

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Health and Mental Hygiene  
(DLS Control No. 15-386)**

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**Overview and Legal and Fiscal Impact**

The regulations establish a process and requirements for issuing certificates for emergency epinephrine, establish requirements for an emergency epinephrine educational training program to receive approval from the Department of Health and Mental Hygiene, and establishes appeal rights for the denial, suspension, or revocation of a certificate for emergency epinephrine. Additionally, the regulations amend existing medication regulations and require the use of a helmet by an individual participating in rock climbing or high ropes activities unless an auto-belay system is utilized.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Health and Mental Hygiene:**

Housing: Certification for Youth Camps:

COMAR 10.16.06.02, .06, .08, .14, .15, .21-33, and .51

Health and Medication Requirements for Youth Camps: COMAR 10.16.07.01-.16

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**Legal Analysis**

**Background**

During the 2015 legislation session, the General Assembly passed Senate Bill 344, Public Health – Emergency and Allergy Treatment Program (Chapter 342 of 2015). Chapter 342 modified the Insect Sting Emergency Treatment Program to establish instead the Emergency and Allergy Treatment Program and limit the program to operators of youth camps and auto-injectable epinephrine. The Act authorized certificate holders or their agents to administer auto-injectable epinephrine to an individual determined to be, or believed to be, experiencing anaphylaxis.

**Summary of Regulations**

The regulations establish a new chapter entitled Health and Medication for Youth Camps under COMAR 10.16.07 and moves provisions regarding the administration of nonprescription

and prescription medications at youth camps from COMAR 10.16.06.23 through .33 to the new chapter.

The new chapter includes new regulations to establish a process and requirements for issuing certificates for emergency epinephrine. An individual may apply for a one year certificate if the individual (1) is an operator of a youth camp; (2) is at least 18 years old; (3) has successfully completed an emergency epinephrine educational training program approved by the department; and (4) submits to the department a written policy that includes the designation of agents, the name of the approved emergency epinephrine educational training program, and specified procedures. A certificate for emergency epinephrine authorizes the holder of the certificate to receive from a licensed physician a prescription for auto-injectable epinephrine and possess and store prescribed auto-injectable epinephrine. In an emergency situation when physician or emergency medical services are not immediately available, the holder of a certificate or a designated agent of the holder is authorized to administer auto-injectable epinephrine to an individual who is experiencing or believed in good faith to be experiencing anaphylaxis. The new chapter also establishes requirements for an emergency epinephrine educational training program to receive approval from the department and establishes appeals rights for the denial, suspension, or revocation of a certificate for emergency epinephrine.

Changes made to the existing regulations for the administration of nonprescription and prescription medications at youth camps under the new chapter include altering and adding definitions, clarifying that the department must approve a course completed by a staff member or volunteer before administering routine medications, altering the requirements for the medication administration authorization form, and establishing requirements for securing staff member or volunteer medication. Additionally, the regulations require the use of a helmet by an individual participating in rock climbing or high ropes activities unless an auto-belay system is utilized.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 5-560 through 5-568, 5-704, and 5-705 of the Family Law Article, §§ 2-104, 13-701 through 13-708, 14-402(d), 14-403, 18-318, and 18-403 of the Health – General Article, and §§ 8-6A-01 through 8-6A-16 and 14-306 of the Health Occupations Article as statutory authority for the regulations. More specifically, § 2-104 of the Health – General Article authorizes the Secretary of Health and Mental Hygiene to adopt regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. Section 13-703 authorizes the department to adopt regulations to administer the Emergency and Allergy Treatment Program. Section 14-403 of the Health – General Article requires the Secretary to adopt regulations for certifying youth camps, including provisions regarding personal health, first aid, medical services, and safety procedures for rock climbing and high ropes. The remaining cited authority is not relevant to these regulations.

The relevant cited authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

In response to suggestions from the Department of Legislative Services, staff for the department changed the State of Purpose to reflect the addition of a helmet requirement for rock climbing or high ropes activities.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs and notes that the regulations are largely implementing Senate Bill 344 of 2015 (enacted as Chapter 342), which authorizes certificate holders or their agents at youth camps to administer auto-injectable epinephrine to an individual experiencing anaphylaxis. The fiscal and policy note for Senate Bill 344 indicated that the department can likely approve educational training programs, issue certificates, and publish the required reports within existing budgeted resources as part of current youth camp oversight and certification activities. The fiscal and policy note also estimated that revenues were likely not affected.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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