

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Health and Mental Hygiene  
(DLS Control No. 16-009)**

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**Overview and Legal and Fiscal Impact**

The regulation requires a licensed home health agency or an entity proposing to operate a licensed home health agency to be open during normal business hours, or any other times that the facility is serving residents, for inspection by the Department of Health and Mental Hygiene or by any other agency designated by the department, to (1) survey home health agencies at least every three years; (2) verify compliance with licensing regulations; or (3) investigate complaints.

The regulation presents no legal issues of concern.

**Regulation of COMAR Affected**

**Department of Health and Mental Hygiene:**

Hospitals: Home Health Agencies: COMAR 10.07.10.05-.16

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**Legal Analysis**

**Summary of Regulation**

The regulation requires a licensed home health agency or an entity proposing to operate a licensed home health agency to be open during normal business hours, or any other times that the facility is serving residents, for inspection by the department or by any other agency designated by the department, to (1) survey home health agencies at least every three years; (2) verify compliance with licensing regulations; or (3) investigate complaints.

**Legal Issues**

The regulation presents no legal issues of concern.

**Statutory Authority and Legislative Intent**

The department of cites § 19-404 of the Health – General Article as statutory authority for the regulation. Section 19-404 requires the department to adopt regulations that set standards for the care, treatment, health, safety, welfare, and comfort of patients of home health agencies.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation is procedural and has no impact on State or local governments. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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