapter governs procedures for requesting and gaining access to public records of the Maryland Institute for Emergency Medical Services Systems (MIEMSS) under [State Government State Government Article, 10-611-----10-628, Annotated Code of Maryland] *the Maryland Public Information Act*. It is the policy of MIEMSS to facilitate public access to the public records of MIEMSS, when the access is allowed by law, by minimizing costs and time delays to persons requesting information.

### .02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
  - (1) – (3) (text unchanged)
  - (4) "Person in interest" has the meaning stated in [State Government] *General Provisions Article*, [§10-611] *4-101(e)*, Annotated Code of Maryland.
  - (5) "Public Information Act" means [State Government Article, §§10-611—628] *General Provisions Article* §§4-101—4-601, Annotated Code of Maryland.
  - (6) "Public record" has the meaning defined in [State Government Article, §10-611(g)] *General Provisions Article* §4-101(h), Annotated Code of Maryland.
  - (7) – (8) (text unchanged)

### .07 Response to Written Request.

- A. – B. (1) (text unchanged)
  - (2) Within 10 working days give the applicant the written statement required under [State Government] *General Provisions Article*, [§10-614(b)(3)] § 4-203(c)(2), Annotated Code of Maryland.
- C. – E. (text unchanged)

### .11 Review of the Denial.

- A. – D. (text unchanged)
  - E. If the hearing results in a total or partial denial of the written request, the applicant may file an appropriate action in circuit court under [State Government] *General Provisions Article*, [§10-623] §4-362, Annotated Code of Maryland. The EMS Board shall be a party to any proceeding.
  - F. If the applicant does not request a hearing, the applicant may file an action for judicial enforcement under [State Government] *General Provisions Article*, [§10-623] §4-362, Annotated Code of Maryland, without exhausting the administrative remedy. The EMS Board shall be a party to any proceeding.

## Chapter 05 Correction or Amendment of Public Records

### .01 Scope.

This chapter governs procedures for a person in interest to request the correction or amendment of public records under [State Government] *General Provisions Article*, [§10-625] § 4-502, Annotated Code of Maryland, in the Maryland Institute for Emergency Medical Services Systems (MIEMSS).

### .02 Definitions.

- A. – B. (1) (text unchanged)
  - (2) "Person in interest" has the meaning stated in [State Government] *General Provisions Article*, [§10-611(e)] § 4-101(e), Annotated Code of Maryland.
  - (3) "Public record" has the meaning defined in [State Government] *General Provisions Article*, [§10-611(g)] §4-101(h), Annotated Code of Maryland.

### .03 Who May Request.

A person in interest may request that MIEMSS correct or amend any public record under [State Government Article, §10-625] *General Provisions Article* § 4-502, Annotated Code of Maryland.

### .07 Response to Request.

Within 30 days after the completed request for correction or amendment that complies with Regulations .04 and .05 of this chapter is received, the custodian of the record shall:

- A. – C. (2) (text unchanged)
  - (3) The person who made the request is not entitled to inspect the record under [State Government Article, 10-615-----10-619, Annotated Code of Maryland] *Parts I through IV of the Public Information Act*, or
  - (4) Of any reason that is authorized by law.

## **Subtitle 06 PUBLIC ACCESS AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM**

Authority: Education Article, §13-517, Annotated Code of Maryland

### **Chapter 02 Approval of Facilities and Compliance**

#### **.08 Confidentiality of Records.**

MIEMSS shall maintain the confidentiality of records referred to in this subtitle in accordance with:

A – B (text unchanged)

C. [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.

## **Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS**

Authority: Education Article, §13-509, Annotated Code of Maryland

### **Chapter 01 General Provisions**

#### **.04 Confidentiality of Records.**

MIEMSS shall maintain the confidentiality of records referred to in this subtitle in accordance with:

A. (text unchanged)

B. [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.

### **Chapter 02 Designation of Trauma and Specialty Referral Centers**

#### **.03 Initial Application Process.**

A. – H. (text unchanged)

I. An applicant's designation application is the property of MIEMSS and is confidential information in accordance with:

(1) Health Occupations Article, Title 1, Subtitle 4, and §14-506, Annotated Code of Maryland; and

(2) [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.

#### **.05 On-Site Review for Initial Trauma Center Designation.**

A. – B. (8) (text unchanged)

(9) Confidentiality of On-Site Review Records.

(a) MIEMSS shall require and maintain confidentiality of an on-site review record.

(b) An on-site review record is confidential and exempt from public disclosure ) [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.

(c) – (d) (text unchanged)

C. (text unchanged)

### **Chapter 03 Requirements for Designated Trauma or Specialty referral Centers**

#### **.01 Requirements for Trauma or Specialty Referral Centers.**

A. A hospital designated as a trauma or specialty referral center shall:

(1) – (5) (a) (text unchanged)

(b) [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.

B. (text unchanged)

### **Chapter 13 Disciplinary Action for Violation of Subtitle**

#### **.03 Confidentiality of Records of Investigation.**

A. – B. (text unchanged)

C. If MIEMSS begins an investigation, it shall create a confidential record containing the investigatory material, which:

(1) Is exempt from disclosure under Health Occupations Article, §§1-401 and 14-506, Annotated Code of Maryland, and [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland; and

(2) Shall be placed in the designated trauma or specialty referral center's official record.

D. A request for records maintained by MIEMSS shall be processed under Health Occupations Article, §§1-401 and 14-506, Annotated Code of Maryland, and [State Government Article, Title 10, Subtitle 6, Part III,] *General Provisions Article, Title 4, Subtitle 3*, Annotated Code of Maryland.