

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/07/2015	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 24 08 01

3. Name of Promulgating Authority

Maryland Health Care Commission

4. Name of Regulations Coordinator

Julie Deppe

Telephone Number

(410) 764-3563

Mailing Address

4160 Patterson Avenue

City State Zip Code

Baltimore MD 21215

Email

julie.deppe@maryland.gov

5. Name of Person to Call About this Document

Suellen Wideman

Telephone No.

410-764-3326

Email Address

suellen.wideman@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 11/02/2015.
- 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 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 Suellen Wideman, Assistant Attorney General, (telephone #410-764-3326) on November 19, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Frances B. Phillips, RN, MHA

Title

Vice-Chair

Telephone No.

410-764-3460

Date

November 19, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 24 MARYLAND HEALTH CARE COMMISSION
10.24.08 State Health Plan for Facilities and Services: Nursing Home [and Home Health Agency] Services

Authority: Health-General Article, §§19-109(a)(1), 19-118 and 19-120(f), Annotated Code of Maryland

Notice of Proposed Action

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The Maryland Health Care Commission proposes to amend Regulation .01 under COMAR 10.24.08 State Health Plan for Facilities and Services: Nursing Home and Home Health Agency Services.

This action was considered by the Commission at an open meeting held on November 19, 2015, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to remove home health agency services from COMAR 10.24.08, the existing Chapter that covers both nursing home and home health agency services, and place it in a new Chapter, COMAR 10.24.16, that is devoted exclusively to home health agency services. The amended COMAR 10.24.08 will then be focused on nursing home services.

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 Cathy Weiss, Program Manager, Center for Health Care Facilities and Development, Maryland Health Care Commission, 4160 Patterson Avenue,

Baltimore, MD 21215, or call 410-764-3339 TTY: 800-735-2258, or email to cathy.weiss@maryland.gov, or fax to 410-358-1236. Comments will be accepted through 4:30 pm on January 27, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland Health Care Commission during a public meeting to be held on February 18, 2015 at 1:00 pm, at 4160 Patterson Avenue, Baltimore, Maryland 21215.

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?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
Maryland Health Care Commission

Special Funds

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:
The proposed amendment to the existing Chapter (COMAR 10.24.08) simply requires the removal of Home Health Agency Services section to be placed in a new Chapter (COMAR 10.24.16). The remaining section on Nursing Home Services will remain the same with no substantive changes for COMAR 10.24.08.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The proposed amendment to the existing Chapter (COMAR 10.24.08) simply requires the removal of Home Health Agency Services section to be placed in a new Chapter (COMAR 10.24.16). The remaining section on Nursing Home Services will remain the same with no substantive changes for COMAR 10.24.08.

G. Small Business Worksheet:

The proposed amendment to the existing Chapter (COMAR 10.24.08) simply requires the removal of Home Health Agency Services section to be placed in a new Chapter (COMAR 10.24.16). The remaining section on Nursing Home Services will remain the same with no substantive changes for COMAR 10.24.08. Economic impact on small business is discussed in the replacement regulations found at 10.24.16

Attached Document:

Incorporation by Reference
APPROVAL FORM

Date: November 6, 2015
COMAR: 10.24.08

Julie Deppe
Administrative Officer
Maryland Health Care Commission
4160 Patterson Avenue
Baltimore, MD 21215-2299

Dear Julie:

The document entitled "State Health Plan for Facilities and Services: Nursing Home Services" is approved for incorporation by reference.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor