

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 16-036)**

Overview and Legal and Fiscal Impact

The regulations alter from the 2006 Edition to the 2014 Edition the edition of the Guidelines for the Design and Construction of Hospitals and Outpatient Facilities that is incorporated by reference under COMAR 10.07.01.02.

The regulations require a facility to be in compliance with (1) the Guidelines for the Design and Construction of Hospitals and Outpatient Facilities (2014 Edition); and (2) all applicable State and local governing laws, regulations, standards, ordinances, and codes for fire safety, building, and zoning requirements. Any waiver or other modifications of these requirements is required to be addressed by the appropriate State or local authority having jurisdiction in accordance with established procedures.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Hospitals: Acute General Hospitals and Special Hospitals:
COMAR 10.07.01.02, .03 and .30

Legal Analysis

Summary of Regulations

The regulations alter from the 2006 Edition to the 2014 Edition the edition of the Guidelines for the Design and Construction of Hospitals and Outpatient Facilities that is incorporated by reference under COMAR 10.07.01.02.

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Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites § 19-308 of the Health – General Article as statutory authority for the regulations. Section 19-308 requires the Secretary of Health and Mental Hygiene to adopt regulations that set standards of services for related institutions, accredited hospitals, nonaccredited hospitals, accredited residential treatment centers, and nonaccredited residential treatment centers in the following areas: (1) the care of patients; (2) the medical supervision of patients; (3) the physical environment; (4) disease control; (5) sanitation; (6) safety; and (7) dietary matters.

This authority is correct and complete. The regulations comply 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 regulations update the incorporation by reference document for architectural guidelines for hospitals and outpatient facilities and adopt a separate regulation regarding physical environment requirements. The department advises that the regulations have 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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