

MARYLAND REGISTER

Proposed Action on Regulations

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| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 06/23/2016 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |
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1. **Desired date of publication in Maryland Register: 8/5/2016**

2. **COMAR Codification**

Title Subtitle Chapter Regulation

10 32 04 01 and .05

3. **Name of Promulgating Authority**

Department of Health and Mental Hygiene

4. **Name of Regulations Coordinator**

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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 32 BOARD OF PHYSICIANS
10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrists Assistant

Authority: Health Occupations Article, §§ 14-205, 14-302, and 14-306, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01 and .05 under COMAR 10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrists Assistant.

This action was considered at a public meeting on September 30, 2015, notice of which was given by publication on the Board's website at: <http://www.mbp.state.md.us/forms/sep15Fullagenda.pdf> from September 16 through September 30, 2015, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to eliminate references to reinstatement as this category of providers has been grandfathered in since 1993 and no new providers are being licensed. This proposal also adds clarifying language.

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 September 6, 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?

No

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:

N/A

E. If these regulations have no economic impact under Part A, indicate reason briefly: These changes are procedural in nature and do not have an economic impact on any entity.

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 32 BOARD OF PHYSICIANS

10.32.04 Delegation of Duties by a Licensed Physician-Psychiatrist to a Psychiatrists Assistant

Authority: Health Occupations Article, §14-205, 14-302, and 14-306, Annotated Code of Maryland

10.32.04.01 (July 20, 2015)

.01 Scope.

This chapter concerns the registration of psychiatrist's assistants before October 1, 1993, and re-registration, [reinstatement,] and discipline of psychiatrist's assistants currently registered by the Board of Physicians.

10.32.04.05

.05 Registration[, and Re-registration[, and Reinstatement].

A. After October 1, 1993, the Board may not accept or approve any application for registration [or reinstatement of registration following a lapse of re-registration for a period of longer than 3 months.]

B. [Each person] *An individual* who has been registered by the Board as a psychiatrist's assistant pursuant to [these regulations] *this chapter* shall renew [his] *the* registration every 2 years on the date specified by the Board by re-registration and payment of the appropriate fees. A [person] *registrant* shall meet all the requirements of [these regulations] *this chapter* at re-registration.

C. A psychiatrist's assistant shall [keep the Board apprised of his current post office address] *notify the Board in writing of a change in the psychiatrist's assistant name or address within 60 days after the change.*

D.—E. (text unchanged)

F. If a psychiatrist's assistant does not receive notice of re-registration it shall be [his] *the* responsibility of *the psychiatrist's assistant* to contact the Board in order to complete this re-registration before the expiration of [his] *the* current registration.

G. A psychiatrist's assistant whose registration has expired for failure to renew is unregistered [and will be subject to the appropriate penalties and fees for reinstatement]. A registration which has expired [for a period longer than 3 months] shall be considered permanently expired [,and the psychiatrist's assistant is not eligible to reapply for registration or reinstatement].

H. (text unchanged)

I. When the registration expires, the approval of duties and supervision becomes invalid.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene