

10.43.21 Massage Therapy — Record Keeping

Authority: Health Occupations Article, §§3-205 and 3-5A-02, Annotated Code of Maryland

.01 General Requirements.

A. The license or registration holder shall maintain accurate, legible, and organized client records for every client, regardless of the procedure or modality employed.

B. Sufficient information to be obtained and recorded shall include, at a minimum:

- (1) Name, address, and other appropriate contact information;
- (2) Summarized client history;
- (3) Summarized reason for appointment or referral, including referral documentation, including forwarded reports and correspondence, if applicable;
- (4) Billing and insurance documentation, if applicable; and
- (5) Massage session summary in standard SOAP format, or its equivalent, which includes, at a minimum:
 - (a) Initial client assessment, including contraindications noted;
 - (b) Summarized therapy plan; and
 - (c) Progress notes, reflecting: summary of techniques used and response to techniques.

.02 Maintenance and Release of Records.

A. The license or registration holder shall keep all client files secure and confidential in accordance with the provisions of the Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

B. Client files are the property of the:

- (1) License or registration holder when working as a sole proprietor or independent contractor; or
- (2) Practice owner if the practitioner is an employee.

C. Client files shall be released in a timely manner when authorized by the client in writing or compelled by law or regulation.

D. The license or registration holder may assess fees for duplicating client records for the patient or for another health care provider in accordance with Health-General Article, § 4-403, Annotated Code of Maryland.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

Subtitle 44 BOARD OF DENTAL EXAMINERS

10.44.22 Continuing Education

Authority: Health Occupations Article, §4-205, Annotated Code of Maryland

Notice of Proposed Action

[13-297-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under COMAR 10.44.22 Continuing Education. This action was considered by the Board of Dental Examiners at a public meeting held on August 7, 2013, notice of which was given under the Notice of Public Meetings link on the Board's website pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to alter the year on which dentists will be required to complete a 2-hour Board-approved continuing education course in proper prescribing and disposal of prescription drugs as a condition of license renewal from 2014 to 2015.

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 Michele A. 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 November 4, 2013. A public hearing has not been scheduled.

.04 Requirements.

A.—D. (text unchanged)

D-1. A dentist seeking renewal in [2014] 2015 and thereafter shall complete a 2-hour Board-approved course on proper prescribing and disposal of prescription drugs. This course shall count toward the 30 full hours of required continuing education.

E.—I. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

**Title 12
DEPARTMENT OF PUBLIC
SAFETY AND
CORRECTIONAL SERVICES**

**Subtitle 11 OFFICE OF THE
SECRETARY**

**12.11.06 [Payment] Performance of Duty-Related
Death Benefits**

Authority: Public Safety Article, §1-202; Correctional Services Article, §2-109; State Government Article, §9-943; Annotated Code of Maryland

Notice of Proposed Action

[13-304-P]

The Secretary of Public Safety and Correctional Services proposes to amend Regulations .01 and .02, adopt new Regulations .03 — .05 and .07, and amend and recodify existing Regulations .03 and .04 to be Regulations .06 and .08, respectively, under COMAR 12.11.06 Performance of Duty-Related Death Benefits.

Statement of Purpose

The purpose of this action is to:

- (1) Update exiting procedures to reflect current practices;
- (2) Correct style and formatting issues;
- (3) Incorporate new policies and procedures for administrative processing of requests for payment of military death benefits enacted by 2007 amendment to Public Safety Article, §1-202, Annotated Code of Maryland; and

(4) Incorporate new policies and procedures for administrative processing requests for payment of funeral expenses for line of duty death under Public Safety Article, §1-202, Annotated Code of Maryland, that were authorized by statute, but not addressed in COMAR.

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 Patricia Donovan, Executive Director, Human Resources Services Division, Maryland Department of Public Safety and Correctional Services, 6776 Reisterstown Road, Suite 309, Baltimore, MD 21215-2341, or call 410-585-3408, or fax to 410 764 4348. Comments will be accepted through November 4, 2013. A public hearing has not been scheduled.

.01 [Death Benefit] Benefits.

[The Secretary may award a death benefit under certain circumstances to a surviving spouse, children, dependent parents, or the estate of a law enforcement officer, sheriff or deputy sheriff, correctional officer, volunteer or career firefighter or rescue squad member, or any State fire marshal who died in the performance of duty.]

A. Death Benefit Eligibility — General.

(1) The Secretary, under Public Safety Article, §1-202, Annotated Code of Maryland, may award a death benefit to the surviving spouse, child, dependent parent, or estate of an individual who, after January 1, 2006, died as a result of the performance of duty as a:

- (a) Law enforcement officer;
- (b) Correctional officer;
- (c) Volunteer or career firefighter or rescue squad member;
- (d) State Fire Marshal or Deputy State Fire Marshal;
- (e) Public safety aviation employee; or
- (f) Subject to limitations in State Government Article, §1-202(j), Annotated Code of Maryland, hazardous material response team employee.

(2) The Secretary, under Public Safety Article, §1-202, Annotated Code of Maryland, may award a death benefit to the surviving spouse, child, dependent parent, or estate of Maryland resident who, after January 1, 2006, was a member of the United States military serving in the Afghanistan or Iraq conflict and died in the performance of duties:

- (a) During active military service in the Afghanistan or Iraq conflict; or
- (b) As a result of an injury sustained during active military service in the Afghanistan or Iraq conflict.

(3) A death benefit awarded under this chapter is subject to deductions for taxes debt or penalty owed by a decedent to a federal, state, or local government agency.

B. Funeral Expenses Eligibility — General. The Secretary, under Public Safety Article, §1-202, Annotated Code of Maryland, may award reasonable funeral expenses to the surviving spouse, child, parent, or estate of an individual specified under §A(1) of this regulation.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) "Dependent parent" has the meaning stated under §152 of the Internal Revenue Code of the United States.

[(3)] (4) (text unchanged)

(5) "Individual serving in the Afghanistan or Iraq conflict" has the meaning stated in Public Safety Article, §1-202, Annotated Code of Maryland.

[(4)] (6) (text unchanged)

[(5)] (7) Performance of Duties.

(a) "Performance of duties" has, in the case of an individual under Regulation .01A(1)(c) — (f) of this chapter, the meaning stated in Public Safety Article, §1-202, Annotated Code of Maryland.

(b) "Performance of duties" means, in the case of an individual under Regulation .01A(1)(a) and (b) under of this chapter, the individual was:

(i) Actively participating in an official law enforcement or correctional responsibility;

(ii) Going to or from an official law enforcement or correctional responsibility; or

(iii) Performing other duties necessary to the performance of an official law enforcement or correctional responsibility.

(c) "Performance of duties" means, in the case of an individual under Regulation .01A(2) under of this chapter, the individual was actively participating in an official United States military responsibility in Afghanistan or Iraq.

[(6)] (8) — [(7)] (9) (text unchanged)

.03 Benefit Payment Priority.

A. Death Benefit. When a death benefit is authorized, payment shall be made in the following priority order:

(1) Full payment to the surviving spouse;

(2) If there is no surviving spouse, full payment divided equally among surviving children;

(3) If there is no surviving child, full payment to a surviving dependent parent; or

(4) If there is no surviving dependent parent, full payment to the estate of the decedent.

B. Funeral Expenses. When funeral expenses are authorized, payment shall be made in the following priority order:

(1) Full payment to the surviving spouse;

(2) If there is no surviving spouse, full payment to the surviving child;

(3) If there are no surviving child, full payment to a surviving parent; or

(4) If there is no surviving parent, full payment to the estate of the decedent.

.04 Notification of Benefits.

A. For the purpose of informing individuals who may be entitled to benefits under this chapter, the Department of Public Safety and Correctional Services (Department) shall work with the Maryland Department of Veteran Affairs, other State and local government agencies and private agencies the Department determines to be appropriate, to communicate the availability of, eligibility criteria for, and application process for a benefit under this chapter.

B. The Department, with the approval of the Secretary, may establish an agreement with the Maryland Department of Veteran Affairs or other State or local government agency for the purpose of communicating the availability of, eligibility criteria for, and application process for a benefit under this chapter.

C. The Executive Director, Human Resources Services Division for the Department of Public Safety and Correctional Services

(Executive Director), or a designee, shall take reasonable steps to notify a potential recipient of the death benefit under this chapter:

- (1) When the Executive Director receives information concerning the death of an eligible decedent; and
- (2) After 1 year from the date of death of an eligible decedent, if no application for the death benefit for the eligible decedent is received.

.05 Benefits Coordinator.

A. The Executive Director, or a designee, shall ensure that statutory and regulatory requirements for administration of benefits under this chapter are met.

B. The Executive Director shall:

- (1) Create and maintain forms necessary to apply for, process a request for, and award a benefit under this chapter;
- (2) To the degree possible, establish a network to identify and notify a surviving spouse, child, dependent parent, or estate potentially eligible to receive a benefit under this chapter;
- (3) Accept a request for, process a request for, and award to an eligible recipient a benefit under this chapter according to statutory and regulatory requirements; and
- (4) Establish and maintain records related to a request for, processing a request for, and awarding a benefit according to an approved retention schedule.

[.03] .06 Applying for [Benefits] Death Benefit.

A. [An] Except for provisions under §B of this regulation, an individual [or agency] applying for the death [benefits] benefit under this chapter shall apply to the Executive Director in writing on forms approved by the Executive Director and provide the Executive Director with:

- (1) If the [beneficiary] survivor is the [surviving] spouse of a decedent eligible for the death benefit:
 - (a) A copy of the [employee's] decedent's death certificate;
 - (b) A copy of the [employee's] decedent's and [beneficiary's] survivor's marriage certificate;
 - (c) A copy of the [investigative] report documenting the circumstances of the [employee's] decedent's death;
 - (d) An official written statement from the agency employing the decedent that the [employee was killed or] decedent died in the [line] performance of duty; [and]
 - (e) If applicable, a copy of the autopsy report; and
 - [(e)] (f) The name, address, and Social Security number of the [beneficiary] survivor eligible to receive the death benefit payment;
- (2) If the [beneficiaries are natural or adopted] surviving [children, or children born out of wedlock who are 18 years old or younger] child or a legal guardian of or authorized representative for the surviving child is applying:
 - (a) The items under §A(1)(a) and (c)—[(d)] (e) of this regulation; and
 - (b) A copy of the birth certificate [or certificates] of the surviving child [or children];
- (3) If the [beneficiaries are natural or adopted children, or children born out of wedlock who are older than 18 years old who are] surviving child is mentally or physically incapable of [supporting themselves] personal support or a legal guardian of or authorized representative for the child is applying:
 - (a) (text unchanged)
 - (b) A statement from a physician concerning the disability of the surviving child [or children]; or
- (4) If the [beneficiary is the] surviving dependent parent [or parents] is applying:
 - (a) The items under §A(1)(a) and (c)—[(e)] (f) of this regulation;
 - (b) (text unchanged)

(c) A copy of the decedent's most recent federal or State income tax return showing dependency of the parent [or parents].

B. Except for provisions under §A of this regulation, an individual or agency applying for a death benefit for a Maryland individual serving in the Afghanistan or Iraq conflict under this chapter shall provide:

- (1) The appropriate information required under §A(1), (2), (3), or (4) of this regulation; and
- (2) An official report from the U.S. military verifying the decedent died while in the performance of duties:
 - (a) During the Afghanistan or Iraq conflict while on active U.S. military service in Afghanistan or Iraq; or
 - (b) From an injury sustained while on active U.S. military service in Afghanistan or Iraq during the Afghanistan or Iraq conflict.

[B.] C. — [C.] D. (text unchanged)

E. An application for the death benefit under this regulation shall be submitted to the Executive Director within 3 years of the death of the decedent's death.

.07 Applying for Funeral Expenses.

A. An individual applying for funeral expenses under this chapter shall apply to the Executive Director in writing on forms approved by the Executive Director and provide the Executive Director with:

- (1) Documentation that may include requirements for information established under Regulation .06 of this chapter to verify that the individual applying for funeral expenses under this chapter is eligible for the benefit; and
- (2) A detailed summary of funeral expenses for a decedent representing the total cost of the funeral with invoices supporting the funeral expenses.

B. An individual applying for funeral expenses under this chapter shall forward the required information to the Executive Director.

[.04] .08 Appeal.

A. An aggrieved individual may appeal [the Secretary's] a decision concerning a benefit under this chapter.

B. An appeal [is governed by] of an action under this chapter shall be in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

GARY D. MAYNARD
Secretary
Department of Public Safety and Correctional Services