

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/11/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/22/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

12 02 24 05

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator Telephone Number
George H Hall 410 339 5073

Mailing Address

300 E Joppa Road Suite 400B

City State Zip Code
Towson MD 21286

Email
ghhall@dpscs.state.md.us

5. Name of Person to Call About this Document Telephone No.
Dayena Corcoran 410 585 3301

Email Address

Title 12
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES
Subtitle 02 DIVISION OF CORRECTION

12.02.24 Case Management

Authority: Correctional Services Article, §§2-109(c) and 3-602(d), Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Public Safety and Correctional Services proposes to amend Regulation .05 under COMAR 12.02.24 — Case Management.

Statement of Purpose

The purpose of this action is to amend current language to clarify actual practice concerning programming availability to an inmate assigned to special confinement housing, such as protective custody and administrative and disciplinary segregation.

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 Dayena Corcoran, Assistant Commissioner - Division of Correction, Department of Public Safety and Correctional Services, 6776 Reisterstown Road Baltimore MD 21215, or call 410 585 3301, or email to , or fax to 410 764 4373. Comments will be accepted through February 21, 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?
Yes
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General
- 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 action amends language to clarify existing practice and does not require additional funding to implement or maintain.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
These regulations affect the Department of Public Safety and Correctional Services only.
- G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 02 DIVISION OF CORRECTION

Chapter 24 Case Management

Authority: Correctional Services Article, §§2-109(c) and 3-602(d), Annotated Code of Maryland

.05 Inmate Programming.

- A. —C. (text unchanged)
- [D. An inmate may not participate in the programming process who:
- (1) Is on a type of segregation or protective custody;
 - (2) Is assigned to a medical or mental health unit; or
 - (3) Has been assigned a special housing identifier based on the inmate's:
 - (a) Aggressive behavior;
 - (b) Medical or mental health; or
 - (c) History of victimization.]
- D. Inmate participation in programming may be restricted:
- (1) If the inmate is in special confinement housing, such as administrative or disciplinary segregation, or protective custody and demonstrates other special needs based on:
 - (a) Aggressive behavior;
 - (b) A medical or mental health condition; or
 - (c) Victimization;

(2) Consistent with established case management procedures, if the inmate's case manager or other authorized staff member determines that participation in programming while in special confinement housing would pose a threat to:

(a) Facility safety and security; or

(b) The safety of the inmate, staff, or other participants; or

(3) Because programming in the special confinement housing status at the facility:

(a) Is not available to an inmate; or

(b) Would not be beneficial to the inmate.

E. — I (text unchanged)