

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/21/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/30/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 06 02 02

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

Alexis Moss

Telephone No.

410-767-4071

Email Address

alexis.moss@maryland.gov

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: July 1, 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 Claire Pierson, Assistant Attorney General, (telephone #410-767-6526) on October 20, 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

October 20, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 06 DISEASES

10.06.02 Communicable Diseases – Rabies

Authority: Health-General Article, §§18-102, 18-312—18-320, and 18-604, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .02 under COMAR 10.06.02 Communicable Diseases – Rabies.

Statement of Purpose

The purpose of this action is to update and clarify certain definitions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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: TYY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 30, 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?

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:

The proposed regulation changes will update definitions in an effort to clarify rabies control procedures for local health departments, physicians, veterinarians, and other Maryland government agencies. None of the proposed changes will result in an increase of fees or staffing resources.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The proposed regulation changes are clarifying in nature and will not cause physicians or veterinarians that operate small practices to incur additional fees or expenses.

G. Small Business Worksheet:

Attached Document:

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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:
The proposed regulation changes will update definitions in an effort to clarify rabies control procedures for local health departments, physicians, veterinarians, and other Maryland government agencies. None of the proposed changes will result in an increase of fees or staffing resources.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
The proposed regulation changes are clarifying in nature and will not cause physicians or veterinarians that operate small practices to incur additional fees or expenses.
G. Small Business Worksheet:

Attached Document:

Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE
Subtitle 06 DISEASES

10.06.02 Communicable Diseases – Rabies

Authority: Health-General Article, §§18-102, 18-312—18-320, and 18-604, Annotated Code of Maryland

10.06.02.02 (7/1/15)

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
- (1)—(3) (text unchanged)
- (4) “Apparently healthy” means an:
- (a) (text unchanged)
- (b) Investigation by the local health officer or the health officer’s designee shows that:
- (i) The animal has not had a change in health or behavior in the past 30 *calendar* days, including but not limited to lethargy, lameness, weakness, slowness of movement or gait, [paresis,] paralysis, or loss of appetite[.]; or
- (ii) (text unchanged)
- (5) (text unchanged)
- (6) “Bite contact” means penetration of the skin by the teeth of an animal, *regardless of whether blood is visible*.
- [(7)] “Biting animal” means an animal that has bitten or has exposed through a non-bite contact a human or another animal.]
- [(8)] (7)—[(15)] (14) (text unchanged)
- [(16)] (15) “Livestock” means domestic farm animals, including but not limited to cattle, [equine,] *horses and other equines*, swine, sheep, and goats.
- [(17)] (16)—[(21)] (20) (text unchanged)
- [(22)] (21) “Provoked bite” means a bite that resulted from human activity, such as an individual attempting to play with, pet, feed, handle, hold, *harm* or redirect an animal’s actions.
- [(23)] (22)—[(25)] (24) (text unchanged)
- [(26)] (25) “Risk assessment” means the evaluation of the circumstances surrounding a bite or non-bite contact to determine the likelihood that an individual has [come into contact with an animal that was exposed to rabies] *been exposed to material potentially infectious with rabies*.
- [(27)] (26)—[(28)] (27) (text unchanged)
- [(29)] (28) “Strict isolation” means that:
- (a) An animal is confined in [a double-door, escape-proof enclosure] *an escape-proof enclosure that precludes direct contact with people and other animals*;
- (b) (text unchanged)
- (c) Human contact with the animal is restricted to one adult caring for the animal or not allowed at all by the local health officer or Public Health Veterinarian; *and*
- (d) The enclosure is constructed in a manner to ensure that the confined animal is unable to come in contact with another animal; and]

[(e)] (d) The owner or custodian of the animal has signed an agreement with the local health department or animal control [office] *authority* that the owner or custodian has met and agrees to meet the requirements specified in [§B(29)(a)—(d)] §B(28)(a)—(c) of this regulation.

[(30)] (29)—[(31)] (30) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene