

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/28/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/11/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 09 61 01 and .03

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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201 W. Preston Street

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michele.phinney@maryland.gov

5. Name of Person to Call About this Document

Emma Calvet

Telephone No.

410-767-0579

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emma.calvet@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: June 17, 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 David Lapp, Assistant Attorney General, (telephone #410-767-5292) 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 28, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.61 Medical Day Care Services Waiver

Authority: Health-General Article, §§2-104(b), 15-103, and 15-111, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01 and .03 under COMAR 10.09.61 Medical Day Care Services Waiver.

Statement of Purpose

The purpose of this action is to update current Medical Day Care Program regulations to align with licensing regulations COMAR 10.12.04 and to clarify existing language regarding multidisciplinary teams and plans of care.

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; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. 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 action updates current Medical Day Care Program regulations to align with licensing regulations, and there are no costs associated with practices implemented by service providers to comply with the regulations.

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

See E.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.61 Medical Day Care Services Waiver

Authority: Health-General Article, §§2-104(b), 15-103, and 15-111, Annotated Code of Maryland

10.09.61.01 (6/17/15)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)–(9) (text unchanged)

(10) "Multidisciplinary team" means the group consisting of [appropriate] members of the medical day care center's professional staff, [and] the participant [or], *the participant's* authorized representative, [or both,] *healthcare professionals, and waiver case managers, as appropriate*, that establishes and updates the *participant's* service plan

and [the] plan of care [and assesses the appropriateness of the services provided to the participant by the medical day care center].

(11)—(13) (text unchanged)

(14) "Plan of care" means a written plan established by the multidisciplinary team in accordance with[:

(a) A signed physician order; and

(b) An assessment of the participant's health status and all of the participant's special care requirements necessary to maintain the participant at, or to restore the participant to, optimal capability for self care] *COMAR 10.12.04.22 and based on:*

(a) *A physician order; and*

(b) *An assessment of the participant's health status and special care requirements.*

(15)—(23) (text unchanged)

10.09.61.03 (6/17/15)

.03 Participant Eligibility.

A. (text unchanged)

B. Technical Eligibility. An individual shall be determined by the Department or its designee to be eligible for waiver services if the individual:

(1)—(2) (text unchanged)

(3) Has a service plan that:

(a)—(b) (text unchanged)

(c) Is developed and signed by [the] :

(i) *The participant or authorized representative[.]; and [an appropriately constituted]*

(ii) *Appropriate members of the multidisciplinary team[, and approved by the Department or its designee];*

(d) Is revised as necessary [by the participant or authorized representative, and the multidisciplinary team] due to a significant change in the participant's condition or service needs[, with the revisions approved by the Department or its designee];

(e) (text unchanged)

(4)—(7) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene