MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	11/17/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/28/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	02	03	01
10	03	02	01-.03
10	08	02	03
10	11	06	05
10	18	02	02, .03 and .08
10	18	03	03 and .04
10	52	06	12
10	52	12	03, .07 and .08

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.**
Katie Jones 410-767-2207

Email Address
katie.jones@maryland.gov

6. Check applicable items:
_ New Regulations
X- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: September 15, 2015.
_ 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 **X-** 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 State Government Article, §10-506(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 Claire Pierson, Assistant Attorney General, (telephone #410-767-6526) on November 9, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer
Van T. Mitchell

Title	Telephone No.
Secretary	410-767-6500
Date	
November 16, 2015	

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 02 DIVISION OF REIMBURSEMENTS

10.02.03 Appeal Hearings to the Division of Reimbursements

Subtitle 03 HEALTH STATISTICS

10.03.02 Release of Confidential Information in the Center for Maternal and Child Health and the Office of Genetics and Children with Special Health Care Needs

Subtitle 08 HEALTH FACILITIES GRANTS

10.08.02 Construction Funds For Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

10.18.02 HIV and CD4+ Investigations and Case Reporting

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

10.18.03 AIDS Investigations and Case Reporting

Subtitle 52 PREVENTIVE MEDICINE

10.52.06 Use of Tanning Devices by Minors

Subtitle 52 PREVENTIVE MEDICINE

10.52.12 Newborn Screening

Authority: See proposal.

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to :
(1) Amend Regulation .01 under COMAR 10.02.03 Appeal Hearings to the Division of Reimbursements;
(2) Update the chapter name and amend Regulations .01—.03 under COMAR 10.03.02 Release of Confidential Information in the Center for Maternal and Child Health and the Office of Genetics and Children with Special Health Care Needs;
(3) Amend Regulation .03 under COMAR 10.08.02 Construction Funds For Public and

Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities;
(4) Amend Regulation .05 under COMAR 10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood;
(5) Amend Regulations .02, .03, and .08 under COMAR 10.18.02 HIV and CD4+ Investigations and Case Reporting;
(6) Amend Regulations .03 and .04 under COMAR 10.18.03 AIDS Investigations and Case Reporting;
(7) Amend Regulation .12 under COMAR 10.52.06 Use of Tanning Devices by Minors; and
(8) Amend Regulations .03, .07, and .08 under COMAR 10.52.12 Newborn Screening.

Statement of Purpose

The purpose of this action is to correct outdated administration and program references to reflect current names.

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 January 27, 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:
These regulations have no economic impact as they only replace outdated administration and program name references with current names.

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.
G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 02 DIVISION OF REIMBURSEMENTS

10.02.03 Appeal Hearings to the Division of Reimbursements

Authority: Health-General Article, §2-207, Annotated Code of Maryland

10.02.03.01(September 15, 2015)

.01 Definitions.
A. (text unchanged)
B. Terms Defined.
(1)—(4) (text unchanged)
(5) Recipient of Services.
(a) (text unchanged)
(b) "Recipient of services" includes, but is not limited to an individual:
(i)—(iii) (text unchanged)
(iv) In a facility operated **[**by the Community and Public Health Administration**]** *under Public Health Services*.
(6) (text unchanged)

Subtitle 03 HEALTH STATISTICS

10.03.02 Release of Confidential Information in the [Center for] Maternal and Child Health [and the Office of Genetics and Children with Special Health Care Needs] *Bureau*

Authority: Health-General Article, §§2-104(b), 4-102, 4-301—4-309, and 15-125, Annotated Code of Maryland

.01 Confidential Information.

All information relating to personal facts and circumstances, such as names and addresses, medical examinations, and financial resources, obtained by the State or local staff administering the programs of the **[**Center for**]** Maternal and Child Health **[**and the Office for Genetics and Children with Special Health Care Needs**]** *Bureau* shall be treated as confidential and may not be disclosed without the individual's consent, except as may be necessary to provide services to individual mothers and children or as otherwise required by law. Information may be disclosed, however, in summary, statistical, or other form which does not identify individuals.

.02 Disclosure of Confidential Information.

All records and information shall be held confidential and may not be disclosed without the individual's consent, except as may be necessary to provide services to the individual mother or child or as otherwise required by law. This means that:

A. (text unchanged)

B. Confidential information may be released to other public agencies to the extent that they are authorized to provide services for the health and welfare of the mother or child for whom the patient, or the patient's parent in the case of a minor, has requested services. In these circumstances, the information may be disclosed only if written assurances are given to the **[**Center for**]** Maternal and Child Health **[**or the Office for Genetics and Children with Special Health Care Needs**]** *Bureau* that:

(1)—(4) (text unchanged)

.03 Responsibility for Confidential Records and Information.

The **[**Directors**]** *Director* of the **[**Center for**]** Maternal and Child Health **[**and the Office for Genetics and Children with Special Health Care Needs**]** *Bureau*, working under the Secretary of Health and Mental Hygiene:

A.—C. (text unchanged)

Subtitle 08 HEALTH FACILITIES GRANTS

10.08.02 Construction Funds For Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities

Authority: Health-General Article, §*§ 2-102,* 24-601, et seq.**[**; Article 88A, §§44A—54**]** Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "Appropriate administration" means the **[**Mental Hygiene**]** *Behavioral Health*, Developmental Disabilities, **[***or* Alcohol and Drug Abuse,**]** or **[**Local and Family Health**]** *Prevention and Health Promotion* Administration.

(7)—(20) (text unchanged)

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood

Authority: Health-General Article, §18-107, Annotated Code of Maryland

.05 Membership.

A. (text unchanged)

B. Ex Officio Members. The Committee shall include the following ex officio members or their designees:

(1)—(3) (text unchanged)

(4) The Director of the **[**Family Health**]** *Prevention and Health Promotion* Administration of the Department;

(5) The Director of the Maternal and Child Health **[**Program**]** *Bureau* of the Department;

(6)—(18) (text unchanged)

C.—I. (text unchanged)

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

10.18.02 HIV and CD4+ Investigations and Case Reporting

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-202.1, 18-205, 18-207, and 18-215; Annotated Code of Maryland

.02 Exemptions.

A. (text unchanged)

B. Application for Exemption. The principal investigator of a research project shall submit all of the following documents to the **[**AIDS Administration**]** *Department* in order to apply for an exemption:

(1)—(2) (text unchanged)

C. Approval.

(1) The Director of the **[**AIDS Administration**]** *Infectious Disease Prevention and Health Services Bureau* or the Director's designee shall review the application submitted under §B of this regulation to determine whether the:

(a)—(b) (text unchanged)

(2) (text unchanged)

(3) The Director shall mail written notification to the applicant of an exemption under this regulation within 30 days of receipt of the application, stating whether the exemption:

(a)—(b) (text unchanged)

(c) Cannot be processed until further information is provided to the **[**AIDS Administration**]** *Department*.

D.—E. (text unchanged)

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(2) "AIDS Administration" means the Administration in the Department dedicated to working with public and private partners to reduce the transmission of HIV and helping individuals infected with HIV and AIDS live longer and healthier lives.**]**

[(3)**]** *(2)*—**[**(19)**]** *(18)* (text unchanged)

.08 Responsibility of Health Officer.

A.—B. (text unchanged)

C. Upon receipt of a report from a physician pursuant to Regulation .04 of this chapter, a clinical or infection control practitioner pursuant to Regulation .05 of this chapter, or a laboratory director pursuant to Regulation .06 of this chapter, the health officer shall:

(1)—(2) (text unchanged)

(3) Submit the HIV/AIDS case report as set forth in Health-General Article, §18-207, Annotated Code of Maryland, to the **[**AIDS Administration**]** *Department* if the case of HIV or the case of AIDS or the newborn HIV exposure has not been reported previously; and

(4) (text unchanged)

D. (text unchanged)

10.18.03 AIDS Investigations and Case Reporting

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-205, and 18-207, Annotated Code of Maryland

.03 Responsibility of Physicians.

A. (text unchanged)

B. A physician who reports a case shall make available to the **[**AIDS Administration**]** *Department* the information necessary to compile an AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland.

.04 Responsibility of Health Officer.

A.—B. (text unchanged)

C. Upon receipt of a report from a physician pursuant to Regulation .03 of this chapter, the health officer shall:

(1)—(2) (text unchanged)

(3) Submit the AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland, to the **[**AIDS Administration**]** *Department* if the case has not been reported previously; and

(4) (text unchanged)

Subtitle 52 PREVENTIVE MEDICINE

10.52.06 Use of Tanning Devices by Minors

Authority: Health-General Article, §20-106, Annotated Code of Maryland

.12 Request for Hearing.

A. (text unchanged)

B. In order to preserve a right to a hearing on a violation with a penalty under this chapter, if a hearing is desired, a person shall submit a written request to the Department's Environmental Health **[**Coordination Program**]** *Bureau* under the **[**Community Health**]** *Prevention and Health Promotion* Administration for a hearing within 10 days of receipt of the notice of violation with a penalty.

C.—D. (text unchanged)

10.52.12 Newborn Screening

Authority: Health-General Article, §§13-109, 13-111, and 13-601—13-605, Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(15) (text unchanged)

[(16) "Office for Genetics and Children with Special Health Care Needs" means the Office for Genetics and Children with Special Health Care Needs in the Department's Family Health Administration.**]**

[(17)**]** *(16)*—**[**(21)**]** *(20)* (text unchanged)

.07 Births in a Birthing Facility.

A.—D. (text unchanged)

E. Hearing Screening. The individual in charge of the birthing facility or the individual's representative shall:

(1)—(2) (text unchanged)

(3) Record demographic, clinical, and health care provider information required by the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program in the *Maternal and Child Health Bureau* **[**Office for Genetics and Children with Special Health Care Needs**]**; and

(4) Transmit the information recorded in §E(1)—(3) of this regulation to the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program in the **[**Office for Genetics and Children with Special Health Care Needs**]** *Maternal and Child Health Bureau* in the format specified by the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program.

.08 Births Outside a Birthing Facility.

A. (text unchanged)

B. Hearing Screening Tests. The individual required to prepare and file the certificate of birth pursuant to Health-General Article, §4-208, Annotated Code of Maryland, shall:

(1)—(3) (text unchanged)

(4) Record demographic, clinical, and health care provider information required by the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program in the **[**Office for Genetics and Children with Special Health Care Needs**]** *Maternal and Child Health Bureau*; and

(5) Transmit the information recorded in §B(2)—(4) of this regulation to the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program in the **[**Office for Genetics and Children with Special Health Care Needs**]** *Maternal and Child Health Bureau* in the format specified by the **[**Universal Hearing Screening**]** *Early Hearing Detection and Intervention* Program.

Van T. Mitchell

Secretary of Health and Mental Hygiene