

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	06/13/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. **Desired date of publication in Maryland Register: 7/22/2016**

2. **COMAR Codification**

**Title Subtitle Chapter Regulation**

10 41 09 03

3. **Name of Promulgating Authority**

Department of Health and Mental Hygiene

4. **Name of Regulations Coordinator**

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5. **Name of Person to Call About this Document**

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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID**  
**DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS**  
**10.41.09 Civil Penalties**

Authority: Health Occupations Article, §2-205, 2-314.9, and 2-315, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under COMAR 10.41.09 Civil Penalties.

This action was considered at a public meeting on May 19, 2016, notice of which was given by publication on the Board's website at <http://dhmh.maryland.gov/boardsahs/Pages/Index.aspx>, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to correct an inconsistency in Board regulations regarding the maximum administrative fine that can be imposed on a licensee found to have committed a violation. Currently, COMAR 10.41.09.01 and Health Occupations Article, §2-314.9, Annotated Code of Maryland, state that the Board may impose an administrative penalty not exceeding \$5,000 on a licensee for an act or omission prohibited under current law. Currently, COMAR 10.41.09.03 states that the maximum administrative fine is \$1,000.

**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](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through August 22, 2016. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

- A. Fiscal Year in which regulations will become effective: FY 2017
- 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: This proposal is not increasing the maximum amount of money that the Board can fine a licensee. It is correcting an inconsistency between regulations and statute.
- 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:

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## **Title 10**

# **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 41 BOARD OF EXAMINERS FOR AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS**

### **10.41.09 Civil Penalties**

Authority: Health Occupations Article, §2-205, 2-314.9, and 2-315, Annotated Code of Maryland

*10.41.09.03 (5/26/2016)*

**.03 Authority To Impose Administrative Monetary Penalty.**

A. After a hearing under Health Occupations Article, §2-315, Annotated Code of Maryland, and COMAR 10.41.04, the Board may impose an administrative monetary penalty [of \$1,000 or less] under this chapter on a licensee who is found to have committed a violation.

B. The Board may impose a penalty under §A of this regulation:

(1) For each determination by the Board that there are grounds to suspend or revoke the license of a licensee or to reprimand a licensee or place a licensee on probation[, not to exceed a maximum of \$1,000]; and

(2) (text unchanged)

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**