

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
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1. Desired date of publication in Maryland Register: 9/16/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

10 54 02 18

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator Telephone Number
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6. Check applicable items:
 New Regulations
 Amendments to Existing Regulations

**Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
WOMEN, INFANTS, AND CHILDREN (WIC)**

10.54.02 Local Agency

Authority: Health-General Article, §18-108, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .18 under COMAR 10.54.02 Local Agency.

Statement of Purpose

The purpose of this action is to reflect changes in funding being awarded that affect the amounts local agencies will be paid for providing WIC Program services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The State WIC Office has increased the total amount of base funding and the funding amount awarded for each participant enrolled.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$174,499
B. On other State agencies:	NONE	
C. On local governments:	(R+)	\$92,309
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) The Johns Hopkins U / Bloomberg School of PH	(+)	\$21,800
(2) Community Clinic, Inc.	(+)	\$6,130
(3) Greater Baden Medical Services, Inc.	(+)	\$54,260
E. On other industries or trade groups:	NONE	

F. Direct and indirect effects on public: (+)

Indeterminate

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The federal award amount for FY 2017 increased by \$174,499 from FY 2016. In FY 2017 the State WIC Office will award \$26,320,409 in federal funds to local agencies. Items C—D in Part A II indicate how these additional funds will be delegated.

The FY 2017 per participant award is being increased. Funds will be distributed as follows: 147,235 participants will be served at \$104 per participant for a total of \$15,312,440; total base funding to local agencies will increase to \$9,555,000; funding for breastfeeding promotion and support will be \$1,452,969, serving 20,499 participants at \$70.88 per participant. The information above is represented in the tables below, along with comparisons to FY 2016 award amounts.

	FY 2016	FY 2017
Annual funding at per participant rate	\$15,095,490 (147,995 participants)	\$15,312,440 (147,235 participants)
Base funding to local agencies	\$9,545,000	\$9,555,000
Annual funding at per participant rate in Breastfeeding Peer Counselor program	\$1,505,420 (21,239 participants)	\$1,452,969 (20,499 participants)
Annual budget	\$26,145,910	\$26,320,409

The following chart represents the proposed regulatory changes to the rates the WIC Program will pay effective July 1, 2016. The purpose of these changes is to accommodate funding for FY 2017. The base funding for case load listed below are tiers of the total base funding to local agencies listed in the chart above.

	FY 2016	FY 2017
Base funding for case load up to 3,999 participants	\$455,000	\$465,000
Base funding for case load from 4,000-7,999 participants	\$490,000	\$510,000
Base funding for case load of 8,000 or more participants	\$640,000	N/A
Base funding for case load of 8,000-11,000 participants	N/A	\$640,000
Base funding for case load of 11,001-20,000 participants	N/A	\$610,000
Base funding for case load of 20,001 or more participants	N/A	\$550,000
Per participant annually, based on case load assignment	\$102	\$104
Per quarter for each additional participant	\$25.50	\$26.00
Per participant in Breastfeeding Peer Counselor	\$70.88	\$70.88

Funding Grant annually, based on case load assignment		
Per quarter for each additional pregnant or breastfeeding participant in Breastfeeding Peer Counselor Funding Grant	\$17.72	\$17.72

C. Fifteen (15) Local Health Departments (LHDs) serve as local agencies and receive operating funds through the DHMH Unified Grant Award (UGA) process.

D(1). The Johns Hopkins University Bloomberg School of Public Health serves WIC participants in several designated geographic areas of Baltimore City. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(2). Community Clinic, Inc. serves WIC participants in Montgomery County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

D(3). Greater Baden Medical Services, Inc. serves WIC participants in designated geographic areas of Prince George’s County. This organization receives operating funds under the provisions of contracts awarded in accordance with contractual agreements with DHMH.

F. Combined, local agencies will serve an average of 147,235 participants monthly, providing supplemental food and nutrition education to improve dietary habits of qualifying women, infants, and children under age 5.

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 W. 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 . October 17, 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?

Yes

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

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 are administrative funds provided to LHDs and nonprofit organizations administering the WIC Program and are used to provide direct client services to WIC participants; there are no small businesses impacted.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 54 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

10.54.02 Local Agency

Authority: Health-General Article, §18-108, Annotated Code of Maryland

10.54.02.18 (June 29, 2016)

.18 Payment to a Local Agency.

A. (text unchanged)

B. Effective July 1, [2015] *2016*, the Department shall award to the local agency a base funding of:

- (1) [\$455,000] *\$465,000* for a case load up to 3,999 participants;
- (2) [\$490,000] *\$510,000* for a case load from 4,000 to 7,999 participants; [and]
- (3) \$640,000 for a case load of 8,000 [or more participants.] *to 11,000 participants;*
- (4) *\$610,000 for a case load of 11,001 to 20,000 participants; and*
- (5) *\$550,000 for a case load of 20,001 or more participants.*

C. Effective July 1, [2015] *2016*, the Department shall award to the local agency:

- (1) [\$102] *\$104* per participant annually, based on case load assignment; and
- (2) [\$25.50] *\$26* per quarter for each additional participant added by the Department to the initial case load assignment.

D. (text unchanged)

E. Effective July 1, [2015] *2016*, the Department shall award to the local agency the following additional funds to promote and support breastfeeding by breastfeeding peer counselors:

- (1)—(2) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene