

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
06/23/2015		
Emergency Status Approved		Document Number
-Yes-No		
Emergency Status Begins On		Date of Publication in MD Register
On		
Emergency Status Ends On		
On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

10 54 02 18

2. Name of Promulgating Authority

Department of Health and Mental Hygiene

3. Name of Regulations Coordinator

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must be effective on July 1, 2015. Because the process of regulation promulgation generally takes four to six months, the Department of Health and Mental Hygiene respectfully requests permission to adopt provisions on an emergency basis to address this matter effective July 1, 2015, and lasting until December 27, 2015. In the meantime, amendments for COMAR 10.54.02.18 will be promulgated in the usual manner.

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 22, 2015. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Date

June 23, 2015

Telephone No.

410-767-6500

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.02 Local Agency

Authority: Health-General Article, §§18-107(a) and 18-108, 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 .18 under COMAR 10.54.02 Local Agency.

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.

The State WIC Office has increased the rate local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:	(E-)	\$218,676
B. On other State agencies:	NONE	
C. On local governments:	(E+)	\$134,431
	Benefit (+) Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:		
(1) The JHU Bloomberg School of Public Health	(+)	\$13,787
(2) Community Clinic, Inc.	(+)	\$59,835
(3) Greater Baden Medical Services, Inc.	(+)	\$10,623
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminate

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

A. The figure of \$218,676 represents an increase in the cost of administering the WIC Program for the first 6 months of implementation in FY 2016 because of an increase in the rate paid to local agencies to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant. Funds provided through a Breastfeeding Peer Counselor Funding Grant to 21,239 participants (1,368 participants more than FY 2015) at \$70.88 per participant will increase annually by \$437,353 to \$1,505,420. This represents an increase of \$17.13 per person to fund breastfeeding promotion and support. This amount has been requested in the FY 2016 budget. The information above is represented in the following table.

FY 2015 FY 2016

Per participant in Breastfeeding Peer Counselor Funding Grant annually, based on case load assignment \$53.75 \$70.88

Per quarter for each additional pregnant or breastfeeding participant in Breastfeeding Peer Counselor Funding Grant \$13.437 \$17.72

C. Fifteen Local Health Departments (LHDs) serve as local agencies and receive operating funds through the DHMH Unified Grant Award (UGA) process.

D(1). The Johns Hopkins University Bloomberg School of Public Health serves WIC participants in several designated geographic areas of Baltimore City. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(2). Community Clinic, Inc. serves WIC participants in Montgomery County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(3). Greater Baden Medical Services, Inc. serves WIC participants in designated geographic areas of Prince George's County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

F. Combined, local agencies will serve an average of 147,995 participants monthly, providing supplemental food and nutrition education to improve dietary habits of qualifying women, infants, and children under age 5.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

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:

Federal funds.

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.

These are administrative funds provided to LHDs and nonprofit organizations administering the WIC Program and are used to provide direct client services to WIC participants.

G. Response to small business worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.02 Local Agency (accessed 4/21/15)

Authority: Health-General Article, §§18-107(a) and 18-108, Annotated Code of Maryland

10.54.02.18 (4/21/15)

.18 Payment to a Local Agency.

- A. (text unchanged)
- B. Effective July 1, [2014] 2015, the Department shall award to the local agency a base funding of:
 - (1)—(3) (text unchanged)
- C. Effective July 1, [2014] 2015, the Department shall award to the local agency:
 - (1)—(2) (text unchanged)
- D. (text unchanged)
- E. Effective July 1, [2014] 2015 the Department shall award to the local agency the following additional funds to promote and support breastfeeding by breastfeeding peer counselors:
 - (1) [\$53.75] \$70.88 per pregnant or breastfeeding participant annually, based on caseload assignment; and
 - (2) [\$13.437] \$17.72 per quarter for each additional pregnant or breastfeeding participant added by the Department to the initial caseload assignment.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

