

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 05 05 03

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

Mailing Address

201 W. Preston Street

City State Zip Code

Baltimore MD 21201

Email

michele.phinney@maryland.gov

5. Name of Person to Call About this Document

Amanda Thomas

Telephone No.

410-402-8054

Email Address

amanda.thomas@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 9, 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 Paul Ballard, Assistant Attorney General, (telephone #410-767-6918) on September 10, 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

September 11, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 05 FREESTANDING AMBULATORY SURGICAL FACILITIES

10.05.05 Freestanding Ambulatory Surgical Facilities

Authority: Health-General Article, §19-3B-01 et seq, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to reduce the initial and renewal licensing fees for freestanding ambulatory surgical facilities.

Statement of Purpose

The purpose of this action is to reduce the initial and renewal licensure fees from \$3,000 to \$1,000 for freestanding ambulatory surgical facilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Ambulatory surgical facilities will benefit from the lower licensing fees while OHCQ will still be able to license and survey ambulatory surgical facilities.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	\$219,333
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$219,333

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 State general fund will be impacted in the amount of (329 providers X \$2,000 reduction for 3-year license) = 658,000 for a 3-year license period. Annually this loss equate to \$219,333.

D. Ambulatory Surgical Center providers will benefit due to lower costs to obtain a license in the amount of (329 providers X \$2,000 reduction for 3-year license) = 658,000 for a 3-year license period. Annually this loss equates to \$219,333.

F. Ambulatory surgical facilities will save on the costs of licensing that might otherwise need to be passed on to the public. This regulatory change poses no corresponding harm to the ability of OHCQ to perform its licensure and survey functions.

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 November 16, 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:

General 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.

Ambulatory surgical facilities will benefit from reduced licensing fees.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 05 FREE STANDING AMBULATORY CARE FACILITIES

10.05.05 Freestanding Ambulatory Surgical Facilities

Authority: Health-General Article, §19-3B-01 et seq, Annotated Code of Maryland

10.05.05.03 (9/9/15)

.03 Licensing Procedure.

In addition to meeting all of the requirements of COMAR 10.05.01.03A—C, the applicant shall submit a nonrefundable fee of [~~\$3,000~~] *\$1,000* for a 3 year period, with an application for initial licensure, or submit a nonrefundable fee of [~~\$3,000~~] *\$1,000* with an application for license renewal for a 3 year period.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

FEE JUSTIFICATION

1) Explain/justify why an increase or decrease is necessary:

The fee may be reduced without impacting the ability of OHCQ to license and survey ambulatory surgical facilities.

2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

The FY16 appropriation was \$457,816 to operate effectively.

3) In what year was the most recent fee increase?

2013

4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

The fee is not retained by OHCQ but is passed through the General Fund.

5) Describe any measures taken to mitigate the need for increased revenue:

Not applicable.

6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

Not applicable.

7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

Not applicable as this is a fee decrease.

8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

No efforts have been made to solicit opinions outside of the Department.