

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/23/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 54 02 18

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

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5. Name of Person to Call About this Document

Alexis Moss

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: April 21, 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 Claire Pierson, Assistant Attorney General, (telephone #410-767-6526) on June 22, 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

June 23, 2015

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 Proposed Action

[]

The Secretary of health and Mental Hygiene proposes to amend Regulation .18 under COMAR 10.54.02 Local Agency.

Statement of Purpose

The purpose of this action is to amend Regulation .18 under COMAR 10.54.02 Local Agency. This proposal will reflect changes in funding that will affect the amounts local agencies will be paid for providing WIC Program services. There is a net increase in the total amount local agencies will be paid to support breastfeeding through the use of breastfeeding peer counselors per pregnant or breastfeeding participant enrolled.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed 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-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$437,352
B. On other State agencies:	NONE	
C. On local governments:	(E+)	\$268,862
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) The JHU Bloomberg School of Public Health	(+)	\$27,574
(2) Community Clinic, Inc.	(+)	\$119,670
(3) Greater Baden Medical Services, Inc.	(+)	\$21,246
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 \$437,352 represents an increase in the cost of administering the WIC Program 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 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 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 September 8, 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:
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. 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