

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>
	08/26/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/30/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

10 07 16 23

**3. Name of Promulgating Authority**

Department of Health and Mental Hygiene

**4. Name of Regulations Coordinator Telephone Number**  
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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**Subtitle 07 HOSPITALS**

**10.07.16 Limited Private Inpatient Facilities**

Authority: Health-General Article, §10-502, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Health and Mental Hygiene proposes to adopt new Regulation .23 under COMAR 10.07.16 Limited Private Inpatient Facilities.

**Statement of Purpose**

The purpose of this action is to add a provision for limited private inpatient facilities to request a licensure standards waiver in regards to the physical environment requirements listed in Regulation .12 of this chapter.

**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 [dhmfh.regs@maryland.gov](mailto:dhmfh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through October 31, 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 does not increase nor decrease any fees associated with licensure or operation of the agency, therefore there is no economic impact on the issuing agency, other state agencies, local governments, regulated industries or trade groups, other industries or trade groups, nor the public.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet. This proposal does not increase nor decrease any fees associated with licensure, and therefore there is no economic impact on small businesses.
- G. Small Business Worksheet:

Attached Document:

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## Title 10

# DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 07 HOSPITALS

#### 10.07.16 Limited Private Inpatient Facilities

Authority: Health-General Article, §10-502, Annotated Code of Maryland

**.23 Licensure Standards Waiver.**

*A. The Department may grant a limited private inpatient facility a waiver from the licensure requirements under Regulation .12 of this chapter with, or without, conditions.*

*B. Application for Licensure Standards Waiver.*

*(1) A facility shall submit a request for a waiver on a form developed by the Department.*

*(2) The requestor shall provide in writing the:*

*(a) Regulation from which a waiver is sought;*

*(b) Reason the facility is unable to comply with the regulation;*

*(c) Reason that compliance with the regulation will impose a substantial hardship; and*

*(d) Reason that a waiver will not adversely affect residents.*

*C. Evaluation of Application for Licensure Standards Waiver. In evaluating a waiver request, the Department shall review the statements in the application, and may:*

*(1) Inspect the limited private inpatient facility;*

*(2) Confer with the limited private inpatient facility director; or*

(3) Discuss the request with the residents or their representatives to determine whether the residents or their representatives believe a waiver is in the residents' best interest.

*D. Grant or Denial of Licensure Standards Waiver.*

(1) The Department may grant a waiver request if the Department determines that:

(a) Compliance with the regulation from which the waiver is sought cannot be accomplished without substantial hardship; and

(b) A waiver will not adversely affect residents.

(2) If the Department determines that the conditions of §D(1) of this regulation are not met, the Department shall deny the request for a waiver. The denial of a waiver may not be appealed.

*E. Written Decision.*

(1) The Department shall issue and mail to the applicant a written decision on a waiver request submitted under §B of this regulation within 45 days from receipt of the request and all appropriate supporting information.

(2) If the Department grants the waiver, the written decision shall include:

(a) The waiver's duration; and

(b) Any conditions imposed by the Department.

F. If the limited private inpatient facility violates any condition of the waiver, or if it appears to the Secretary that the health or safety of residents residing in the limited private inpatient facility will be adversely affected by the continuation of the waiver, a waiver may be revoked. The revocation of a waiver may not be appealed.

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**