

**Maryland General Assembly
Department of Legislative Services**

**Emergency Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-115)**

Overview and Legal and Fiscal Impact

The regulation adds language to allow routine medications to be administered at a youth camp by an adult staff member or volunteer under certain circumstances.

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:

Housing: Certification for Youth Camps: COMAR 10.16.06.33

Legal Analysis

Background

COMAR 10.16.06 governs the regulation of youth camps in the State. COMAR 10.16.06.33 allows a youth camp staff member or volunteer to administer a nonprescription or prescription medication only if the staff member or volunteer is a licensed or certified professional who is authorized to practice in Maryland and whose scope of practice includes medication administration.

The Board of Nursing has submitted an emergency/proposed regulation that amends COMAR 10.27.11.01 to add youth camps to the list of persons that are exempt from the regulations governing the delegation of nursing tasks by registered nurses. The change allows youth camp staff members and volunteers to administer medication without a nurse being required to oversee the administration. For an analysis of this regulation, see DLS Control No. 15-038.

Summary of Regulation

The Department of Health and Mental Hygiene is amending COMAR 10.16.06.33 to allow routine medications to be administered at a youth camp by an adult staff member or volunteer who has successfully completed a training course that was previously approved by the Office of Child Care of the Maryland State Department of Education and is acceptable to the department.

Statutory Authority and Legislative Intent

The department cites §§ 5-560 through 5-568, 5-704, and 5-705 of the Family Law Article, §§ 2-104, 14-402(d), 14-403, 18-318, and 18-403 of the Health – General Article, and §§ 8-6A-01 through 8-6A-16 and 14-306 of the Health Occupations Article as legal authority for the regulation. More specifically, § 2-104 of the Health – General Article authorizes the Secretary of Health and Mental Hygiene to adopt regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. Section 14-403 of the Health – General Article requires the Secretary to adopt regulations for certifying youth camps, including provisions regarding personal health, first aid, and medical services.

The other statutory provisions cited do not apply and do not conflict with the regulation.

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

Reason for Emergency Status

The department is requesting emergency status from July 1, 2015, until December 21, 2015. This emergency period is within normal timeframes approved by the committee. The department indicates that emergency status is needed to make use this camp season of the change that the Board of Nursing is making to COMAR 10.27.11.01. The change adds youth camps to the list of persons that are exempt from the requirements regarding the delegation of nursing tasks by registered nurses. This would allow camp staff members and volunteers to administer medicine without a registered nurse being required to oversee the administration.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments and can be implemented by the department within existing budgeted resources. 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. More specifically, the regulation may result in efficiencies for some small business youth camps to the extent the camps can train and utilize staff and volunteers to administer specified medications. The Department of Legislative services concurs. The department also advises that the required training courses are already available online and are pre-approved by the department.

Contact Information

Legal Analysis: Jodie L. Chilson – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510