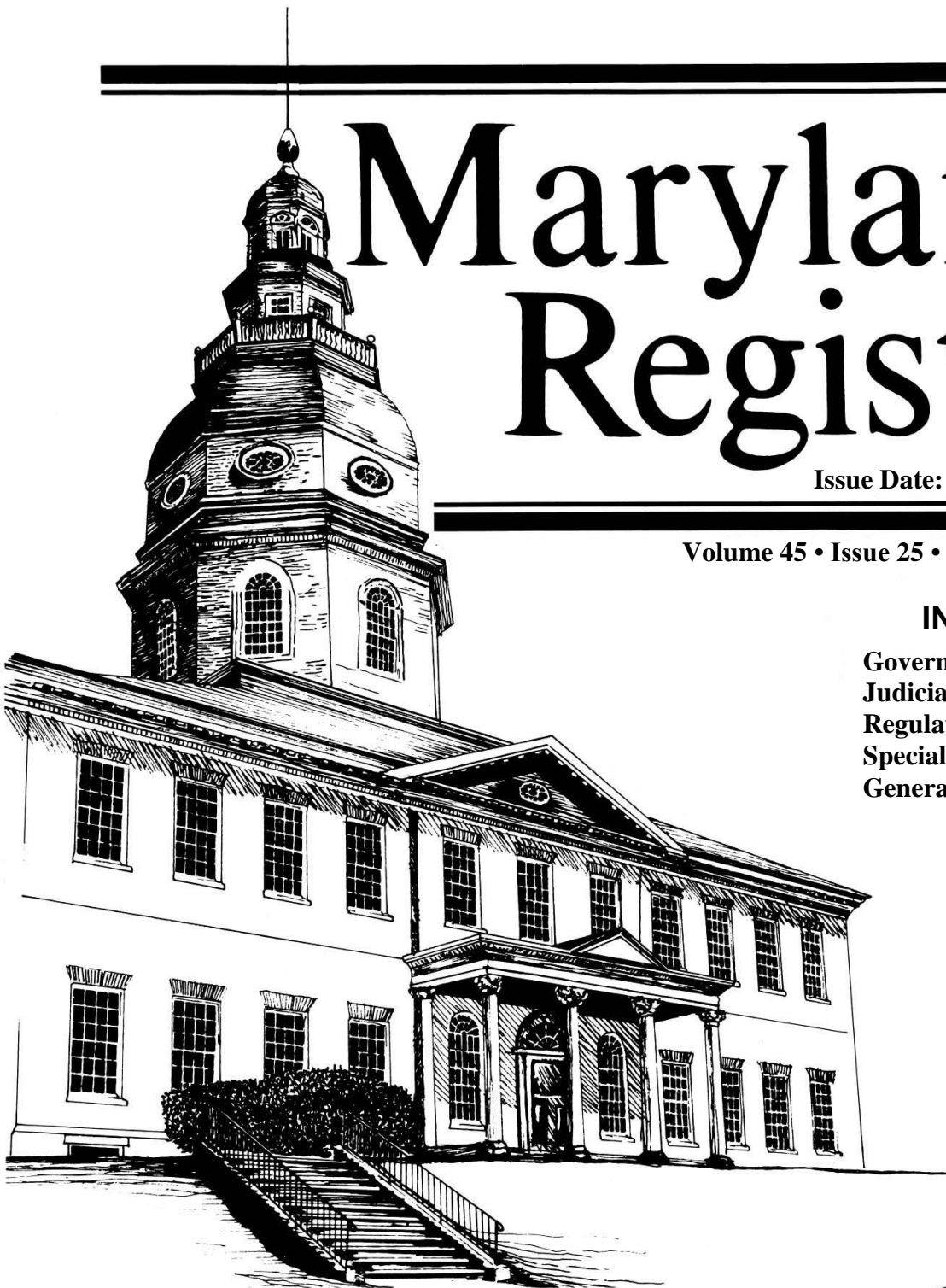

Maryland Register

Issue Date: December 7, 2018

Volume 45 • Issue 25 • Pages 1191—1228

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Governor
Judiciary
Regulations
Special Documents
General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before November 19, 2018, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of November 19, 2018.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith,** Secretary of State; **Gail S. Klakring,** Administrator; **Mary D. MacDonald,** Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

Front cover: State House, Annapolis, MD, built 1772—79.

Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.dsd.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

CLOSING DATES AND ISSUE DATES through July 2019

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
2018			
December 21	December 3	December 12	December 10
2019			
January 4	December 17	December 26	December 24
January 18	December 31	January 9	January 7
February 1	January 14	January 23	January 18**
February 15	January 28	February 6	February 4
March 1	February 11	February 20	February 15**
March 15	February 25	March 6	March 4
March 29	March 11	March 20	March 18
April 12	March 25	April 3	April 1
April 26	April 8	April 17	April 15
May 10	April 22	May 1	April 29
May 24	May 6	May 15	May 13
June 7	May 20	May 29	May 24**
June 21	June 3	June 12	June 10
July 5	June 17	June 26	June 24
July 19	July 1	July 10	July 22

* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.

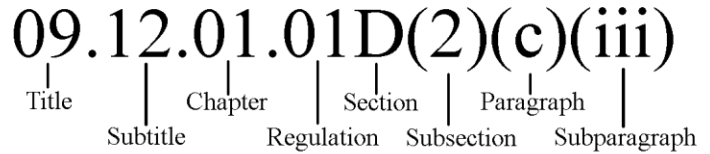
** Note closing date changes

*** Note issue date changes

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.



A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

<p style="text-align: center;">01 EXECUTIVE DEPARTMENT</p> <p>01.02.11.01—,10,,14,,16—,22 • 45:23 Md. R. 1073 (11-9-18)</p> <p style="text-align: center;">03 COMPTROLLER OF THE TREASURY</p> <p>03.03.05.04 • 45:18 Md. R. 835 (8-31-18) 03.06.01.33 • 45:19 Md. R. 867 (9-14-18)</p> <p style="text-align: center;">04 DEPARTMENT OF GENERAL SERVICES</p> <p>04.05.01.08 • 45:2 Md. R. 71 (1-19-18) 04.05.02.02 • 45:2 Md. R. 71 (1-19-18)</p> <p style="text-align: center;">08 DEPARTMENT OF NATURAL RESOURCES</p> <p>08.02.01.16 • 45:24 Md. R. 1166 (11-26-18) 08.02.04.05 • 45:22 Md. R. 1029 (10-26-18) 08.02.04.17 • 45:25 Md. R. 1208 (12-7-18) (ibr) 08.02.14.10 • 45:24 Md. R. 1166 (11-26-18) 08.02.23.03,,05 • 45:25 Md. R. 1208 (12-7-18) 08.02.26.03 • 45:22 Md. R. 1030 (10-26-18)</p> <p style="text-align: center;">09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION</p> <p>09.01.13.01 • 45:22 Md. R. 1030 (10-26-18) 09.08.01.27 • 45:24 Md. R. 1167 (11-26-18) 09.08.07.01,,02 • 45:20 Md. R. 923 (9-28-18) 09.09.03.01 • 45:21 Md. R. 977 (10-12-18) 09.11.01.12 • 45:21 Md. R. 978 (10-12-18) 09.15.02.09,,10 • 45:21 Md. R. 978 (10-12-18) 09.16.01.12 • 45:22 Md. R. 1031 (10-26-18) 09.17.01.04 • 45:21 Md. R. 979 (10-12-18) 09.19.03.03 • 45:21 Md. R. 979 (10-12-18) 09.19.12.02 • 45:21 Md. R. 979 (10-12-18) 09.20.03.03 • 45:21 Md. R. 980 (10-12-18) 09.21.02.01 • 45:24 Md. R. 1168 (11-26-18)</p>	<p>09.22.01.16 • 45:23 Md. R. 1077 (11-9-18) 09.24.01.06 • 45:21 Md. R. 980 (10-12-18) 09.25.03.01 • 45:21 Md. R. 981 (10-12-18) 09.28.02.07 • 45:24 Md. R. 1168 (11-26-18) 09.29.01.06 • 45:24 Md. R. 1169 (11-26-18) 09.32.01.05 • 45:19 Md. R. 869 (9-14-18) 09.34.01.11,,13 • 45:21 Md. R. 982 (10-12-18) 09.35.04.10 • 45:21 Md. R. 982 (10-12-18) 09.36.01.02 • 45:21 Md. R. 983 (10-12-18) 09.36.04.02—,04 • 45:21 Md. R. 983 (10-12-18) 09.38.01.05 • 45:21 Md. R. 983 (10-12-18) 09.39.02.01 • 45:21 Md. R. 984 (10-12-18) 09.40.02.01 • 45:21 Md. R. 985 (10-12-18)</p> <p style="text-align: center;">10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE</p> <p style="text-align: center;">Subtitles 01—08 (1st volume)</p> <p>10.01.04.02 • 45:24 Md. R. 1169 (11-26-18)</p> <p style="text-align: center;">Subtitle 09 (2nd volume)</p> <p>10.09.02.07 • 45:20 Md. R. 925 (9-28-18) (ibr) 10.09.03.01 • 45:19 Md. R. 869 (9-14-18) 10.09.06.04,,06,,09 • 45:20 Md. R. 926 (9-28-18) 10.09.07.08 • 45:23 Md. R. 1077 (11-9-18) 10.09.10.07,,08,,11,,13 • 45:23 Md. R. 1080 (11-9-18) 10.09.20.01,,04—,06,,10,,13 • 45:21 Md. R. 985 (10-12-18) 10.09.20.14 • 45:23 Md. R. 1077 (11-9-18) 10.09.21.01—,08 • 45:19 Md. R. 869 (9-14-18) 10.09.23.01-1,,02,,04,,06 • 45:19 Md. R. 871 (9-14-18) (ibr) 10.09.24.04-1 • 45:19 Md. R. 872 (9-14-18) 10.09.27.06 • 45:23 Md. R. 1077 (11-9-18) 10.09.36.01,,03,,08,,09 • 45:1 Md. R. 21 (1-5-18) 45:10 Md. R. 503 (5-11-18) (err) 10.09.37.02—,04,,08,,09,,11 • 45:19 Md. R. 872 (9-14-18) 10.09.48.08 • 45:19 Md. R. 876 (9-14-18) 10.09.52.04-2 • 45:19 Md. R. 877 (9-14-18)</p>
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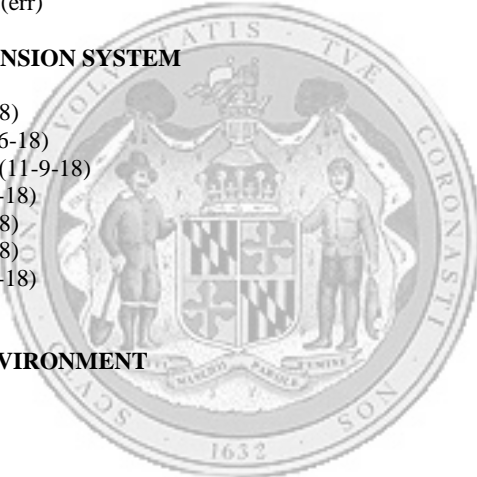
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The Governor

EXECUTIVE ORDER 01.01.2018.28

Renewal of Executive Order 01.01.2017.02 (Executive Order Regarding the Heroin, Opioid, and Fentanyl Overdose Crisis Declaration of Emergency)

WHEREAS, I, Lawrence J. Hogan, Jr., Governor of the State of Maryland, issued Executive Order 01.01.2017.02 due to the heroin, opioid, and fentanyl overdose crisis (the "Crisis"); and

WHEREAS, The emergency conditions relating to the Crisis continue to exist.

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, DECLARE THAT THE STATE OF EMERGENCY CONTINUES TO EXIST PERTAINING TO THE NEED TO CONTROL AND ELIMINATE THE HEROIN, OPIOID, AND FENTANYL OVERDOSE CRISIS AND HEREBY RENEW EXECUTIVE ORDER 01.01.2017.02, EFFECTIVE FROM NOVEMBER 22, 2018, AND SHALL EXPIRE ON DECEMBER 22, 2018, UNLESS SOONER TERMINATED OR EXTENDED IN WRITING BY ME.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 19th Day of November, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-25-30]

EXECUTIVE ORDER 01.01.2018.29

Emergency Commission on Sixth Congressional District Gerrymandering

WHEREAS, The United States District Court for the District of Maryland (the "U.S. District Court") in *Benisek v. Lamone*, Case No. 1:13-cv-03233-JKB, found that the State's 2011 congressional redistricting plan violated Maryland citizens' rights established by the First Amendment to the United States Constitution;

WHEREAS, The U.S. District Court permanently enjoined the State from conducting any further elections for members of the U.S. House of Representatives from Maryland under the 2011 congressional redistricting plan;

WHEREAS, The U.S. District Court ordered the State to redraw Maryland's Sixth Congressional District boundaries on the basis of compactness and geographic contiguity, and with regard for natural boundaries, boundaries of political subdivisions, and geographic and other communities of interest, and without considering how citizens are registered to vote or have voted in the past or to what political party they belong;

WHEREAS, The U.S. District Court further ordered that the State submit a constitutional redistricting plan to the U.S. District Court;

WHEREAS, The U.S. District Court's order is currently stayed until no later than July 1, 2019;

WHEREAS, The threat of federal judicial intervention in the drawing of the Sixth Congressional District necessitates proactive State measures to remedy the unconstitutional boundaries;

WHEREAS, Correcting this serious constitutional injury with new lawful maps will enable a large number of Maryland voters to more fully participate in congressional elections;

WHEREAS, The integrity of the redistricting process is essential to the success of democracy;

WHEREAS, Fairness in the redistricting process is what the citizens of Maryland expect and deserve; and

WHEREAS, The process of redistricting should be fully transparent and subject to public input and scrutiny;

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is an Emergency Commission on Sixth Congressional District Gerrymandering (the "Commission").

B. Membership.

1. The Commission consists of the following members appointed by the Governor:

- a. One registered with the Democratic Party;
- b. One registered with the Republican Party;
- c. One not registered with either the Democratic Party or the Republican Party; and

d. Six selected from a public application process, apportioned as follows:

- i. Two registered with the Democratic Party;
- ii. Two registered with the Republican Party; and
- iii. Two not registered with either the Democratic Party or the Republican Party.

2. Each appointee shall be a voter who, for at least three years immediately preceding the date of appointment, has been registered in the State continuously with the same political party or continuously with neither the Democratic Party nor the Republican Party.

3. No appointee may be:

- a. A representative or candidate for representative in the U.S. Congress;
- b. An officer or employee of a political party or political committee;
- c. A member of staff of the Governor, Maryland General Assembly, or U.S. Congress; or
- d. A current or former registered lobbyist.

4. The selection of members shall be intended to produce a Commission that is independent from legislative influence and reasonably representative of the State's diversity and geography.

5. The Governor shall appoint one or more members to chair the Commission.

6. A vacancy shall be filled in the same manner that the initial appointments are made.

C. Duties.

1. The Commission shall prepare a plan adjusting the boundary lines of the Sixth Congressional District, and any other districts for Maryland’s representatives in the U.S. Congress (the “congressional districts”) as it may deem necessary or appropriate to address the constitutional violations with regard to that district, in conformance with the following standards:

- a. Each member of Congress shall be elected from a single-member district;
- b. The population of all congressional districts shall be equal to the extent practicable; and
- c. Adjusted congressional districts shall:
 - i. Comply with the U.S. Constitution;
 - ii. Comply with federal law, including the Voting Rights Act;
 - iii. Comply with all applicable judicial direction, rulings, judgments, or orders;
 - iv. Respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable;
 - v. Be geographically compact and include nearby areas of population, to the extent practicable;
 - vi. Not account for how citizens are registered to vote, how they have voted in the past, or what political party they belong to; and
 - vii. Not account for the domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office.

2. The Commission shall exercise judgment that is impartial and that reinforces public confidence in the integrity of the redistricting process.

D. Procedures.

1. A majority of the members of the Commission shall constitute a quorum for the transaction of any business.

2. The Commission shall hold meetings at such times and such places as it deems necessary, provided that public notice is given at least three days in advance. The meetings shall be accessible to the general public in accordance with the Maryland Open Meetings Act or other applicable law.

3. Public participation. The Commission shall:

- a. With at least seven days’ public notice, conduct regional summits — including at least one in the Sixth Congressional District — to allow citizens to offer comment on the boundaries of the congressional districts to be adjusted;
- b. Provide an electronic portal for citizens to review redistricting data and submit their comments about redistricting; and
- c. Undertake any other activities it deems appropriate to solicit public input in the redistricting process.

4. The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees.

5. The Commission may designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, but excluding the individuals identified in Section B(3), to serve on any committee.

6. The Commission may consult with units of State government and outside experts to obtain such technical assistance and advice as it deems necessary to complete its duties.

7. By March 4, 2019, the Commission shall:

- a. With at least seven affirmative votes of the members, approve and certify a proposed redistricting plan that separately sets forth adjusted district boundary lines for the Sixth Congressional District and other congressional districts as it may deem necessary or

appropriate to address the constitutional violations with regard to that district;

- b. Approve and certify a proposed map that corresponds to the redistricting plan; and

c. Publicize the proposed plan and map in a manner reasonably designed to achieve broad public availability and access.

8. Until March 26, 2019, the Commission shall accept and review public comments about the proposed plan and map.

9. By April 2, 2019, the Commission shall:

- a. With at least seven affirmative votes of the members, approve and certify a final redistricting plan that separately sets forth adjusted district boundary lines for the Sixth Congressional District and other congressional districts as it may deem necessary or appropriate to address the constitutional violations with regard to that district;

b. Approve and certify a final map that corresponds to the redistricting plan;

c. Submit the final plan and map to the Legislative Office of the Office of the Governor; and

d. Issue a report that explains the basis for the Commission’s decisions, including the standards used and applied.

10. The Commission may issue additional reports as directed by the Governor.

E. The Office of the Governor shall prepare and transmit the final, certified redistricting plan and map for introduction in the General Assembly as emergency legislation in its session commencing on January 9, 2019.

F. Membership on the Commission shall not be compensated, but members are entitled to reimbursement for expenses as provided by law.

G. The Commission shall terminate on July 1, 2019, unless the Governor declares before that date that the Commission shall remain in operation.

H. The Office of the Governor shall provide the Commission with staff and consultants as necessary and feasible.

I. All units of State government subject to the supervision and direction of the Governor shall cooperate with and assist the Commission in carrying out its responsibilities.

Given Under my Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 26th Day of November, 2018.

LAWRENCE J. HOGAN, JR.
Governor

ATTEST:

JOHN C. WOBENSMITH
Secretary of State

[18-25-29]

The Judiciary

COURT OF APPEALS OF MARYLAND

DISCIPLINARY PROCEEDINGS

This is to certify that by an Opinion and Order of the Court of Appeals dated November 16, 2018, **ANDREW NDUBISI UCHEOMUMU**, 145 Fleet Street, #324, Oxon Hill, Maryland 20745, has been disbarred, effective immediately, from the further practice of law in this State, and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[18-25-22]



Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 62 NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION

Notice of Emergency Action

[18-325-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulation .01 under COMAR 10.62.01

Definitions;

(2) New Regulation .05 under COMAR 10.62.02 **General Regulations;**

(3) Amendments to Regulation .05 under COMAR 10.62.08 **Medical Cannabis Grower License;**

(4) Amendments to Regulation .04 under COMAR 10.62.19 **Medical Cannabis Processor License;** and

(5) Amendments to Regulation .05 under COMAR 10.62.25 **Medical Cannabis Dispensary License.**

Emergency status began: November 13, 2018.

Emergency status expires: April 24, 2019.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

10.62.01 Definitions

Authority: Health-General Article, §§13-3301—13-3303 and 13-3305.2, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Contractor” means any individual or entity who holds a contract for goods or services, including a prime contractor, subcontractor, or independent contractor.

[(8)] (9) (text unchanged)

(10) “Disadvantaged equity applicant” means an applicant who:

(a) Is a member of any of the following minority groups:

(i) African American—an individual having origin in any of the black racial groups of Africa;

(ii) American Indian/Native American—an individual having origins in any of the original peoples of North America and who is a documented member of a North American tribe, band, or otherwise has a special relationship with the United States or a state through treaty, agreement, or some other form of recognition. This includes an individual who claims to be an American Indian/Native American and who is regarded as such by the American Indian/Native American community of which the individual claims to be a part, but does not include an individual of Eskimo or Aleutian origin;

(iii) Asian—an individual having origins in the Far East, Southeast Asia, or the Indian subcontinent, and who is regarded as such by the community of which the individual claims to be a part;

(iv) Hispanic—an individual of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race, and who is regarded as such by the community of which the individual claims to be a part; or

(v) Women—a woman, regardless of race or ethnicity; and

(b) Meets the following requirements:

(i) Has a personal net worth that does not exceed \$1,713,333, as adjusted annually for inflation according to the Consumer Price Index; or

(ii) Is a disadvantaged owner of a certified minority business enterprise as defined in State Finance and Procurement Article, §14-301(d), Annotated Code of Maryland.

[(9)] (11) (text unchanged)

(12) Diversity Plan.

(a) “Diversity plan” means a detailed written plan, including objectives, timetables, and evaluation metrics that describes the steps an applicant will take to ensure that a business will promote the meaningful inclusion of diverse groups.

(b) “Diversity plan” includes the following information:

(i) The diversity status of each owner, investor, employee, and contractor;

(ii) Strategies for obtaining a diverse group of owners, investors, employees, including executive and managerial positions, and contractors;

(iii) Internal numerical diversity goals adopted by the applicant;

(iv) A plan for diversity-related outreach or events the applicant will conduct to support its diversity goals in ownership, investment, management, employment, and contracting;

(v) Proposed timelines and benchmarks for achieving the diversity goals outlined in the plan; and

(vi) Any other information that demonstrates the applicant's commitment to ownership, investment, management, employment, and contracting diversity.

(13) "Economically disadvantaged area" means a geographic area, identified by the Commission, which meets three or more of the following criteria:

(a) A median income that is 80 percent or less of the average median household income in the State;

(b) An unemployment rate that is at least 150 percent of the unemployment rate in the State;

(c) A health uninsured rate that is at least 150 percent of the health uninsured rate in the State;

(d) A food stamp or Supplemental Nutrition Assistance Plan rate that is at least 150 percent of the food stamp or Supplemental Nutrition Assistance Plan rate in the State; and

(e) A poverty rate that is at least 150 percent of the poverty rate in the State.

[(10)] (14)—[(23)] (27) (text unchanged)

(28) Personal Net Worth.

(a) "Personal net worth" means the net value of the assets of an individual remaining after total liabilities are deducted, including the individual's share of assets held jointly or as community property with the individual's spouse.

(b) "Personal net worth" does not include:

(i) The individual's ownership interest in the applicant or a certified minority business enterprise;

(ii) The individual's equity in his or her primary place of residence; or

(iii) The cash value of any qualified retirement savings plans or individual retirement accounts.

[(24)] (29)—[(35)] (40) (text unchanged)

10.62.02 General Regulations

Authority: Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland

.05 Diversity of Medical Cannabis Industry.

A. The Commission shall promote diversity and the participation of diverse groups in the medical cannabis industry, including small, minority, and women-owned businesses.

B. To facilitate participation by diverse groups, the Commission shall:

(1) Encourage applicants who qualify as minority business enterprises, as defined in the State Finance and Procurement Article, §14-301, Annotated Code of Maryland, or who are small, minority, or women-owned business entities to apply for licensure as a medical cannabis grower, processor, or dispensary;

(2) Make grants to appropriate educational and business development organizations to train and assist small, minority, and women business owners and entrepreneurs seeking to become licensed as medical cannabis growers, processors, or dispensaries; and

(3) Conduct ongoing, thorough, and comprehensive outreach to small, minority, and women business owners and entrepreneurs who may have an interest in applying for medical cannabis grower, processor, or dispensary licenses.

C. The outreach required under §B(3) of this regulation shall include:

(1) Developing partnerships with:

(a) Traditional minority-serving institutions, including historically black colleges and universities;

(b) Trade associations representing minority and women-owned businesses; and

(c) The Governor's Office of Small, Minority, and Women Business Affairs;

(2) Establishing and conducting training programs for employment in the medical cannabis industry;

(3) Disseminating information about the licensing process for medical cannabis growers, processors, and dispensaries through media demonstrated to reach a large number of small, minority, and women business owners and entrepreneurs;

(4) Collaborating with the partners described in §C(1) of this regulation; and

(5) Collecting and analyzing data on:

(a) The number of minority and women owners among licensees and registrants;

(b) The ownership interest of minority and women owners among licensees and registrants;

(c) The number of minority and women employees among licensees and registrants;

(d) The use of minority and women-owned contractors by licensees; and

(e) Any additional information required by the Commission related to diversity among licensees.

10.62.08 Medical Cannabis Grower License

Authority: Health-General Article, §§13-3301, 13-3302, 13-3306, and 13-3312, Annotated Code of Maryland

.05 Application Review.

A.—H. (text unchanged)

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .05E of this chapter. The applications shall be ranked based on the following weighted criteria:

(1)—(5) (text unchanged)

(6) Additional factors that will be afforded 15 percent weight, including:

[(a)] Demonstrated Maryland residency among the owners and investors;

(b) Evidence that applicant is not in arrears regarding any tax obligation in Maryland and other jurisdictions;

(c) A detailed plan evidencing how the grower will distribute to dispensaries and processors; and,

(d) A list of proposed medical cannabis varieties proposed to be grown with proposed cannabinoid profiles, including:

(i) Varieties with high cannabidiol content; and

(ii) Whether the strain has any demonstrated success in alleviating symptoms of specific diseases or conditions.]

(a) A diversity plan as defined in COMAR 10.62.01.01;

(b) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are disadvantaged equity applicants; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by disadvantaged equity applicants, including a list of the names and addresses of all potential owners interviewed and identifying those who qualify as disadvantaged equity applicants and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(c) Documentation that the applicant:

(i) Has at least 25 percent and not more than 50 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 25 and not more than 50 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(d) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application; and

(e) Demonstration that the applicant meets three or more of the following criteria:

(i) At least 51 percent of its ownership interest is held by one or more individuals who have lived in an economically disadvantaged area for 5 of the preceding 10 years;

(ii) A majority of the current employees live in an economically disadvantaged area;

(iii) A majority of the current contractors live in an economically disadvantaged area;

(iv) At least 51 percent of its ownership interest is held by one or more individuals who are a member of a household that earns no more than 80 percent of the State median household income; and

(v) The applicant has significant past experiences in or business practices that promote economic development and empowerment in economically disadvantaged areas.

J. (text unchanged)

K. The Commission shall apply the application provisions set forth in §I(6)(b), (c), and (d) of this regulation to any pre-approval issued by the Commission on or before July 1, 2022.

10.62.19 Medical Cannabis Processor License

Authority: Health-General Article, §§13-3301, 13-3302, 13-3309, and 13-3310, Annotated Code of Maryland

.04 Application Review.

A.—H. (text unchanged)

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted applications as described in Regulations .02B and .04E of this chapter. The applications shall be ranked based on the following weighted criteria:

(1)—(5) (text unchanged)

(6) Additional factors that will be afforded 15 percent weight, including:

(a) Demonstrated Maryland residency among the owners and investors;

(b) Evidence that applicant is not in arrears regarding any tax obligation in Maryland and other jurisdictions;

(c) A detailed plan evidencing how the processor will distribute to dispensaries; and,

(d) A list of proposed medical cannabis extracts and medical cannabis-infused products proposed to be produced with proposed cannabinoid profiles, including:

(i) Varieties with high cannabidiol content; and

(ii) Whether the product has any demonstrated success in alleviating symptoms of specific diseases or conditions.]

(a) A diversity plan as defined in COMAR 10.62.01.01;

(b) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are disadvantaged equity applicants; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by disadvantaged equity applicants, including a list of the names and addresses of all potential owners interviewed and identifying those who qualify as disadvantaged equity applicants and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(c) Documentation that the applicant:

(i) Has at least 25 percent and not more than 50 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 25 and not more than 50 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(d) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups, and whether any of those potential owners have purchased an equity share in the entity submitting an application; and

(e) Demonstration that the applicant meets three or more of the following criteria:

(i) At least 51 percent of its ownership interest is held by one or more individuals who have lived in an economically disadvantaged area for 5 of the preceding 10 years;

(ii) A majority of the current employees live in an economically disadvantaged area;

(iii) A majority of the current contractors live in an economically disadvantaged area;

(iv) At least 51 percent of its ownership interest is held by one or more individuals who are a member of a household that earns no more than 80 percent of the State median household income; and

(v) The applicant has significant past experiences in or business practices that promote economic development and empowerment in economically disadvantaged areas.

J. The Commission shall apply the application provisions set forth in §I(6)(b), (c), and (d) of this regulation to any pre-approval issued by the Commission on or before July 1, 2022.

10.62.25 Medical Cannabis Dispensary License

Authority: Health-General Article, §§13-3301, 13-3302, and 13-3307, Annotated Code of Maryland

.05 Application Review.

A.—H. (text unchanged)

I. The Commission, or a Commission independent contractor, shall review for a pre-approval for a license the submitted

EMERGENCY ACTION ON REGULATIONS

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applications, as described in Regulations .02B and .05E of this chapter, for each Senatorial district. The applications shall be ranked based on the following weighted criteria:

(1)—(5) (text unchanged)

(6) Additional factors will be afforded 15 percent weight, including:

[(a) Demonstrated Maryland residency among the owners and investors;

(b) Evidence that applicant is not in arrears regarding any tax obligation in Maryland and other jurisdictions; and

(c) The medical cannabis extracts and medical cannabis-infused products proposed to be dispensed with proposed cannabinoid profiles, including varieties with high cannabidiol content, and the varieties of routes of administration.]

(a) A diversity plan as defined in COMAR 10.62.01.01;

(b) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are disadvantaged equity applicants; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by disadvantaged equity applicants, including a list of the names and addresses of all potential owners interviewed and identifying those who qualify as disadvantaged equity applicants and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(c) Documentation that the applicant:

(i) Has at least 25 percent and not more than 50 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 25 and not more than 50 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups and whether any of those potential owners have purchased an equity share in the entity submitting an application;

(d) Documentation that the applicant:

(i) Has at least 51 percent of its ownership interest held by one or more individuals who are members of the most disadvantaged groups in the medical cannabis industry, as identified by the Commission; or

(ii) Made good faith efforts to have at least 51 percent of its ownership interest held by members of the most disadvantaged groups in the medical cannabis industry, including a list of the names and addresses of all potential owners interviewed and identifying those who are members of the most disadvantaged groups, and whether any of those potential owners have purchased an equity share in the entity submitting an application; and

(e) Demonstration that the applicant meets three or more of the following criteria:

(i) At least 51 percent of its ownership interest is held by one or more individuals who have lived in an economically disadvantaged area for 5 of the preceding 10 years;

(ii) A majority of the current employees live in an economically disadvantaged area;

(iii) A majority of the current contractors live in an economically disadvantaged area;

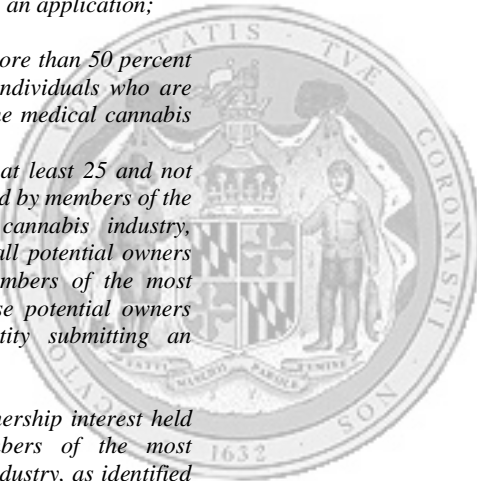
(iv) At least 51 percent of its ownership interest is held by one or more individuals who are a member of a household that earns no more than 80 percent of the State median household income; and

(v) The applicant has significant past experiences in or business practices that promote economic development and empowerment in economically disadvantaged areas.

J.—K. (text unchanged)

L. The Commission shall apply the application provisions set forth in §1(6)(b), (c), and (d) of this regulation to any pre-approval issued by the Commission on or before July 1, 2022.

ROBERT R. NEALL
Secretary of Health



Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.21 Yellow Perch

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

Notice of Final Action

[18-257-F]

On November 13, 2018, the Secretary of Natural Resources adopted amendments to Regulation .03 under **COMAR 08.02.21 Yellow Perch**. This action, which was proposed for adoption in 45:20 Md. R. 922—923 (September 28, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

MARK J. BELTON
Secretary of Natural Resources

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 13 BOARD FOR PROFESSIONAL LAND SURVEYORS

09.13.01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying

Authority: Business Occupations and Professions Article, §§15-205 and 15-208, Annotated Code of Maryland

Notice of Final Action

[18-244-F]

On November 13, 2018, the State Board for Professional Land Surveyors adopted amendments to Regulation .09 under **COMAR 09.13.01 Code of Ethics for the Practice of Professional Land Surveying and Property Line Surveying**. This action, which was proposed for adoption in 45:20 Md. R. 924 (September 28, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

JOHN V. METTEE III
Chairman

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.03 Code of Ethics

Authority: Business Occupations and Professions Article, §§14-205, 14-208, and 14-4A-02, Annotated Code of Maryland

Notice of Final Action

[18-245-F]

On November 13, 2018, the Board for Professional Engineers adopted amendments to Regulation .11 under **COMAR 09.23.03 Code of Ethics**. This action, which was proposed for adoption in 45:20 Md. R. 924—925 (September 28, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

STEVEN A. ARNDT, P.E.
Chairman

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

11.07.03 Permits for Towing, Road Service, and Storage of Vehicles

Authority: Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1403, and 21-1407 and Title 26, Subtitle 3, Annotated Code of Maryland

Notice of Final Action

[18-191-F]

On September 5, 2018, the Executive Director of the Maryland Transportation Authority adopted amendments to Regulation .03 under **COMAR 11.07.03 Permits for Towing, Road Service, and Storage of Vehicles**. This action, which was proposed for adoption in 45:15 Md. R. 738 (July 20, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

KEVIN C. REIGRUT
Executive Director
Maryland Transportation Authority

**Subtitle 07 MARYLAND
TRANSPORTATION AUTHORITY
11.07.03 Permits for Towing, Road Service, and
Storage of Vehicles**

Authority: Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1403, and 21-1407 and Title 26, Subtitle 3, Annotated Code of Maryland

Notice of Final Action
[18-192-F]

On September 5, 2018, the Executive Director of the Maryland Transportation Authority adopted the repeal of Regulation **.05** under **COMAR 11.07.03 Permits for Towing, Road Services, and Storage of Vehicles**. This action, which was proposed for adoption in 45:15 Md. R. 738 (July 20, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

KEVIN C. REIGRUT
Executive Director
Maryland Transportation Authority

**Subtitle 17 MOTOR VEHICLE
ADMINISTRATION—DRIVER
LICENSING AND IDENTIFICATION
DOCUMENTS**

**11.17.09 Proof of Age, Full Name, Identity,
Maryland Residence, Social Security Number,
and Lawful Status**

Authority: Transportation Article, §§12-104(b), 12-301, 16-103.1, 16-104.2, 16-106, 16-115, 16-121—16-122, Annotated Code of Maryland; 6 CFR 37

Notice of Final Action
[18-262-F]

On November 27, 2018, the Administrator of the Motor Vehicle Administration adopted amendments to Regulations **.04** and **.05** under **COMAR 11.17.09 Proof of Age, Full Name, Identity, Maryland Residence, Social Security Number, and Lawful Status**. This action, which was proposed for adoption in 45:21 Md. R. 999—1000 (October 12, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

CHRISTINE NIZER
Administrator
Motor Vehicle Administration

**Title 15
DEPARTMENT OF
AGRICULTURE**

**Subtitle 14 BOARD OF VETERINARY
MEDICAL EXAMINERS**

**15.14.09 Qualifications for Licensure, by
Examination, as a Veterinarian**

Authority: Agriculture Article, §§2-304 and 2-307, Annotated Code of Maryland

Notice of Final Action
[18-249-F]

On November 15, 2018, the Secretary of Agriculture adopted amendments to Regulations **.03—05** under **COMAR 15.14.09 Qualifications for Licensure, by Examination, as a Veterinarian**. This action, which was proposed for adoption in 45:20 Md. R. 941 (September 28, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

JOSEPH BARTENFELDER
Secretary of Agriculture

**Subtitle 14 BOARD OF VETERINARY
MEDICAL EXAMINERS**

**15.14.13 Qualifications for Examination and
Registration of a Veterinary Technician**

Authority: Agriculture Article, §2-309, Annotated Code of Maryland

Notice of Final Action
[18-250-F]

On November 15, 2018, the Secretary of Agriculture adopted amendments to Regulations **.03**, **.05**, and **.12** under **COMAR 15.14.13 Qualifications for Examination and Registration of a Veterinary Technician**. This action, which was proposed for adoption in 45:20 Md. R. 942 (September 28, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 17
DEPARTMENT OF BUDGET
AND MANAGEMENT
Subtitle 04 PERSONNEL SERVICES
AND BENEFITS

17.04.11 Leave

Authority: State Personnel and Pensions Article, §§4-106, 9-101, and 9-1108,
Annotated Code of Maryland

Notice of Final Action

[18-269-F]

On November 27, 2018, the Secretary of Budget and Management adopted new Regulation .29 under **COMAR 17.04.11 Leave**. This action, which was proposed for adoption in 45:21 Md. R. 1002—1003 (October 12, 2018), has been adopted as proposed.

Effective Date: December 17, 2018.

DAVID R. BRINKLEY
Secretary of Budget and Management



Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

Notice of Proposed Action

[18-326-P-I]

The Secretary of Natural Resources proposes to:

- (1) Amend Regulation .17 under **COMAR 08.02.04 Oysters**;
and
(2) Amend Regulation .03 and repeal Regulation .05 under **COMAR 08.02.23 Shellfish Aquaculture and Leasing**.

Statement of Purpose

The purpose of this action is to incorporate by reference Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (September 2018). The proposed action: 1) removes aquaculture enterprise zones and references in regulation to the zones; 2) declassifies two public shellfish fishery areas (PSFA) to allow for aquaculture; 3) changes the boundary of one public shellfish fishery area that overlaps with a sanctuary; and 4) updates several public shellfish fishery areas that were inadvertently changed or omitted when the last update was completed in November 2016.

PSFAs 119 and 121

There are two aquaculture enterprise zones located in the Patuxent River, near Broome's Island, which were established by regulation in 2009. Subsequent to the establishment of the aquaculture enterprise zones and the approval of new lease laws, the Department implemented a new shellfish aquaculture leasing program that reduced the utility and function of aquaculture enterprise zones. Consequently, a leasing program for the aquaculture enterprise zone areas was never developed. The Department, after consultation with the Aquaculture Coordinating Council and the Tidal Fish Advisory Commission, is removing Island Creek and Jack's Bay Aquaculture Enterprise Zone designations and converting these two areas into

Public Shellfish Fishery Areas (PSFA) for use in the public oyster fishery.

The Department conducted oyster population surveys of the two areas in April 2018. Survey findings show a mix of oyster size classes within the two areas indicating that recruitment is recurring and growth and survivorship is favorable. These conditions support use by the public fishery that will help to increase the productivity of the sites through future shell and seed plantings.

Most of the aquaculture enterprise zone located in Island Creek will become part of PSFA 119. The portion of the zone that is on a natural oyster bar is the only part that will be classified as a public shellfish fishery area. The portion of the zone that is not on a natural oyster bar will not be classified to preserve clamming opportunities. The proposed action modifies the coordinates of PSFA 119 to include the portions of the aquaculture enterprise zone that were on the natural oyster bar.

The entire aquaculture enterprise zone located in Jack's Bay will become part of PSFA 121. The proposed action removes the exclusion area that was designated to represent the aquaculture enterprise zone and the required buffer.

PSFAs 80 and 156

The proposed action declassifies a portion of PSFA 80 by modifying the boundaries to exclude a 0.5-acre area. The Department received shellfish aquaculture lease application #277 (McBee) requesting to declassify an approximate 0.5-acre portion of PSFA 80 in Shipping Creek, Queen Anne's County. In accordance with the Code of Maryland Regulations (COMAR) 08.02.04.17, the Department evaluated harvest data and conducted a biological survey of the proposed lease site on August 24, 2016, and determined that there are no oysters or oyster bottom present in this location. Consequently, the proposed lease area meets the regulatory criteria that provides for declassifying this portion of the PSFA and the application satisfies the requirements of COMAR 08.02.23.03. Once the area is declassified, the Department will issue a water column lease to the applicant.

The proposed action declassifies a portion of PSFA 156 by modifying the boundaries to exclude a 5.6-acre area. The Department received shellfish aquaculture lease application #350 (Morris & Morris) requesting to declassify an approximate 5.6-acre portion of

PSFA 156 in Smith Creek, St. Mary’s County. In accordance with COMAR 08.02.04.17, the Department evaluated harvest data and conducted a biological survey of the proposed lease site on October 4, 2017, and determined that there are no oysters or oyster bottom present in this location. Consequently, the proposed lease area meets the regulatory criteria that provides for declassifying this portion of the PSFA and the application satisfies the requirements of COMAR 08.02.23.03. Once the area is declassified, the Department will issue a submerged land lease to the applicants.

PSFA 21

The proposed action corrects a typographical error in PSFA 21. The shape of the PSFA did not change.

PSFA 33

The proposed action modifies the coordinates of PSFA 33 because it overlaps the Hooper Straits sanctuary. The overlap was approximately 300 feet on the western side and 700 feet on the eastern side.

PSFAs 53, 54, 59, 60 and 171

Several unintentional changes were found in the November 2016 version of the Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries. It is unknown how the errors occurred, but many were due to unnoticed formatting in the document. The proposed action corrects the unintentional errors that occurred for PSFAs 53, 54, 59, 60 and 171.

The proposed action restores PSFAs 53 and 59 to their original shape. The last two lines of the descriptions were changed due to formatting errors in the 2016 document. The proposed action adds PSFAs 54 and 60. They were inadvertently omitted from the 2016 document due to formatting errors. The proposed action restores PSFA 171 to its original shape. Changes to the description were made due to formatting errors in the 2016 document.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have an economic impact on the regulated industry.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:		
(1) AEZs Converted to PSFAs — Aquaculturists	NONE	NONE
(2) AEZs Converted to PSFAs — Commercial Harvesters	(+)	Indeterminable
(3) PSFA Declassification — Aquaculturists	(+)	Indeterminable

(4) PSFA Declassification — Commercial Harvesters	NONE	NONE
(5) Other PSFA changes	NONE	NONE
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

D(1). There is no economic impact for this change because there have been no lease applications in the aquaculture enterprise zones, largely because the overall revisions of the leasing laws offered more attractive options for obtaining a lease at a location of one’s choice rather than establishing an operation within the confines of an aquaculture enterprise zone.

D(2). The aquaculture enterprise zones were designated for aquaculture, but they remained open for commercial harvest. Harvest will continue as normal in these areas. Since the areas will be designated only for oyster harvest, the industry will be able to invest in the area. This may increase productivity and give harvesters greater flexibility. The actual impact is indeterminable because it is unknown if the industry will invest in the areas or if the areas will continue to be productive.

D(3). If issued, the proposed lease sites will allow for the development of commercial aquaculture businesses in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because these will be commercial operations, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at these two sites.

D(4). This action will remove approximately 0.5 and 5.6 acres of bottom from the existing public shellfish fishery areas in Shipping Creek and Smith Creek, respectively. The process for declassification of a public shellfish fishery area is set forth in COMAR 08.02.04.17. Resource surveys of each of the areas yielded a density of oysters below the minimum threshold necessary to consider the bottom viable for the commercial oyster fishery. Therefore, removing the acres should have no economic impact for commercial fishermen.

D(5). All other changes are housekeeping for clarification purposes and do not have any impact on commercial harvesters.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed lease sites will allow for the development of commercial aquaculture businesses in the name of the applicants. The direct economic impacts to the applicants are indeterminable. However, because these will be commercial operations, it is assumed that the applicants will be receiving revenue from the aquaculture activity that is proposed at these two sites. Additional public shellfish fishery areas may give the commercial industry greater flexibility to invest in the areas which may increase productivity and ultimately lead to greater harvest.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Public Shellfish Fishery Area Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Ave, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310.

Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

E.—J. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries (September 2018) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

Title 10
MARYLAND DEPARTMENT
OF HEALTH
Subtitle 24 MARYLAND HEALTH
CARE COMMISSION

10.24.08 State Health Plan for Facilities and Services: [Nursing Home] *Special Hospital — Chronic Services*

08.02.04 Oysters

Natural Resources Article, §§4-215 and 4-11A-04, Annotated Code of Maryland

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

.17 Public Shellfish Fishery Area.

A. Public Shellfish Fishery Areas of the Chesapeake Bay and Its Tidal Tributaries [(November 2016)] (*September 2018*) designates public shellfish fishery areas in the Chesapeake Bay and its tidal tributaries and is hereby incorporated by reference.

B. (text unchanged)

Notice of Proposed Action

[18-327-P-I]

The Maryland Health Care Commission proposes to amend Regulation .01 under **COMAR 10.24.08 State Health Plan for Facilities and Services: Special Hospital — Chronic Services**. This action was considered by the Commission at an open meeting held on October 16, 2018, notice of which was given through publication in the Maryland Register, under General Provisions Article, §3-302(c), Annotated Code of Maryland.

08.02.23 Shellfish Aquaculture and Leasing

Natural Resources Article, §4-11A-05, Annotated Code of Maryland

Statement of Purpose

The purpose of this action is to remove nursing home services from COMAR 10.24.08, the existing chapter that covers both nursing home and special hospital — chronic services and place it in a new chapter, COMAR 10.24.20, that is devoted exclusively to comprehensive care facility (nursing home) services. The amended COMAR 10.24.08 will then be focused on special hospital — chronic services.

.03 Commercial Lease Procedures.

A. Aquaculture Activities on Submerged Land.

(1) A person may not engage in aquaculture activities on submerged land in waters of the State, including the areas listed in [Regulations .05 and] *Regulation .06* of this chapter, unless the land is leased or permitted for shellfish aquaculture purposes.

(2) To obtain a submerged land lease a person shall:

(a) (text unchanged)

(b) Submit a non-refundable fee off:

(i) \$300 [for areas not in aquaculture enterprise zones as described in Regulation .05 of this chapter; or

(ii) \$150 for areas in aquaculture enterprise zones as described in Regulation .05 of this chapter].

B. Aquaculture Activities in the Water Column.

(1) (text unchanged)

(2) To obtain a water column lease, a person shall:

(a) (text unchanged)

(b) Submit a non-refundable fee off:

(i) \$300 [for areas not in aquaculture enterprise zones as described in Regulation .05 of this chapter; or

(ii) \$150 for areas in aquaculture enterprise zones as described in Regulation .05 of this chapter].

C. (text unchanged)

D. Rent.

(1) Submerged Land Lease. Except as provided in [§D(3)] *§D(2)* of this regulation, the rental rate for a submerged land lease is \$3.50 per acre per year and is due in full to the Department by December 31 of the preceding year.

(2) Water Column Lease. Except as provided in §D(3) of this regulation, the rental rate for a water column lease in areas listed in Regulation .05 of this chapter is \$25 per acre per year and is due to the Department by December 31 of the preceding year.]

[(3)] (2) (text unchanged)

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 Linda Cole, Chief, Long Term Care Planning, Maryland Health Care Commission, 4160 Patterson Avenue, or call 410-764-3337, or email to linda.cole@maryland.gov, or fax to 410-358-1311. Comments will be accepted through January 7, 2019. 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 21, 2019, at 1 p.m., at 4160 Patterson Avenue, Baltimore, Maryland 21215.

Editor’s Note on Incorporation by Reference
 Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the State Health Plan for Facilities and Services: Special Hospital — Chronic Services is incorporated by reference has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

The State Health Plan for Facilities and Services: [Nursing Home] *Special Hospital — Chronic Services* is incorporated by reference.

ROBERT E. MOFFIT, Ph.D.
 Chair

Subtitle 24 MARYLAND HEALTH CARE COMMISSION

10.24.20 State Health Plan for Facilities and Services: Comprehensive Care Facility Services

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

Notice of Proposed Action

[18-328-P-I]

The Maryland Health Care Commission proposes to adopt new Regulation .01 under a new chapter, **COMAR 10.24.20 State Health Plan for Facilities and Services: Comprehensive Care Facility Services**. This action was considered by the Commission at an open meeting held on October 16, 2018, 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 replace the nursing home portion of the State Health Plan chapter (COMAR 10.24.08) with a new chapter focused solely on comprehensive care facility (nursing home) services. The new chapter accounts for changes in the delivery and financing of comprehensive care facility services that have occurred since this portion of the State Health Plan was last updated in 2007. This chapter includes policies, procedural rules, standards, and a methodology for projecting need for comprehensive care facility (CCF) beds.

This chapter will provide a policy blueprint for the Commission and affected industries to address issues related to the provision of CCF services in Maryland. This chapter provides docketing rules to guide certificate of need review, as well as rules for incremental addition of capacity, certificate of need review standards, as well as a methodology for determination of the need for additional CCF beds in each of Maryland’s 24 jurisdictions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This updated chapter of the State Health Plan provides planning policies, procedural rules, certificate of need review standards, and need projections to guide the development of comprehensive care facility services.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency: Maryland Health Care Commission	(E+)	Within Budget
B. On other State agencies: (1) Medicaid	(E+)	Minimal
(2) Office of Health Care Quality (OHCQ)	(E+)	Minimal
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Moderate
E. On other industries or trade groups:	(+)	Moderate
F. Direct and indirect effects on public:	(+)	Significant

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

A. The Commission accepts CON projects from applicants when need has been identified. The chapter identifies a small amount of need for additional CCF capacity. In addition, it permits opening up certain jurisdictions in the absence of identified need, if certain conditions are met. Any anticipated CON reviews can be accommodated by current staff within the Commission’s budget.

B(1). Medicaid: The proposed regulations support the State’s overall policy direction for long-term care services, expanding community-based services while maintaining high quality institutional services. Any new CCF providers would need to sign a Memorandum of Understanding (MOU) with the Maryland Medical Assistance (Medicaid) program to provide care to persons covered by Medicaid. At the same time, providers are encouraged to provide care in the least restrictive setting. Since the chapter does not project much need for additional CCF bed capacity, the impact should be minimal.

B(2). OHCQ: Any new facilities approved by the Commission would need to be licensed by the Office of Health Care Quality (OHCQ). Many of the proposed standards seek to complement the work of OHCQ in terms of assuring quality. Since there is little additional CCF need projected, the impact on OHCQ is anticipated to be minimal.

D. The proposed regulations are expected to have a positive impact on regulated industries (CCFs or nursing homes) as well as related trade groups (Health Facilities Association [HFAM], or Lifespan Network). Development of the CCF chapter included input from the regulated industries regarding the ongoing changes in the health care delivery and financing system in Maryland and the nation. The new chapter provides clear policy direction as well as need projections for additional CCF resources along with procedural rules and standards for CON review to guide the regulated industries in the development of CCF services.

E. Although not directly covered under these regulations, other providers of long-term care services, including assisted living, adult day care, transportation, and other waiver services providers will

benefit from having in place overall state policy guidance for long-term care.

F. Since the chapter includes a methodology for projecting CCF (nursing home) bed need, programs can be developed where needed so that the public has access to needed services. The chapter also includes a Medicaid MOU requirement, so that persons relying on Medicaid also have access to nursing home services. In addition, both the Consumer Guide for Long Term Care Services, as well as the incorporation of quality standards should assure that the services offered are of high quality. Finally, policies and standards are in place to assure that care is provided in the least restrictive and most appropriate setting.

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 Linda Cole, Chief, Long Term Care Planning, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-3337, or email to linda.cole@maryland.gov, or fax to 410-358-1311. Comments will be accepted through January 7, 2019. 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 Thursday, February 21, 2019, at 1 p.m., at 4160 Patterson Avenue, Baltimore, MD 21215.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the State Health Plan for Facilities and Services: Comprehensive Care Facility Services has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 45:1 Md. R. 8 (January 5, 2018), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.01 Incorporation by Reference.

The State Health Plan for Facilities and Services: Comprehensive Care Facility Services is incorporated by reference.

ROBERT E. MOFFIT, Ph.D.
Chair

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

**Subtitle 04 POLICE TRAINING AND
STANDARDS COMMISSION**

**12.04.08 Special Weapons and Tactical Response
Operations**

Authority: Correctional Services Article, §2-109; Public Safety Article, §§3-207 and 3-208; Annotated Code of Maryland

Notice of Proposed Action

[18-324-P]

The Secretary of Public Safety and Correctional Services, in cooperation with the Police Training and Standards Commission, proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 12.04.08 Special Weapons and Tactical Response Operations**. This action was considered by the Police Training and Standards Commission at a public meeting held on October 3, 2018.

Statement of Purpose

The purpose of this action is to create and adopt nationally recognized standards for the training and deployment of Special Weapons and Tactics (SWAT) teams and police officers not on a SWAT team who conduct no-knock warrant service in Maryland. This proposed action is required by Ch. 802, Acts of 2017. This action establishes:

- (1) The purpose, composition, and operational capabilities of a SWAT and Tactical Response Team (TRT) and directs law enforcement agencies to establish written policies and procedures consistent the standards proposed in this regulation;
- (2) The initial and ongoing training requirements for police officer participation in a SWAT team or tactical response operation; and
- (3) Deployment procedures for a SWAT team and police officers participating in a tactical operation.

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 Albert L. Liebno, Jr., Acting Executive Director, Maryland Police Training and Standards Commission, 6852 4th Street, Sykesville, MD 21784, or call 410-875-3602, or email to albert.liebno@maryland.gov, or fax to 410-875-3584. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Maryland Police Training and Standards Commission during a public meeting to be held on January 8, 2019, at 10 a.m., at the Public Safety Education and Training Center, 6852 4th Street, Sykesville, MD 21784.

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "After-action report" means a document to be completed following a debriefing or after-action review of a planned or spontaneous SWAT or tactical response operation.

(2) "Annual in-service training" means a course of study approved by the Commission that meets the requirements established for SWAT and tactical response instruction, written examination, and practical exercise and is conducted as part of police officer annual in-service training and qualification under COMAR 12.04.01.12.

(3) Commission.

(a) "Commission" means the Police Training and Standards Commission or a representative authorized to act on behalf of the Commission.

(b) "Commission" includes all references to the Police Training Commission, now known as the Police Training and Standards Commission.

(4) "Initial training" means a course of study approved by the Commission that meets the requirements established for SWAT and tactical response classroom instruction, written examination, and practical exercise that a police officer shall successfully complete before the police officer may be deployed to a SWAT or TRT team.

(5) Law Enforcement Agency.

(a) "Law enforcement agency" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(b) "Law enforcement agency" includes a training or personnel unit authorized to act in training or employment matters.

(6) "National Tactical Officer Association (NTOA)" means the nonprofit professional association founded in 1983 to provide expert advice and training to law enforcement personnel.

(7) "No-knock search warrant" means a tactical operation in which a SWAT or TRT need not announce or identify themselves when serving a warrant.

(8) "Police officer" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(9) "Police Officer Standards and Training (POST)" means a regulatory agency established under the laws of a state or U.S. territory to set the minimum standards for training and to selection law enforcement officers within the state or U.S. territory.

(10) "Priorities of life" means a decision-making process which:

(a) Provides the framework for making tactically sound decisions; and

(b) Utilizes objective criteria to dictate the level of response necessary to increase the likelihood of safely resolving a critical incident.

(11) "Risk assessment" means the process of:

(a) Identifying potential hazards or dangerous conditions affecting law enforcement personnel and the public, that may be present or may occur during an operation or training; and

(b) Evaluating the certainty of, and potential for, hazards and dangerous conditions in order to determine the appropriate risk level of the pending action.

(12) "Special Weapons and Tactics (SWAT) Team" has the meaning stated in Public Safety Article, §3-201, Annotated Code of Maryland.

(13) "Tactical Response Team (TRT)" means a specialized team of police officers formed to provide a planned strategic response to resolve a critical incident within the confines of the team's operational capabilities.

(14) "Team" means a Special Weapons and Tactics Team and Tactical Response Team.

(15) "Type 1 long gun" has the meaning stated in COMAR 12.04.02.01.

.02 Special Weapons and Tactics and Tactical Response Teams — SWAT and TRT.

A. A team's purpose is to increase the likelihood of safely resolving critical incidents that may exceed the capabilities of traditional law enforcement first responders and investigative units.

B. A team shall:

(1) Protect the public in accordance with priorities of life and the totality of the circumstances presented during the critical incident; and

(2) Determine the appropriate level of force necessary to adequately protect the public and police officers involved.

C. Law Enforcement Agencies.

(1) A law enforcement agency shall develop written policies for tactical responses that are designed to meet the needs of their operational environment and are consistent with the standards set forth in this regulation.

(2) The tactical response policies and procedures shall, at minimum, address:

(a) The types of missions requiring SWAT or TRT deployment;

(b) Team organization and function;

(c) Personnel selection and retention criteria;

(d) Training requirements;

(e) Competencies;

(f) Procedures for activation and deployment;

(g) Common structure;

(h) Multi-agency cooperation and response;

(i) Response to other jurisdictions; and

(j) Specialized functions.

D. A team shall be comprised of police officers with the training and expertise to responsibly engage in the operational functions described in §§E and F of this regulation and shall, at minimum, include:

(1) A tactical commander of supervisory rank who has overall responsibility for team personnel, training, operations, deployment, and after-action documentation;

(2) A team leader who is a team member of senior team status or rank, and who develops and executes tactical response training and operations; and

(3) Team members who provide increased law enforcement capabilities to contain, prevent, or respond to high-risk incidents.

E. A SWAT's operational functions include, but are not limited to:

(1) Tactical command and control;

(2) Perimeter control and containment;

(3) Entry and apprehension; and

(4) Hostage rescue.

F. A TRT's operational functions:

(1) May include:

(a) Warrant service;

(b) Barricaded suspect or subject; and

(c) Other types of high-risk security or tactical operations; and

(2) Shall exclude deliberate hostage rescue operations.

G. A team assignment may be full-time or collateral-duty.

H. The composition of a team may include police officers from:

(1) A single law enforcement agency;

- (2) Multiple law enforcement agencies; or
- (3) Regional law enforcement agencies.

I. Each multi-agency and each regional team shall develop the appropriate agreements, protocols, and procedures for interagency cooperation and support that:

- (1) Delineate, establish, and specify a law enforcement chain of command, operational control, duties and responsibilities of supporting units, and joint training requirements; and
- (2) Specify which agency is charged with jurisdiction in the event of a criminal investigation involving the actions of a team member, such as an officer-involved shooting.

.03 Selection Standards for SWAT or TRT Officer Applicants.

A. An applicant shall meet the following minimum qualifications:

- (1) Be certified by and in good standing with the Commission;
- (2) Successfully complete a physical agility test consistent with the National Tactical Officer Association (NTOA) or a state-recognized Police Officer Standards and Training (POST) entity;
- (3) Receive a minimum score of 75 percent on a Commission-approved Firearms Certification Testing Course;
- (4) Successfully complete an oral interview; and
- (5) Receive a recommendation from the applicant's law enforcement agency.

B. An applicant, upon meeting the minimum qualifications in §A of this regulation shall receive the approval of the tactical commander based on a review of the applicant's:

- (1) Minimum qualifications as described in §A of this regulation;
- (2) Performance reviews and appraisals; and
- (3) Disciplinary record.

.04 Minimum Training Standards for SWAT or TRT Police Officers and Teams.

A. Initial Training Standards.

(1) Prior to initial deployment, each team leader and each team member shall:

(a) Complete 120 hours of training at a Commission-approved SWAT school with a minimum course of study that includes:

- (i) SWAT and TRT policy;
- (ii) Tactical response theory and concepts;
- (iii) Psychological considerations;
- (iv) Overview of individual and team equipment;
- (v) Operational planning;
- (vi) Overview of specialized tactical response functions;
- (vii) Command post operations;
- (viii) Individual and team movement;
- (ix) Basic entry and search techniques;
- (x) Chemical agents and deployment;
- (xi) Less lethal munitions and deployment;
- (xii) Diversionary device usage;
- (xiii) Crisis negotiation and de-escalation skills;
- (xiv) Individual and team firearms training; and
- (xv) Problem solving situations in a scenario-based learning environment; and

(b) Upon completion of SWAT school, receive a minimum passing score of 80 percent in all classes.

(2) Prior to initial deployment and in accordance with COMAR 12.04.02.06 and .07, a counter-sniper shall:

(a) Complete required firearm classroom instruction, training, and qualification for using and carrying a type 1 long gun; and

(b) Complete the course of fire requirements for a type 1 long gun.

B. Monthly and Annual Training Requirements.

(1) Each team leader and each team member shall:

(a) Complete and document a minimum of 16 hours of monthly in-service training in one or more of the following tactical response core competencies:

- (i) Weapons, munitions, and equipment;
- (ii) Individual and team movement;
- (iii) Decision making;
- (iv) Specialized tactical functions; and
- (v) Supporting resources; and

(b) Attend and complete 40 hours of annual in-service training with the team member's full SWAT team that may consist of lectures, drills, operational risk assessments, and scenario-based exercises.

(2) A counter-sniper, member of the breaching element, and integrated tactical response canine team shall complete an additional 8 hours of monthly documented in-service training consistent with the recommendations of the NTOA.

(3) A tactical commander shall:

(a) Attend and successfully complete a SWAT critical incident commander course, or equivalent as determined by the NTOA or other state POST, and approved by the Commission, within 1 year of assignment; and

(b) Attend a minimum of 16 hours of annual in-service training related to one or more of the following tactical commander training topics:

- (i) Review of criminal incidents and tactical response operations;
- (ii) Legal issues;
- (iii) Mutual aid procedures;
- (iv) Deployment and guidelines;
- (v) Tactical team operations;
- (vi) Command and control;
- (vii) Command post operations;
- (viii) Tactical operation procedures;
- (ix) Tactical components and capabilities;
- (x) Tactical considerations and mission; and
- (xi) Training scenarios and problem-solving simulations.

.05 Deployment.

A. Police officers and teams that conduct "no-knock" warrant service and entry operations shall, prior to each deployment:

- (1) Ensure compliance with all standards within this chapter;
- (2) Conduct a documented threat and risk assessment to determine the appropriate response and resources necessary for the mission; and
- (3) Develop a written mission-specific operational plan and orders.

B. After-Action Debriefing and Report.

(1) Team command shall ensure that a debriefing of a planned or spontaneous operation is conducted to include:

- (a) The actions taken and failures to act;
- (b) Mission results;
- (c) Pertinent and relevant information related to the operation; and
- (d) Training recommendations for future operations.

(2) Team command shall ensure that an after-action report is completed that:

- (a) Contains a summary of the after-action debriefing;
- (b) Includes the risk assessment, operational plan, related reports, and any other written or photographic material associated with the operation; and
- (c) Is retained in accordance with the agency's policy and Maryland law.

STEPHEN T. MOYER

Secretary of Public Safety and Correctional Services

**Title 14
INDEPENDENT AGENCIES**

**Subtitle 22 COMMISSION ON
CRIMINAL SENTENCING POLICY**

14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Proposed Action
[18-335-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulation .01 under **COMAR 14.22.01 General Regulations**.

Statement of Purpose

The purpose of this action is to modify the scope of the Maryland sentencing guidelines in COMAR 14.22.01.01. The modifications clarify that cases adjudicated in a juvenile court are excluded from guidelines coverage.

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 David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, University of Maryland, 4511 Knox Road, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.01 Scope.

A. The Maryland sentencing guidelines apply to criminal cases prosecuted in a circuit court. The following sentencing matters handled by judges in a circuit court are excluded from guidelines coverage:

(1) – (4) (text unchanged)

(5) Sentencing hearings in response to a violation of probation;

[and]

(6) Criminal nonsupport and criminal contempt; *and*

(7) *Cases adjudicated in a juvenile court.*

B. (text unchanged)

DAVID SOULE
Executive Director

**Title 20
PUBLIC SERVICE
COMMISSION**

**Subtitle 53 COMPETITIVE
ELECTRICITY SUPPLY**

20.53.06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-507, Annotated Code of Maryland

Notice of Proposed Action
[18-334-P]

The Public Service Commission proposes to amend Regulations .02, .06, and .07 under **COMAR 20.53.06 Nonresidential Customer Protection**. This action was considered by the Public Service Commission at a scheduled rule-making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify (1) the switching period for nonresidential customers; (2) that a customer's contract may not supplant regulations regarding cancellation of service agreement; and (3) the circumstances under which a contract rescission period must be allowed.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.02 Enrollment.

A. (text unchanged)

B. A customer's choice of electricity supplier is the electricity supplier with the last enrollment of the customer received by the utility [12 days before the customer's next meter reading date] *consistent with the requirements of COMAR 20.53.04.02.*

.06 Cancellation of Supply Service.

A.—D. (text unchanged)

[E. A customer's request to cancel service with the customer's current retail supplier under this regulation does not limit cancellation provisions contained in the customer's service agreement with the supplier.]

.07 Rescission Period.

A supplier is not required to offer a contract rescission period *except where required by law.*

TERRY J. ROMINE
Executive Secretary

D. (text unchanged)

TERRY J. ROMINE
Executive Secretary

**Subtitle 53 COMPETITIVE
ELECTRICITY SUPPLY**

20.53.07 Residential Customer Protection

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-507,
Annotated Code of Maryland

Notice of Proposed Action
[18-333-P]

The Public Service Commission proposes to amend Regulation **.07** under **COMAR 20.53.07 Residential Customer Protection**. This action was considered by the Public Service Commission at a scheduled rule-making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require a retail electricity supplier to honor the more favorable of either a supplier's open offer displayed on the Commission's website or the same supplier's corresponding open offer displayed on its own website in the event of a discrepancy between the two offers.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.07 Advertising and Solicitations.

A.—B. (text unchanged)

C. Internet.

(1) (text unchanged)

(2) Commission Website. [Suppliers shall submit open offers to the Commission's website according to instructions provided by the Commission.]

(a) *Suppliers shall submit open offers to the Commission's website according to instructions provided by the Commission.*

(b) *In the event of a discrepancy between a supplier's open offer posted on the Commission's website and the supplier's corresponding open offer displayed on the supplier's website, the supplier shall honor the terms that are more favorable to the customer.*

**Subtitle 53 COMPETITIVE
ELECTRICITY SUPPLY**

20.53.08 Supplier Agent Relations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-507,
Annotated Code of Maryland

Notice of Proposed Action
[18-332-P]

The Public Service Commission proposes to adopt new Regulation **.01**, recodify existing Regulations **.01** and **.03—06** to be Regulations **.02** and **.04—07**, respectively, and amend and recodify existing Regulation **.02** to be Regulation **.03** under **COMAR 20.53.08 Supplier Agent Relations**. This action was considered by the Public Service Commission at a scheduled rule-making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to specify that COMAR 20.53.08 is applicable to residential customers only with regard to retail electricity suppliers, and to amend the requirements of the criminal history check required to be performed by supplier agents conducting door to door activities.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to supplier services to residential customers.

[.02].03 Agent Qualifications and Standards.

A. (text unchanged)

B. A supplier may not permit [a person] *its agent* to conduct door-to-door activities [until it has obtained and reviewed a criminal history record from the Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months. The criminal history record check shall be updated no less than every 36 months. A supplier shall subscribe to automatic updates from the Maryland Criminal Justice Information System.] *unless:*

(1) *The door-to-door agent's identity has been verified by government-issued identification;*

(2) *The supplier has ensured that the agent meets any local licensing, registration, or permitting requirements of the jurisdiction where the agent will be conducting door-to-door activities; and*

(3) *The agent's criminal history record meets the supplier's standards and qualifications.*

C. *The criminal history record shall be updated no less than every 36 months, and shall be obtained from either:*

(1) *The Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months; or*

(2) *A criminal history records check conducted by the supplier or a third party that includes, at a minimum, the following:*

(a) *An all-county search through the Maryland Administrative Office of the Courts, and from all other states in which the person resided within at least the last 12 months;*

(b) *A nationwide federal criminal court search, such as the Federal Public Access to Court Electronic Records (PACER) System;*

(c) *A national multi-state, multi-jurisdictional criminal database search with validation conducted by a member of the National Association of Professional Background Screeners; and*

(d) *The U.S. Department of Justice National Sex Offender Public Registry.*

[C.] D. When a supplier contracts [with an independent contractor or vendor] to perform door-to-door activities, the supplier shall document that the [contractor or vendor has performed] criminal background [investigations] *investigation has been performed* on [an agent] *any door-to-door agents* in accordance with this section and with the standards set by the supplier. A supplier may satisfy this requirement by obtaining [from the independent contractor or vendor] a written statement [affirming] *verifying* that the criminal background check was performed [by them or under their supervision] in accordance with this section and with standards set by the supplier and presented in writing.

[D.] E. (text unchanged)

TERRY J. ROMINE
Executive Secretary

Subtitle 59 COMPETITIVE GAS SUPPLY

20.59.06 Nonresidential Customer Protection

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-507, Annotated Code of Maryland

Notice of Proposed Action [18-330-P]

The Public Service Commission proposes to amend Regulations .06 and .07 under **COMAR 20.59.06 Nonresidential Customer Protection**. This action was considered by the Public Service Commission at a scheduled rule-making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify (1) that a customer's contract may not supplant regulations regarding cancellation of service agreement; and (2) when a contract rescission period may be allowed.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.06 Cancellation of Supply Service.

A.—D. (text unchanged)

[E. A customer's request to cancel service with the customer's current retail supplier under this regulation does not limit cancellation provisions contained in the customer's service agreement with the supplier.]

.07 Rescission Period.

A supplier is not required to offer a contract rescission period *except where required by law.*

TERRY J. ROMINE
Executive Secretary

Subtitle 59 COMPETITIVE GAS SUPPLY

20.59.07 Residential Customer Protection

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, 7-507, and [7-604(b)] 7-604, Annotated Code of Maryland

Notice of Proposed Action [18-329-P]

The Public Service Commission proposes to amend Regulation .07 under **COMAR 20.59.07 Residential Customer Protection**. This action was considered by the Public Service Commission at a scheduled rule making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require a retail gas supplier to honor the more favorable of either a supplier's open offer displayed on the Commission's website or the same supplier's corresponding open offer displayed on its own website in the event of a discrepancy between the two offers.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

.07 Advertising and Solicitations.

A.—B. (text unchanged)

C. Internet.

(1) (text unchanged)

(2) Commission Website.

(a) Suppliers shall submit open offers to the Commission’s website according to instructions provided by the Commission.

(b) *In the event of a discrepancy between a supplier’s open offer posted on the Commission’s website and the supplier’s corresponding open offer displayed on the supplier’s website, the supplier shall honor the terms that are more favorable to the customer.*

D. (text unchanged)

TERRY J. ROMINE
Executive Secretary

Subtitle 59 COMPETITIVE GAS SUPPLY

20.59.08 Supplier Agent Relations

Authority: Public Utilities Article, §§2-113, 2-121, 5-101, and 7-507, Annotated Code of Maryland

Notice of Proposed Action

[18-331-P]

The Public Service Commission proposes to adopt new Regulation .01, recodify existing Regulations .01 and .03—.06 to be Regulations .02 and .04—.07, respectively, and amend and recodify existing Regulation .02 to be Regulation .03 under **COMAR 20.59.08 Supplier Agent Relations**. This action was considered by the Public Service Commission at a scheduled rule-making (RM 62) meeting held on Thursday, August 23, 2018, notice of which was given under General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to specify that COMAR 20.59.08 is applicable to residential customers only with regard to retail gas suppliers, and to amend the requirements of the criminal history check required to be performed by suppliers for agents conducting door to door activities.

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 Terry J. Romine, Executive Secretary, Public Service Commission, 6 St. Paul Street, 16th Floor, Baltimore, MD 21202, or call 410-767-8067, or fax to 410-333-6495. Comments

will be accepted through January 7, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to supplier services to residential customers.

[.02] .03 Agent Qualifications and Standards.

A. (text unchanged)

B. A supplier may not permit [a person] *its agent* to conduct door-to-door activities [until it has obtained and reviewed a criminal history record from the Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months. The criminal history record check shall be updated no less than every 36 months. A supplier shall subscribe to automatic updates from the Maryland Criminal Justice Information System.] *unless:*

(1) *The door-to-door agent’s identity has been verified by government-issued identification;*

(2) *The supplier has ensured that the agent meets any local licensing, registration, or permitting requirements of the jurisdiction where the agent will be conducting door-to-door activities; and*

(3) *The agent’s criminal history record meets the supplier’s standards and qualifications.*

C. *The criminal history record shall be updated no less than every 36 months, and shall be obtained from either:*

(1) *The Maryland Criminal Justice Information System and the Federal Bureau of Investigation, through the Department of Public Safety and Correctional Services, and from all other states in which the person resided within at least the last 12 months; or*

(2) *A criminal history records check conducted by the supplier or a third party that includes, at a minimum, the following:*

(a) *An all-county search through the Maryland Administrative Office of the Courts, and from all other states in which the person resided within at least the last 12 months;*

(b) *A nationwide federal criminal court search, such as the Federal Public Access to Court Electronic Records (PACER) System;*

(c) *A national multi-state, multi-jurisdictional criminal database search with validation conducted by a member of the National Association of Professional Background Screeners; and*

(d) *The U.S. Department of Justice National Sex Offender Public Registry.*

[C.] D. When a supplier contracts [with an independent contractor or vendor] to perform door-to-door activities, the supplier shall document that the [contractor or vendor has performed] criminal background [investigations] *investigation has been performed* on [an agent] *any door-to-door agents* in accordance with this section and with the standards set by the supplier. A supplier may satisfy this requirement by obtaining [from the independent contractor or vendor] a written statement [affirming] *verifying* that the criminal background check was performed [by them or under their supervision] in accordance with this section and with standards set by the supplier and presented in writing.

[D.] E. (text unchanged)

TERRY J. ROMINE
Executive Secretary

Title 31
MARYLAND INSURANCE
ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS
AND OTHER INSURANCE
PROFESSIONALS

31.03.13 Producer Registers and Documentation
of Appointments

Authority: Insurance Article, §§2-109(a)(1), 10-103(c), and 10-118(j),
 Annotated Code of Maryland

Notice of Proposed Action
 [18-167-R]

The Insurance Commissioner proposes to amend Regulations .02 and .04 under **COMAR 31.03.13 Producer Registers and Documentation of Appointments**. Because substantive changes have been made to the original proposal as published in 45:14 Md. R. 708 (July 6, 2018), this action is being repropose at this time.

Statement of Purpose

The purpose of this action is to amend Regulations .02 and .04 under COMAR 31.03.13 Producer Registers and Documentation of Appointments. This action is a reproposal to add changes to Regulation .04. The Maryland Insurance Administration no longer uses prefixes on insurance producer licenses and has not used them since approximately 2009, when a new state based systems licensing database was implemented. After the initial proposal to remove the prefix requirement in Regulation .02 was submitted, it came to the Maryland Insurance Administration’s attention that the license prefix requirement was also in Regulation .04, so this action removes the requirement from Regulation .04 as well.

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 Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through January 7, 2019. A public hearing has not been scheduled.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. **Arial Bold Italic** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [[[Triple brackets]]] indicate text proposed for deletion which substantively alters the originally proposed text.

.02 (originally proposed text unchanged)

.04 Documentation of Appointment.

A. Within 30 days after appointing an insurance producer, an insurer shall provide the insurance producer with written documentation of the appointment that contains, at a minimum:

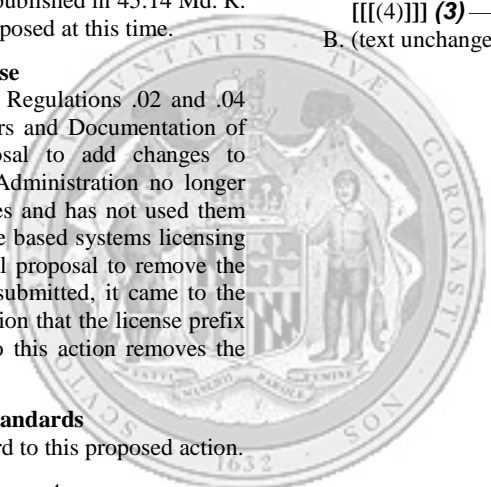
(1) — (2) (text unchanged)

[[[(3) The prefix to the Maryland license number of the insurance producer;]]]

[[[(4)]]] **(3)** — [[[(8)]]] **(7)** (text unchanged)

B. (text unchanged)

ALFRED W. REDMER, JR.
 Insurance Commissioner



Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: October 1—31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22 (f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f):

Inflection Energy (PA), LLC; Pad ID: Hillegas Well Pad, ABR-201308017.R1; Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 11, 2018.

Inflection Energy (PA), LLC; Pad ID: Bennett Well Pad, ABR-201308015.R1; Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2018.

Cabot Oil & Gas Corporation; Pad ID: PavelskiJ Pad 1, ABR-201810001; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2018.

Repsol Oil & Gas USA, LLC ; Pad ID: DCNR 594 (02 200), ABR-201810002; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 22, 2018.

Chief Oil & Gas LLC, Pad ID: HEMLOCK RIDGE ESTATES UNIT PAD; ABR-201810003; McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: October 24, 2018.

ARD Operating, LLC; Pad ID: Lycoming H&FC Pad F; ABR-201309015.R1; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 26, 2018.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 14, 2018.

STEPHANIE L. RICHARDSON
Secretary to the Commission

[18-25-14]

WATER AND SCIENCE ADMINISTRATION

Final Determination to Issue Stormwater Permit to Anne Arundel County, Maryland

The Maryland Department of the Environment (MDE) has reached a final determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit issued to Anne Arundel County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from the County's storm drain system, and allow Anne Arundel County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part122.62) and current permit conditions (see PartVII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Anne Arundel County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3316 MD0068306) on August 10, 2018 to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., February 11, 2019). MDE has determined the use of nutrient credits by the County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby adds a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

MDE's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on MDE's website at:

https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx

The final determination is also available by contacting Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before January 6, 2019.

[18-25-23]

WATER AND SCIENCE ADMINISTRATION

Tentative Determination to Modify a Stormwater Permit Baltimore County, Maryland

The Maryland Department of the Environment (MDE) has reached a final determination to modify the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit issued to Baltimore County to control storm drain system pollutant discharges. MDE has drafted permit modifications designed to comply with the United States Environmental Protection Agency's (EPA) regulations, control stormwater pollutant discharges from the County's storm drain system, and allow Baltimore County to use Maryland's newly authorized nutrient trading program as an option to meet its 20 percent impervious surface restoration requirement.

The EPA regulations (40 CFR Part122.62) and current permit conditions (see PartVII.E.1, Permit Revocation and Modification) allow for NPDES permits to be modified for an appropriate cause. Baltimore County officially requested a modification of its current permit (Discharge Permit Number 11-DP-3317 MD0068314) on July 18, 2018 to allow the use of nutrient trading to meet the 20 percent impervious surface restoration requirement by the end of the current permit term (i.e., December 23, 2018). MDE has determined the use of nutrient credits by the County for meeting the 20 percent impervious surface restoration requirement is acceptable. Therefore, MDE hereby proposes to add a new paragraph that allows for nutrient trading to meet this requirement in PART IV.E.3; and to rename the original permit's PART IV.E.3 and PART IV.E.4 as PART IV.E.4 and PART IV.E.5, respectively.

MDE's final determination is subject to judicial review at the request of any person that meets the threshold standing requirements under federal law and participated in the public participation process through the submission of written or oral comments. The final determination may be found on MDE's website at:

https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/storm_gen_permit.aspx

The final determination is also available by contacting Mr. Raymond Bahr at 410-537-3545 or 1-800-633-6101. Requests for judicial review in accordance with §1-601 and §1-605 of the Environment Article need to be made on or before January 6, 2019.

[18-25-24]

WATER AND SCIENCE ADMINISTRATION

Notice of Final Determination — Modification of the General Permit for Discharges of Stormwater Associated with Industrial Activity No. 12SW-A, NPDES Permit MDR00

The Department is modifying the state/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges of Stormwater Associated with Industrial Activities with revisions to the restoration requirements. General Discharge Permit No. 12SW (NPDES No. MDR00) regulates stormwater discharges from various federal discharge categories of industrial facilities in the state of Maryland.

A public notice on the tentative determination to modify the discharge permit was published on June 22, 2018 in the Maryland

Register and June 18, 2018 in newspapers throughout Maryland. The Department held a public hearing concerning the tentative determination on **Tuesday, July 24, 2018 at 1pm** in the Terra Conference Room at the Maryland Department of the Environment, 1800 Washington Blvd, Baltimore, MD 21230, and received comments through **5:00 PM on Wednesday, September 19, 2018**. After considering all comments received either in writing or through oral testimony during the comment period, the Department has made a final determination to issue the modified permit.

Listed below are the revisions to the tentative determination now included in the Department's final determination:

- Language excluding an MS4 from generating credits under the permit has been added.
- The Department removed the language related to extending the deadline for restoration.
- The method for credit calculation has been revised to be consistent with the trading program regulation and is now referenced in the final permit.
- The original infeasibility requirement in the 12SW has been retained.
- The trading option is available only when on-site work is infeasible.
- A requirement to submit a copy of the comprehensive annual report to the Department has been added to Appendix G of the permit, and other non-significant edits were made for consistency.
- Deadlines for reporting have been reinstated as result of not extending the restoration deadline, however the administrative extension eligibility requirement was removed consistent with the tentative determination.
- The period time for completing a trade and posting on the registry has now been limited to no longer than 3 months after the end of the applicable calendar year.
- Several cross reference errors were corrected, minor clarifications were provided and in several areas the original permit text was restored.

To view and print the final permit and response documents, you may use this link <http://9nl.at/MD-SWGP>. Persons seeking to review the hardcopy final permit and associated file may do so by contacting Mr. Hlavinka to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

Any questions regarding this final determination should be directed to Paul Hlavinka or Michael Richardson at the Maryland Department of the Environment, Water and Science Administration, at paul.hlavinka@maryland.gov or michael.richardson@maryland.gov, respectively or by telephone at 410-537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article within **30** days after publication of a notice of final determination, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review by within **30** days will constitute a waiver of any right to a judicial review of this final determination.

[18-25-15]

MARYLAND HEALTH CARE COMMISSION

USE OF SPECIAL CHRONIC HOSPITAL BEDS: MARYLAND, FY 2017

Jurisdiction/Facility	Number of Licensed Beds	Number of Patient Days	Number of Discharges	Average Length of Stay (Days)	Average Annual Occupancy Rate
Baltimore City					
Johns Hopkins Bayview Medical Center	76	12,926	334	39	46.6%
Levindale Hebrew Geriatric Center and Hospital	100	33,250	1,215	27	91.1%
UM Medical Center Midtown Campus	80	10,037	235	43	34.4%
UM Rehabilitation & Orthopedic Institute¹	52	11,229	583	19	59.2%
Prince George's County					
Laurel Regional Hospital	46	4,595	93	49	27.4%
SUBTOTAL: Private Chronic Hospitals	354	72,037	2,460	29	55.8%
Washington County					
Western Maryland Hospital Center ²	60	6,515	111	59	29.8%
Wicomico County					
Deer's Head Hospital Center ³	66	1,731	58	30	7.2%
SUBTOTAL: State-operated Chronic Hospitals⁴	126	8,246	169	49	37.0%
STATEWIDE TOTAL⁵	480	80,283	2629	31	45.8%

Sources: Maryland Health Care Commission. The number of licensed chronic hospital beds maintained in the Commission's inventory is based on the Commission's Certificate of Need files and licensing information provided by the Maryland Department of Health's Office of Health Care Quality. The number of FY 2017 patient days and discharges for the private chronic hospitals are obtained from the Health Services Cost Review Commission's Inpatient Confidential Files and Chronic Care Confidential Files. The number of FY 2017 patient days and discharges for the two state-operated chronic hospitals are obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health.

Notes: The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2017 (the end of the 2017 fiscal year reporting period). Bed occupancy rates are calculated on the basis of licensed bed capacity, which may be substantially different than average staffed bed capacity. (See footnotes below.)

¹University of Maryland Rehabilitation and Orthopedic Institute's 52 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds.

²Western Maryland Hospital Center's occupancy rate, based on its 19 budgeted chronic hospital beds, would be 93.9 percent.

³Deer's Head Hospital Center's chronic hospital occupancy rate, based on its 11 budgeted chronic hospital beds, would be 43.1 percent.

⁴The occupancy rate for the two State-operated chronic hospitals, based on the total 30 budgeted chronic hospital beds, would be 75.3 percent.

⁵The statewide chronic hospital bed occupancy rate, based on the 354 licensed beds at the five private facilities plus the 30 budgeted beds at the two state-operated facilities would be 57.3 percent.

[18-25-18]

USE OF SPECIAL CHRONIC HOSPITAL BEDS: MARYLAND, FY 2018

Jurisdiction/Facility	Number of Licensed Beds	Number of Patient Days	Number of Discharges	Average Length of Stay (Days)	Average Annual Occupancy Rate
Baltimore City					
Johns Hopkins Bayview Medical Center	76	8,242	278	30	29.7%
Levindale Hebrew Geriatric Center and Hospital	100	33,426	1,165	29	91.6%
UM Medical Center Midtown Campus	80	6,162	146	42	21.1%
UM Rehabilitation & Orthopedic Institute¹	52	10,883	497	22	57.3%
Prince George's County					
Laurel Regional Hospital	46	2,824	49	58	16.8%
SUBTOTAL: Private Chronic Hospitals	354	61,537	2,135	29	47.6%
Washington County					
Western Maryland Hospital Center ²	60	5,207	81	64	23.8%
Wicomico County					
Deer's Head Hospital Center ³	66	1,635	64	26	6.8%
SUBTOTAL: State-operated Chronic Hospitals⁴	126	6,842	145	47	14.9%
STATEWIDE TOTAL⁵	480	68,379	2,280	30	39.0%

Sources: Maryland Health Care Commission. The number of licensed chronic hospital beds maintained in the Commission's inventory is based on the Commission's Certificate of Need files and licensing information provided by the Maryland Department of Health's Office of Health Care Quality. The number of FY 2018 patient days and discharges for the private chronic hospitals are obtained from the Health Services Cost Review Commission's Inpatient Confidential Files and Chronic Care Confidential Files. The number of FY 2018 patient days and discharges for the two state-operated chronic hospitals are obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health.

Notes: The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2018 (the end of the 2018 fiscal year reporting period). Bed occupancy rates are calculated on the basis of licensed bed capacity, which may be substantially different than average staffed bed capacity. (See footnotes below.)

¹University of Maryland Rehabilitation and Orthopedic Institute's 52 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds.

²Western Maryland Hospital Center's occupancy rate, based on its 19 *budgeted* chronic hospital beds, would be 75.1 percent.

³Deer's Head Hospital Center's chronic hospital occupancy rate, based on its 11 *budgeted* chronic hospital beds, would be 40.7 percent.

⁴The occupancy rate for the two State-operated chronic hospitals, based on the total 30 *budgeted* chronic hospital beds, would be 62.5 percent.

⁵The statewide chronic hospital bed occupancy rate, based on the 354 *licensed* beds at the five *private* facilities plus the 30 *budgeted* beds at the two *state-operated* facilities would be 48.8 percent.

[18-25-19]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

STATE ANATOMY BOARD

Subject: Public Meeting
Date and Time: December 14, 2018, 2:30 — 4 p.m.
Place: University of Maryland School of Medicine, Health Science Facility II, 20 Penn St., Rm. 241, Baltimore, MD
Contact: Rita M. Gross (410) 706-3313
 [18-25-12]

CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

Subject: Public Meeting
Date and Time: December 17, 2018, 2 — 3 p.m.
Place: Judicial Education and Conference Center, 2009-D Commerce Park Dr., Training Rm. UL 6-7, Annapolis, MD 21401
Contact: Robyn Lyles (410) 585-3185
 [18-25-09]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting
Date and Time: December 12, 2018, 1 — 3 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm., Side B, Crownsville, MD
Add'l. Info: Maryland Statewide Interoperability Radio Control Board Meeting
Contact: Brittany Brothers (410) 697-9407
 [18-25-05]

DEPARTMENT OF INFORMATION TECHNOLOGY

Subject: Public Meeting
Date and Time: December 21, 2018, 10 a.m. — 12 p.m.
Place: 100 Community Pl., 1st Fl. Conf. Rm., Side A, Crownsville, MD
Add'l. Info: Maryland Council on Open Data Quarterly Meeting
Contact: Brittany Brothers (410) 697-9407
 [18-25-06]

MARYLAND DEPARTMENT LABOR, LICENSING, AND REGULATION, SECONDHAND PRECIOUS METAL OBJECT DEALER AND PAWNBROKER LICENSING PROGRAM

Subject: Public Hearing
Date and Time: December 13, 2018, 10 a.m. — 12 p.m.
Place: 500 N. Calvert St., Second Fl. Conf. Rm., Baltimore, MD
Add'l. Info: The Maryland Department of Labor, Licensing, and Regulation, Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program gives notice of a public hearing concerning Case No.: SPMG-DR-19-0001, In the Matter of: A Petition for Declaratory Ruling filed by EBTH.COM LLC, pursuant to State Government Article, §§10-304 and 10-305, Annotated Code of Maryland, the Department of Labor, Licensing, and Regulation (“Department”) and the Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program (“Program”) gives the following notice of the opportunity for a hearing on the petition for declaratory ruling filed by EBTH.COM LLC (Licensee: James Christopher Ashely, Everything But the House, Inc.).

The Petitioner requests that the Secretary issue a ruling declaring that:

(1) The use of any form of the term “acquire, acquired, and acquisition” when used in Business Regulation Article, Title 12, Annotated Code of Maryland, and in reference to “precious metal objects” “shall denote ownership as opposed to mere possession, of those objects”;

(2) The holding period set forth in Business Regulation Article, §§12-301(e) and (f), 12-305(a), (c), and, (d), Annotated Code of Maryland, and the record-keeping requirements in the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act (“Act”), contained in Business Regulation Article, §§12-301(a) and 12-302(a), Annotated Code of Maryland, do not apply to a dealer who “merely possesses, but does not own, a precious metal object.”

By way of this Petition, EBTH requests the Secretary to determine whether the record-keeping requirements and requirements for a holding period prior to a dealer’s release of precious metal objects

that come into their possession are applicable to all dealers of secondhand precious metal objects, including those who operate traditional auction sites and those who arrange for the sale of objects on Internet auction sites, and the application of the requirements is not restricted to only those dealers who “acquire” the objects.

Provisions of the Act subject to interpretation or relevant to the Petition: Business Regulation Article, §§12-301(a), (e), and (f), 12-302(a), and 12-305(a), (c), and (d), Annotated Code of Maryland.

The hearing will be conducted in accordance with the Department’s hearing regulations in COMAR 09.01.02. The hearing is a public hearing and testimony or documentary evidence may additionally be taken from members of the public attending the hearing. Interested parties may submit written testimony or documentary evidence no later than November 26, 2018, to the Program to Shanai R. Jordan, Executive Director, Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202, or by email at shanai.jordan@maryland.gov for consideration prior to the hearing date and to be presented at the hearing before the Secretary.

A ruling may be made at the conclusion of the hearing or the Secretary may elect to issue a written ruling within 90 days of the date of the hearing.

Submit questions to Shanai R. Jordan, Executive Director, Secondhand Precious Metal Object Dealers and Pawnbrokers Licensing Program, shanai.jordan@maryland.gov or (410) 230-6318.

Contact: Shanai Jordan (410) 230-6318
 [18-25-03]

MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION

Subject: Public Meeting
Date and Time: December 13, 2018, 10 a.m. — 12 p.m.
Place: Montgomery Business Park, 1800 Washington Blvd., Studio, Baltimore, MD
Contact: Kathy Lingo (410) 230-8790
 [18-25-04]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Public Meeting

Date and Time: December 20, 2018, 1 — 4 p.m.

Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD

Contact: Valerie Wooding (410) 764-3570
[18-25-01]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Request for Letters of Intent — New Psychiatric Facility

Add'l. Info: On November 8, 2018 the Maryland Health Care Commission received from:

UM-Upper Chesapeake Health System, Inc. — A Letter of Intent to establish a new psychiatric hospital to be located on a 36-acre site located at 635 McHenry Road, Aberdeen. The project will include a 40-bed inpatient unit serving adult patients (aged 18 and older). A 15-bed unit will be dedicated to geriatric psychiatric services.

Pursuant to COMAR 10.24.01.08A(3) the Commission hereby initiates a 30-day period in which additional Letters of Intent to apply for a Certificate of Need may be submitted to establish a new psychiatric hospital in the Central Maryland Service Area (Anne Arundel, Baltimore, Carroll, Howard, Harford Counties and Baltimore City) and the Eastern Shore Service Area (Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester Counties). Additional Letters of Intent should be submitted to the MHCC, 4160 Patterson Ave., Baltimore, MD 21215, and are due by the close of business, January 7, 2019.

Contact: Ruby Potter (410) 764-3276
[18-25-16]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Exemption from CON Review

Add'l. Info: The Maryland Health Care Commission received on November 6, 2018 a request from:

Summit Ambulatory Surgical Center, LLC — Addition of second operating room to existing ambulatory surgery center located at 7530 Buckingham Boulevard, Suite 100, Hanover, MD. A copy of the Exemption Request is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov. All correspondence should be addressed to: Paul Parker, Director, Center for Health Care Facilities Planning and Development,

Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD 21215-2299.

Contact: Ruby Potter (410) 764-3276
[18-25-17]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Hope House Treatment Center — Docket No. 18-16-2416. Operation of 22 inpatient detox bed at 429 Main Street, Laurel, by converting from existing 313 level of care to 3.7D and 3.7 Residential beds.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business January 7, 2019. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. A copy of the application is available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD 21215.

Contact: Ruby Potter (410) 764-3276
[18-25-20]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Formal Start of Review

Add'l. Info: The Maryland Health Care Commission (MHCC) hereby gives notice

of docketing of the following application for Certificate of Need:

Atlantic General Surgical Center, — Docket No. 18-23-2431. Construction of an ambulatory surgery facility with 2 sterile operating rooms and 3 non-sterile procedure rooms to be located in a medical office building on Racetrack Road, Ocean Pines. Proposed Cost: \$8,883,332.

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business January 7, 2019. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. A copy of the application is available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD 21215.

Contact: Ruby Potter (410) 764-3276
[18-25-21]

**MARYLAND HEALTH CARE
COMMISSION**

Subject: Receipt of Application

Add'l. Info: On November 21, 2018 the Maryland Health Care Commission (MHCC) received two Certificate of Need applications submitted by:

UM-Upper Chesapeake Medical Campus Behavioral Health Pavilion — Matter No. 18-12-2436. Establish a new psychiatric hospital which includes a 40-bed adult psychiatric inpatient unit to serve male and female patients. Twenty-five beds will be adult non-geriatric psychiatric beds and 15 beds will be principally dedicated to geriatric psychiatry. To be located at a 32-

GENERAL NOTICES

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acre parcel located at 635 McHenry Road, Aberdeen.

The MHCC shall review the applications under Health-General Article, §19-101 et. seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available, for review, in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov. All correspondence should be addressed to Paul Parker, Deputy Director, Center for Health Care Facilities Planning and Development, MHCC, 4160 Patterson Ave., Baltimore, MD 21215.

Contact: Ruby Potter (410) 764-2376 [18-25-25]

MARYLAND HEALTH CARE COMMISSION

Subject: Exemption from CON Review Add'l. Info: The Maryland Health Care Commission has received on November 21, 2018, a modified request from:

UM-Upper Chesapeake Medical Center and Harford Memorial Hospital for the relocation of MSGA beds from Harford Memorial Hospital to Upper Chesapeake Medical Center and the construction of a three-story addition to Upper Chesapeake Medical Center pursuant to a merger/consolidation of the two facilities.

A copy of the Exemption Request is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, MD 21215-2299.

Contact: Ruby Potter (410) 764-3276 [18-25-26]

MARYLAND HEALTH CARE COMMISSION

Subject: Exemption from CON Review Add'l. Info: The Maryland Health Care Commission has received a request from:

Harford Memorial Hospital Matter No. 17-12-EX004 — Conversion of the

existing hospital to a free-standing medical facility (FMF) to be located on the UC Medical Campus at Aberdeen, which will be organized around two components, the UC FMF located on the first floor and the Upper Chesapeake Health Behavioral Health Pavilion (special psychiatric hospital) on the second floor.

A copy of the Exemption Request is available for review in the office of the MHCC, during regular business hours by appointment, or on the Commission's website at www.mhcc.maryland.gov.

All correspondence should be addressed to Paul Parker, Director, Center for Health Care Facilities Planning and Development, Maryland Health Care Commission, 4160 Patterson Ave., Baltimore, Maryland 21215-2299.

Contact: Ruby Potter (410) 764-3276 [18-25-27]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — 2018 Commercial Shark Catch Limits — Effective 11/12/18

Add'l. Info: The Secretary of the Department of Natural Resources, pursuant to COMAR 08.02.22.04B, in order to comply with species management through the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Coastal Sharks, announces a new commercial catch limit for large coastal sharks. Effective 12:01 a.m., November 12, 2018, the catch limit is 45 large coastal sharks per vessel per trip. Large coastal sharks includes all of the sharks in the aggregated large coastal and hammerhead management groups defined in COMAR 08.02.22.03A(6) and (7). The species in the two management groups include Silky, Tiger, Blacktip, Spinner, Bull, Lemon, Nurse, Scalloped hammerhead, Great hammerhead, and Smooth hammerhead.

The National Marine Fisheries Service anticipates in-season trip limit modifications based on harvest. If modifications are made, the Atlantic States Marine Fisheries Commission will follow with modifications for state waters. A new public notice will be issued if modifications are made.

Mark J. Belton Secretary of Natural Resources Contact: Tamara O'Connell (410) 507-0779

[18-25-08]

DEPARTMENT OF NATURAL RESOURCES/FISHING AND BOATING SERVICES

Subject: Public Notice — Commercial Striped Bass Chesapeake Bay Individual Transferable Quota Season Modification

Add'l. Info: The Secretary of the Maryland Department of Natural Resources, pursuant to COMAR 08.02.15.12H, announces that the 2018 commercial individual transferable quota (ITQ) striped bass fishery for hook and line gear will be extended through sunset, Monday, December 31, 2018. A commercial striped bass permit holder in the ITQ fishery is limited to the quota assigned to their striped bass permit. All other rules and restrictions will remain in effect. The commercial ITQ gill net fishery season is still scheduled to open on Monday, December 3, 2018, at 12:01 a.m.

Mark J. Belton Secretary of Natural Resources Contact: Tamara O'Connell (410) 507-0779

[18-25-13]

TRANSIT ADMINISTRATION

Subject: Receipt of Application Add'l. Info: Department of Natural Resources, Forest Service. Notice of Applications Received for a Forest Conservation Plan Approval and the Opportunity to Provide Written Comment or Request an Information Hearing.

The Forest Service is reviewing the following applications for a Forest Conservation Program Plan Approval. The applications and related information are on file at the Central Region Office of the Maryland Department of Natural Resources, Forest Service, 2 South Bond St., Bel Air, MD 21014. Arrangements may be made for inspections and copying of file materials.

Opportunity is afforded to interested parties to provide written comments on the application(s), or to be placed on the interested persons list for a specific application. If requesting to be placed on the interested persons list, please clearly state this request in written form. Any request for a hearing must be in writing and provide the following information: 1) Name, Address and Telephone Number of the person making the request; 2) The identity of any other person(s) the requestor is representing; and 3) State specifically the issue proposed to be considered at the hearing. If a hearing is scheduled, sign language interpreters and other appropriate

accommodations for individuals with disabilities will be provided upon request.

[18-25-02]

Written comments, requests to be placed on the interested persons list, or requests for a hearing must be received on or before January 7, 2019. Correspondence should be addressed to the Maryland Department of Natural Resources-Forest Service, State Forest Conservation Program, Tawes State Office Building E-1, 580 Taylor Avenue, Annapolis, MD 21401.

Any further notices concerning actions on the following applications will be provided only by mail to those persons on the interested persons list.

The Maryland Department of Transportation Maryland Transit Administration and CSX Transportation (CSXT) are proposing to make improvements to the Jessup Automotive Support Yard in Howard County. The site is in the Patuxent River watershed. The improvements will reduce conflicts between freight and passenger trains. The project will clear 2.88 acres of forest. CSXT submitted a Forest Conservation Plan (C18-15) to the State of Maryland Forest Conservation Plan. Information about this project may be obtained by contacting the Central Region State Forest Conservation Program Coordinator at (410) 836-4568.

Contact: Dan Reagle (410) 767-3771

[18-25-11]

NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY

Subject: Public Meetings Notice Procedure
Add'l. Info: The Authority gives notice of meetings by posting a notice on its website under the section entitled "Press Releases/Notices" and at the entrance of its offices. Notice is hereby given that the Authority's website address is nmwda.org; its offices are located at Tower II, Suite 402, 100 S. Charles Street, Baltimore, Maryland. Notice is also hereby given that portions of Authority meetings may be held in closed session.

Contact: M. Catherine Coble (410) 333-2730

[18-25-10]

GOVERNOR'S WORKFORCE DEVELOPMENT BOARD

Subject: Public Meeting

Date and Time: December 12, 2018, 3:30 — 5:30 p.m.

Place: 7201 Corporate Center Dr., Hanover, MD

Add'l. Info: Governor's Workforce Development Board Quarterly Meeting

Contact: Darla Henson (410) 767-2408



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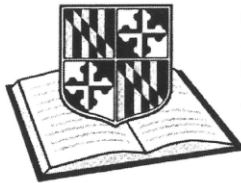
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