

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/17/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/29/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

10 07 01 02, .03 and .30

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator Telephone Number
Michele Phinney 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 Telephone No.
Amanda Thomas 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: .

- 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 General Provisions Article, §3-302(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 February 25, 2016. 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

March 17, 2016

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 07 HOSPITALS
10.07.01 Acute General Hospitals and Special Hospitals

Authority: Health-General Article, §19-308, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .02 and .30, repeal existing Regulation .03, and recodify existing Regulation .02 to be Regulation .03 under COMAR 10.07.01 Acute General Hospitals and Special Hospitals.

Statement of Purpose

The purpose of this action is to update the 2006 incorporation by reference document regarding architectural guidelines for hospitals and outpatient facilities to the 2014 edition and adopts a separate regulation regarding physical environment requirements.

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 May 30, 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 current incorporation by reference document is no longer current. This is merely an update to the current national standards.
- 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. above.
- G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 07 HOSPITALS

10.07.01 Acute General Hospitals and Special Hospitals

Authority: Health-General Article, §19-308, Annotated Code of Maryland

.02 Incorporation by Reference.

The Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, The Facilities Guidelines Institute (2014 Edition), is incorporated by reference, with the following exceptions:

- A. 2.3 *Specific Requirements for Freestanding Emergency Department, pp. 211-213;*
- B. 3.3 *Specific Requirements for Freestanding Outpatient Diagnostic and Treatment Facilities, pp. 295-296;*
- C. 3.4 *Specific Requirements for Freestanding Birthing Center; pp. 297-302;*
- D. 3.5 *Specific Requirements for Freestanding Urgent Care Centers, pp. 303-306; and*
- E. 3.6 *Specific Requirements for Freestanding Cancer Treatment Facilities; pp. 307-309.*

10.07.01.02 (February 22, 2016)

[.02].03 Hospital Classification.

- A.—C. (text unchanged)

.30 Physical Environment.

- A. *The facility shall be in compliance with:*

(1) *Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, (2014); and*

(2) All applicable State and local governing laws, regulations, standards, ordinances, and codes for fire safety, building, and zoning requirements.

B. Any waiver or other modification of these requirements shall be addressed by the appropriate State or local authority having jurisdiction in accordance with established procedures.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Incorporation by Reference
APPROVAL FORM

Date: March 11, 2016

COMAR: 10.07.01.02

Michele Phinney, Director
DHMH – Office of Regulation and Policy Coordination
201 West Preston Street, Room 512
Baltimore, MD 21201

Dear Michele:

The document entitled Guidelines for the Design and Construction of Hospitals and Outpatient Facilities, The Facilities Guidelines Institute (2014 Edition) is approved for incorporation by reference.

Please note the following special instructions: None

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor