

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
06/18/2015		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

10 16 06 33

2. Name of Promulgating Authority

Department of Health and Mental Hygiene

3. Name of Regulations Coordinator

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4. Name of Person to Call About this Document
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5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: July 1, 2015

Date Requested for Emergency Status to Expire: December 21, 2015

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- 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.)

10. Reason for Request for Emergency Status

The purpose of this emergency action is to authorize a staff member or volunteer who has successfully completed a training course acceptable to the Department to administer nonprescription or prescription medication to campers. This emergency action is being requested to utilize the recent exemption granted to youth camps in the Maryland Board of Nursing regulations (see Proposed / Emergency COMAR 10.27.11.01). The emergency action is being submitted in order to allow camps to utilize the provisions this season, rather than having to wait until next year. The Department has been informed that youth camps are already prepared to employ the regulations' provisions in the current year.

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 17, 2015. A signed 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

June 18, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 16 HOUSING

10.16.06 Certification for Youth Camps

Authority: Family Law Article, §§5-560—5-568, 5-704, and 5-705; Health-General Article, §§2-104, 14-402(d), 14-403, 18-318, and 18-403; Health Occupations Article, §§8-6A-01—8-6A-16 and 14-306; Annotated Code of Maryland

Notice of Emergency Action

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulation .33 under COMAR 10.16.06 Certification for Youth Camps.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This emergency action will have a positive indeterminate economic impact on some units of the regulated youth camps industry this year by allowing them to train and use staff and volunteers for medication administration in certain circumstances. The changes included in this proposal will facilitate more efficient operations for affected youth camps, as the current practice for medication administration at these camps is for parents to do so before or after camp, or during the camp day, often interrupting the camp day schedule. This emergency action will not impact the Department because the changes will not alter the Department's operations. Further, this emergency action will not impact state agencies, local government, or the public because the regulation of youth camps is administered only by the Department. Likewise, the nursing industry will not be impacted by these changes as the youth camps that are likely to utilize

trained staff and volunteers do not currently employ nurses to conduct medication administration, and would not otherwise hire nurses to administer medications.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminate
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D. This emergency action will have a positive indeterminate economic impact on the youth camp industry by allowing operators to use staff and volunteers for medication administration rather than requiring parents to come to camp to administer medication, or to have all medications by parents outside of camp. The Department is unable to estimate the impact this would have on the youth camp industry because the Department does not know how many camps will choose to train their staff or volunteers for the purpose of medication administration.

Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.

This action will have a positive economic impact on some youth camps by allowing them to train and use staff and volunteers for medication administration. This will not affect all youth camps, but is likely to be particularly beneficial to smaller youth camps that serve campers with few medication needs.

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?

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:

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. Response to small business worksheet:

Attached Document:

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10.16.06.33 (April 15, 2015)

.33 Nonprescription and Prescription Medications.

A. When a staff member *or volunteer* administers a nonprescription or prescription medication, an operator shall ensure that a nonprescription or prescription medication is only administered [by] :

(1) *By a licensed or certified professional:*

[(1)] *(a) (text unchanged)*

[(2)] *(b) Whose scope of practice includes medication administration [.] ; or*

(2) For routine medications, by an adult staff member or volunteer who has successfully completed a training course:

(a) Previously approved by the Office of Child Care of the Maryland State Department of Education; and

(b) Acceptable to the Department.

B.—E. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene