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**MARYLAND HEALTH CARE COMMISSION**

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**MEMORANDUM**

**TO:** Commissioners

**FROM:** Cathy Weiss   
Center for Health Care Facilities Planning and Development

**DATE:** March 11, 2016

**RE:** Action on Final Regulations:  
Adoption of COMAR 10.24.16: State Health Plan for Facilities and Services –  
Home Health Agency Services  
Amendment of COMAR 10.24.08: State Health Plan for Facilities and Services –  
Nursing Home Services

At its November 19, 2015 meeting, the Commission adopted a new Home Health Agency (HHA) Chapter as proposed permanent regulations with certain changes to be made to the draft regulations prior to submission to the Division of State Documents. The changes were made, as directed, and notice of the adoption of the proposed permanent regulations was published in the January 22, 2016 issue of the *Maryland Register*. During the formal comment period ending February 22, 2016, comments were received from four organizations.

At the Commission's March 17, 2016 meeting, staff will discuss the comments received, present staff recommendations, and request that the Commission adopt COMAR 10.24.16 as final regulations. Staff will also request that the Commission amend COMAR 10.24.08 to delete portions of that Chapter pertaining to HHA services, but leaving in place the remainder of that Chapter, which will become a regulation that only addresses nursing home and special hospital-chronic care services.

Attached are the following documents for your consideration:

1. *Analysis of Formal Public Comments and Staff Recommendations – State Health Plan for Facilities and Services: Home Health Agency Services, COMAR 10.24.16*. The comments are grouped by category and subsection of the HHA Chapter, followed by Staff's analysis and recommendation. In summary, eight comments were received from the four organizations. Staff recommends no changes be made in response to six of the eight comments, and that non-substantive changes be made to Regulations .06C(3) and .06C(9).

2. Copies of the formal comments received on proposed COMAR 10.24.16.

3. *State Health Plan for Facilities and Services: Home Health Agency Services, COMAR 10.24.16.* Staff will recommend that the Commission adopt this new Chapter as final regulations, with two non-substantive changes found at COMAR 10.24.16.06C(3) and .06C(9), on pages 21 and 22, respectively.

4. *State Health Plan for Facilities and Services: Nursing Home Services, COMAR 10.24.08.* Staff will recommend that the Commission amend COMAR 10.24.08 which removed the portion of the Chapter that deals with HHA services, contingent on the adoption of the new HHA Chapter (COMAR 10.24.16). No comments on COMAR 10.24.08 were received.