

Maryland Register

Issue Date: December 28, 2015

Volume 42 • Issue 26 • Pages 1583—1658

IN THIS ISSUE

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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before December 7, 2015, 5 p.m.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 December 7, 2015.

Brian Morris
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)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876; Fax 410-280-5647. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the U.S. periodicals postage paid at Annapolis, Maryland and additional mailing offices.

Lawrence J. Hogan, Jr., Governor; **John C. Wobensmith**, Secretary of State; **Brian Morris**, Administrator; **Gail S. Klakring**, Senior Editor; **Mary D. MacDonald**, 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

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

Contents

1585

Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register	1588
---	------

COMAR Research Aids

Table of Pending Proposals	1589
----------------------------------	------

Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources	1594
09 Department of Labor, Licensing, and Regulation	1593, 1594, 1606
10 Department of Health and Mental Hygiene	1595, 1609
11 Department of Transportation	1595, 1635
13A State Board of Education	1595
14 Independent Agencies	1596, 1638
15 Department of Agriculture	1596, 1639
20 Public Service Commission	1596
26 Department of the Environment	1643
31 Maryland Insurance Administration	1644
36 Maryland State Lottery and Gaming Control Agency	1597

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.

Emergency Action on Regulations

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS Code of Ethics.....	1593
--	------

Final Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES

FISHERIES SERVICE	
Oysters	1594
FORESTS AND PARKS	
Forest Management Programs	1594
Licensed Forest Products Operator	1594

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

REAL ESTATE COMMISSION	
Fees	1594
COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — APPRAISAL MANAGEMENT COMPANIES	
Fees	1594

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

BOARD OF DENTAL EXAMINERS	
Dental Assistants	1595

11 DEPARTMENT OF TRANSPORTATION

MOTOR VEHICLE ADMINISTRATION—ADMINISTRATIVE PROCEDURES	
Motor Vehicle Fees.....	1595

13A STATE BOARD OF EDUCATION

SPECIFIC SUBJECTS	
Secondary School Career and Technology Education	1595

SUPPORTING PROGRAMS

Interscholastic Athletics in the State.....	1596
---	------

STUDENTS

Transfer of Educational Records for Children in State-Supervised Care.....	1596
--	------

14 INDEPENDENT AGENCIES

WORKERS' COMPENSATION COMMISSION

Responsibilities of Insurers	1596
------------------------------------	------

15 DEPARTMENT OF AGRICULTURE

BOARD OF VETERINARY MEDICAL EXAMINERS

Fees	1596
------------	------

20 PUBLIC SERVICE COMMISSION

SERVICE SUPPLIED BY ELECTRIC COMPANIES

Service Quality and Reliability Standards	1596
---	------

36 MARYLAND STATE LOTTERY AND GAMING

CONTROL AGENCY

LOTTERY PROVISIONS

General	1597
Retailer Requirements	1597
Common Provisions for All Lottery Games	1597
Specific Game Provisions.....	1597
Claims Procedures.....	1597

GAMING PROVISIONS

Enforcement of Voluntary Exclusion Program.....	1597
Collection of Taxes, Fees, and Penalties	1597
Video Lottery Facility Minimum Internal Control Standards	1597
Facility Standards	1597

VIDEO LOTTERY TERMINALS

Video Lottery Technical Standards	1597
---	------

TABLE GAMES

Table Games Equipment	1597
Table Games Procedures	1597
Poker Rules	1597

Proposed Action on Regulations

08 DEPARTMENT OF NATURAL RESOURCES

FISHERIES SERVICE

Striped Bass.....	1598
Gear.....	1599

WILDLIFE

Use of Wildlife Areas	1600
General Wildlife Hunting Regulations	1605

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

OFFICE OF THE SECRETARY

Apprenticeship Maryland	1606
-------------------------------	------

DIVISION OF LABOR AND INDUSTRY

Equal Employment Opportunity	1607
Maryland Apprenticeship and Training	1608

COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS—REAL ESTATE APPRAISERS

Code of Ethics	1608
----------------------	------

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

DIVISION OF REIMBURSEMENTS

Appeal Hearings to the Division of Reimbursements.....	1609
--	------

HEALTH STATISTICS

Release of Confidential Information in the Maternal and Child Health Bureau.....	1609
--	------

Contents

1586

HEALTH FACILITIES GRANTS	
Construction Funds for Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities	1609
MATERNAL AND CHILD HEALTH	
Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood	1609
HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)	
HIV and CD4+ Investigations and Case Reporting	1609
AIDS Investigations and Case Reporting	1609
PREVENTIVE MEDICINE	
Use of Tanning Devices by Minors	1609
Newborn Screening	1609
FREESTANDING AMBULATORY CARE FACILITIES	
General Requirements	1611
Freestanding Ambulatory Surgical Facilities	1611
MEDICAL CARE PROGRAMS	
Dental Services	1612
Targeted Case Management for People with Intellectual and Developmental Disabilities	1613
EPSDT School Health-Related Services or Health-Related Early Intervention Services	1614
Maryland Medicaid Managed Care Program: Managed Care Organizations	1618
Community First Choice	1626
BOARD OF PHYSICIANS	
Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Medical Devices	1630
Delegation of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized Under the Health Occupations Article or the Education Article	1630
BOARD OF PHARMACY	
Prescription Drug Repository Program	1631
Pharmacist Administration of Self-Administered Drugs	1633
11 DEPARTMENT OF TRANSPORTATION	
MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES	
Summary Suspensions for Alcohol and Drug-Related Offenses	1635
Ignition Interlock Program	1635
MOTOR VEHICLE ADMINISTRATION — VEHICLE EQUIPMENT	
Ignition Interlock Systems	1635
14 INDEPENDENT AGENCIES	
OFFICE OF THE PUBLIC DEFENDER	
Eligibility for Services	1638
15 DEPARTMENT OF AGRICULTURE	
SOIL AND WATER CONSERVATION	
Agricultural Nutrient and Sediment Credit Certification Program	1639
26 DEPARTMENT OF THE ENVIRONMENT	
WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING	
Bay Restoration Fund Implementation	1643
31 MARYLAND INSURANCE ADMINISTRATION	
HEALTH INSURANCE — GENERAL	
Health Insurance	1644
Health Insurance—Plan of Withdrawal	1644
Carrier Provider Panels—Application Process	1644
Independent Review Organizations and Medical Experts	1644
Certification of HMO Medical Directors	1644
Discount Medical Plan Organizations and Discount Drug Plan Organizations	1644
Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts	1644
Individual Health Insurance Contracts — Standard Provisions and Exclusions	1644
Delivery of Policy or Certificate	1644
CREDIT LIFE AND CREDIT HEALTH INSURANCE	
Standards for Credit Life and Credit Health Insurance Contracts	1646
Special Documents	
DEPARTMENT OF THE ENVIRONMENT	
PROPOSED CALENDAR YEAR 2016 STANDARD PERMIT APPLICATION TURNAROUND TIMES	1648
DEPARTMENT OF HEALTH AND MENTAL HYGIENE COMMUNITY PATHWAYS WAIVER AMENDMENT #1 — PROPOSAL	
Request for Public Comment	1652
MARYLAND HEALTH CARE COMMISSION	
NUMBER OF CHRONIC HOSPITAL BEDS AND PATIENT DAYS AND PERCENT OCCUPANCY, BY FACILITY: MARYLAND, FY 2014	1653
DEPARTMENT OF TRANSPORTATION	
OFFICE OF MINORITY BUSINESS ENTERPRISE (OMBE)	
Announcement	1654
General Notices	
STATE COUNCIL ON CHILD ABUSE AND NEGLECT	
Public Meeting	1655
COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE	
Reduction of Bond Authorization Announcement	1655
CORRECTIONAL TRAINING COMMISSION	
Public Meeting	1655
GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION	
Public Meeting	1655
BOARD OF DIETETIC PRACTICE	
Public Meeting	1655
MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS	
Public Meeting	1655
BOARD FOR PROFESSIONAL ENGINEERS	
Public Meeting	1655
DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION	
Notice of Public Hearing on Air Quality Plan	1655
BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS	
Public Meeting	1656
BOARD OF FORESTERS	
Public Hearing	1656
DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE	
Call for Physician, Pharmacist, and Consumer Nominations for the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee	1656

Contents

DEPARTMENT OF HEALTH AND MENTAL
HYGIENE/OFFICE OF HEALTH SERVICES
Public Notice for Developmental Disabilities Administration
Targeted Case Management..... 1656

MARYLAND INSURANCE ADMINISTRATION
Public Meeting..... 1656
Public Meeting..... 1657

COMMISSION ON KIDNEY DISEASE
Public Meeting..... 1657

DIVISION OF LABOR AND INDUSTRY/MARYLAND
APPRENTICESHIP AND TRAINING COUNCIL
Public Meeting..... 1657

MARYLAND HEALTH CARE COMMISSION
Public Meeting..... 1657
Public Meeting..... 1657

MARYLAND PUBLIC TELEVISION
Public Meeting..... 1657

TASK FORCE TO STUDY MATERNAL MENTAL HEALTH
Public Meeting..... 1657

MINORITY BUSINESS ENTERPRISE ADVISORY
COMMITTEE
Public Meeting..... 1657
Public Meeting..... 1657

BOARD OF EXAMINERS OF NURSING HOME
ADMINISTRATORS
Public Meeting..... 1657

BOARD OF OCCUPATIONAL THERAPY PRACTICE
Public Meeting..... 1657

BOARD OF PILOTS
Public Meeting..... 1658

BOARD OF PODIATRIC MEDICAL EXAMINERS
Public Meeting..... 1658
Public Meeting..... 1658

POLICE TRAINING COMMISSION
Public Meeting..... 1658

RACING COMMISSION
Public Meeting..... 1658

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND
VETERANS COMMISSION
Public Meeting..... 1658

BOARD OF WATERWORKS AND WASTE SYSTEMS
OPERATORS
Public Meeting..... 1658

WORKERS' COMPENSATION COMMISSION
Public Meeting..... 1658

COMAR Online

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.

Contents

1588

CLOSING DATES AND ISSUE DATES through JULY 22, 2016

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
January 8**	December 18	December 30	December 28
January 22	January 4	January 13	January 11
February 5**	January 15	January 27	January 25
February 19	February 1	February 10	February 8
March 4**	February 12	February 24	February 22
March 18	February 29	March 9	March 7
April 1	March 14	March 23	March 21
April 15	March 28	April 6	April 4
April 29	April 11	April 20	April 18
May 13	April 25	May 4	May 2
May 27	May 9	May 18	May 16
June 10**	May 23	June 1	May 27
June 24	June 6	June 15	June 13
July 8	June 20	June 29	June 27
July 22**	July 1	July 13	July 11

* 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 and closing 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.

09.12.01.01D(2)(c)(iii)
 Title Chapter Section Paragraph
 Subtitle Regulation Subsection Subparagraph

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.

02 OFFICE OF THE ATTORNEY GENERAL

02.06.03.01—10 • 42:13 Md. R. 798 (6-26-15)

07 DEPARTMENT OF HUMAN RESOURCES

07.01.06.02—06 • 41:25 Md. R. 1489 (12-12-14)
07.02.07.01—26 • 42:2 Md. R. 148 (1-23-15)
07.02.26.01—15 • 42:2 Md. R. 159 (1-23-15)
07.07.08.03 • 42:21 Md. R. 1304 (10-16-15)
07.07.09.05 • 42:21 Md. R. 1305 (10-16-15)

08 DEPARTMENT OF NATURAL RESOURCES

08.02.01.05 • 42:25 Md. R. 1548 (12-11-15)
08.02.04.15 • 42:24 Md. R. 1509 (11-30-15)
08.02.05.03 • 42:24 Md. R. 1510 (11-30-15)
08.02.11.01,04,06 • 42:23 Md. R. 1438 (11-13-15)
08.02.14.13 • 42:24 Md. R. 1510 (11-30-15)
08.02.15.07 • 42:26 Md. R. 1598 (12-28-15)
08.02.25.02,03 • 42:26 Md. R. 1599 (12-28-15)
08.03.02.01—29,31—38 • 42:26 Md. R. 1600 (12-28-15)
08.03.10.09 • 42:26 Md. R. 1605 (12-28-15)
08.07.01.01,02 • 42:24 Md. R. 1510 (11-30-15)
08.07.02.02,02-1 • 42:24 Md. R. 1510 (11-30-15) (ibr)
08.07.04.01,03 • 42:24 Md. R. 1511 (11-30-15)
08.07.05.02,04 • 42:24 Md. R. 1512 (11-30-15)

09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.01.12.01—08 • 42:26 Md. R. 1606 (12-28-15)
09.03.06.02,24,25 • 42:2 Md. R. 170 (1-23-15)
09.03.06.23 • 42:21 Md. R. 1307 (10-16-15)
09.03.09.07 • 42:21 Md. R. 1308 (10-16-15)
09.03.12.09 • 42:21 Md. R. 1309 (10-16-15)
09.09.02.01 • 41:25 Md. R. 1500 (12-12-14)

09.10.01.17 • 42:22 Md. R. 1382 (10-30-15)
09.10.03.01-1 • 42:23 Md. R. 1440 (11-13-15)
09.12.42.01 • 42:26 Md. R. 1607 (12-28-15)
09.12.43.01 • 42:26 Md. R. 1608 (12-28-15)
09.12.44.01,02 • 42:1 Md. R. 25 (1-9-15)
09.12.81.01-1,04-1 • 42:2 Md. R. 173 (1-23-15)
09.14.04.01,02,04 • 42:1 Md. R. 26 (1-9-15)
09.19.05.01 • 42:26 Md. R. 1608 (12-28-15)
09.23.04.03 • 41:25 Md. R. 1500 (12-12-14)

10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitles 01—08 (1st volume)

10.01.08.04 • 41:25 Md. R. 1504 (12-12-14)
10.02.03.01 • 42:26 Md. R. 1609 (12-28-15)
10.03.02.01—03 • 42:26 Md. R. 1609 (12-28-15)
10.03.01.03 • 42:22 Md. R. 1382 (10-30-15)
10.05.01.05 • 42:26 Md. R. 1611 (12-28-15)
10.05.02.04—12 • 42:24 Md. R. 1512 (11-30-15)
10.05.05.01 • 42:26 Md. R. 1611 (12-28-15)
10.06.02.02 • 42:24 Md. R. 1513 (11-30-15)
10.07.04.11 • 42:24 Md. R. 1513 (11-30-15)
10.07.11.04 • 42:24 Md. R. 1518 (11-30-15)
10.08.02.03 • 42:26 Md. R. 1609 (12-28-15)

Subtitle 09 (2nd volume)

10.09.05.01,03,06 • 42:26 Md. R. 1612 (12-28-15)
10.09.06.01,03 • 42:25 Md. R. 1549 (12-11-15)
10.09.07.01,03—08 • 42:25 Md. R. 1550 (12-11-15)
10.09.10.07-2,10-1,12-1,13,15-1,16-1,28 • 42:23 Md. R. 1441 (11-13-15)
10.09.20.01—20 • 42:23 Md. R. 1443 (11-13-15)
10.09.23.07 • 42:23 Md. R. 1448 (11-13-15)
10.09.24.08-1 • 42:23 Md. R. 1449 (11-13-15)

PENDING PROPOSALS

1590

- 10.09.26 • 42:4 Md. R. 443 (2-20-15) (err)
42:6 Md. R. 546 (3-20-15) (err)
- 10.09.26.01—.53 • 42:3 Md. R. 328 (2-6-15)
- 10.09.34.02,.06 • 42:25 Md. R. 1551 (12-11-15)
- 10.09.36.03 • 42:23 Md. R. 1450 (11-13-15)
- 10.09.48.03,.08 • 42:26 Md. R. 1613 (12-28-15)
- 10.09.50.01—.05,.07 • 42:26 Md. R. 1614 (12-28-15)
- 10.09.61.01,.03 • 42:25 Md. R. 1552 (12-11-15)
- 10.09.62.01 • 42:25 Md. R. 1549 (12-11-15)
- 10.09.63.01 • 42:25 Md. R. 1549 (12-11-15)
- 10.09.65.02 • 42:25 Md. R. 1549 (12-11-15)
- 10.09.65.19 • 42:26 Md. R. 1618 (12-28-15)
- 10.09.66.09 • 42:25 Md. R. 1549 (12-11-15)
- 10.09.84.01—.07,.13,.15,.20,
.22—.24 • 42:26 Md. R. 1626 (12-28-15)

Subtitles 10 — 22 (3rd Volume)

- 10.11.06.05 • 42:26 Md. R. 1609 (12-28-15)
- 10.15.01.02,.05—.10 • 42:24 Md. R. 1513 (11-30-15)
- 10.15.02.11,.15 • 42:24 Md. R. 1513 (11-30-15)
- 10.15.03.02,.04,.10,.11,.27,.32 • 42:24 Md. R. 1513 (11-30-15)
- 10.15.04.02,.03,.09,.13—.16,.18,.28 • 42:24 Md. R. 1513 (11-30-15)
- 10.18.02.02,.03,.08 • 42:26 Md. R. 1609 (12-28-15)
- 10.18.03.03,.04 • 42:26 Md. R. 1609 (12-28-15)
- 10.22.14.03,.05—.11 • 42:21 Md. R. 1317 (10-16-15)

Subtitles 23 — 36 (4th Volume)

- 10.27.06.01—.04,.06—.08 • 42:23 Md. R. 1451 (11-13-15)
- 10.27.21.07 • 42:23 Md. R. 1452 (11-13-15)
- 10.27.22.02 • 42:23 Md. R. 1453 (11-13-15)
- 10.29.01.01,.10—.13 • 42:25 Md. R. 1552 (12-11-15)
- 10.32.03.05,.07 • 42:23 Md. R. 1453 (11-13-15)
- 10.32.09.02 • 42:26 Md. R. 1630 (12-28-15)
- 10.32.12.02,.04 • 42:26 Md. R. 1630 (12-28-15)
- 10.34.10.10 • 42:23 Md. R. 1454 (11-13-15)
- 10.34.19.03,.05—.07,.09,.17—.19 • 42:23 Md. R. 1454 (11-13-15)
- 10.34.29.01—.07 • 42:23 Md. R. 1456 (11-13-15)
- 10.34.33.01—.12 • 42:26 Md. R. 1631 (12-28-15)
- 10.34.39.01—.05 • 42:26 Md. R. 1633 (12-28-15)

Subtitles 37—63 (5th Volume)

- 10.44.20.02 • 42:3 Md. R. 387 (2-6-15)
- 10.46.04.02,.04—.07 • 42:24 Md. R. 1518 (11-30-15)
- 10.47.07.05 • 42:23 Md. R. 1459 (11-13-15)
- 10.52.06.12 • 42:26 Md. R. 1609 (12-28-15)
- 10.52.12.03,.07,.08 • 42:26 Md. R. 1609 (12-28-15)
- 10.63.01.01—.05 • 42:22 Md. R. 1383 (10-30-15)
- 10.63.02.01—.04 • 42:22 Md. R. 1383 (10-30-15)
- 10.63.03.01—.19 • 42:22 Md. R. 1383 (10-30-15)
- 10.63.04.01—.07 • 42:22 Md. R. 1383 (10-30-15)
- 10.63.05.01—.07 • 42:22 Md. R. 1383 (10-30-15)
- 10.63.06.01—.21 • 42:22 Md. R. 1383 (10-30-15)

11 DEPARTMENT OF TRANSPORTATION

Subtitles 01—10

- 11.04.05.01,.02 • 42:21 Md. R. 1322 (10-16-15)
- 11.04.06.01 • 42:21 Md. R. 1322 (10-16-15)

Subtitles 11—22 (MVA)

- 11.11.03.08,.09-1 • 42:26 Md. R. 1635 (12-28-15)
- 11.11.13.03 • 42:26 Md. R. 1635 (12-28-15)
- 11.13.10.02-1,.04,.13 • 42:26 Md. R. 1635 (12-28-15)
- 11.15.33.08 • 42:21 Md. R. 1326 (10-16-15)

12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

- 12.04.01.01,.05,.08,.09,.11,.15,.16 • 42:18 Md. R. 1194 (9-4-15)
- 12.10.01.05 • 42:20 Md. R. 1270 (10-2-15)

13A STATE BOARD OF EDUCATION

- 13A.02.06.02 • 42:14 Md. R. 912 (7-10-15)
42:23 Md. R. 1460 (11-13-15)
- 13A.08.01.01 • 42:14 Md. R. 912 (7-10-15)
42:23 Md. R. 1460 (11-13-15)
- 13A.08.02.01 • 42:14 Md. R. 912 (7-10-15) (ibr)
42:23 Md. R. 1460 (11-13-15) (ibr)
- 13A.10.01.01,.03,.05 • 42:23 Md. R. 1461 (11-13-15)

13B MARYLAND HIGHER EDUCATION COMMISSION

- 13B.01.01.02,.04,.19 • 42:24 Md. R. 1521 (11-30-15)
- 13B.01.01.03 • 42:24 Md. R. 1524 (11-30-15)
- 13B.02.02.23 • 42:24 Md. R. 1526 (11-30-15)
- 13B.08.02.01—.12 • 42:17 Md. R. 1141 (8-21-15)
- 13B.08.03.01—.12 • 42:17 Md. R. 1144 (8-21-15)
- 13B.08.04.01—.13 • 42:20 Md. R. 1276 (10-2-15)
- 13B.08.05.01—.11 • 42:17 Md. R. 1146 (8-21-15)
- 13B.08.06.01—.10 • 42:17 Md. R. 1148 (8-21-15)
- 13B.08.07.01—.09 • 42:20 Md. R. 1278 (10-2-15)
- 13B.08.08.01—.06 • 42:20 Md. R. 1280 (10-2-15)
- 13B.08.09.01—.11 • 42:22 Md. R. 1398 (10-30-15)

14 INDEPENDENT AGENCIES

- 14.06.03.05,.06 • 42:26 Md. R. 1638 (12-28-15)
- 14.22.02.02 • 42:23 Md. R. 1462 (11-13-15)
- 14.31.10.01—.08 • 41:25 Md. R. 1523 (12-12-14)

15 DEPARTMENT OF AGRICULTURE

- 15.15.01.10 • 41:25 Md. R. 1530 (12-12-14)
- 15.20.05.02—.04,.06—.10 • 42:19 Md. R. 1241 (9-18-15)
- 15.20.12.01—.11 • 42:26 Md. R. 1639 (12-28-15)

20 PUBLIC SERVICE COMMISSION

- 20.08.01.01—.08 • 42:11 Md. R. 733 (5-29-15)
42:22 Md. R. 1401 (10-30-15)
- 20.32.01.01—.04 • 42:25 Md. R. 1556 (12-11-15)
- 20.53.01.02 • 42:25 Md. R. 1558 (12-11-15)
- 20.53.03.02 • 42:25 Md. R. 1558 (12-11-15)
- 20.53.04.02—.04 • 42:25 Md. R. 1558 (12-11-15)
- 20.53.05.06 • 42:25 Md. R. 1558 (12-11-15)
- 20.53.07.05,.07—.13 • 42:25 Md. R. 1558 (12-11-15)
- 20.53.08.01—.06 • 42:25 Md. R. 1558 (12-11-15)
- 20.59.01.02 • 42:25 Md. R. 1563 (12-11-15)
- 20.59.03.02 • 42:25 Md. R. 1563 (12-11-15)
- 20.59.04.02—.04 • 42:25 Md. R. 1563 (12-11-15)

20.59.05.03 • 42:25 Md. R. 1563 (12-11-15)
 20.59.07.05,.07—,13 • 42:25 Md. R. 1563 (12-11-15)
 20.59.08.01—,06 • 42:25 Md. R. 1563 (12-11-15)

26 DEPARTMENT OF THE ENVIRONMENT

Subtitles 01—07 (Part 1)

26.03.13.03 • 42:26 Md. R. 1643 (12-28-15)

Subtitles 08—12 (Part 2)

26.11.01.01,.10 • 42:23 Md. R. 1465 (11-13-15)
 26.11.08.01,.04,.07,.08 • 42:23 Md. R. 1465 (11-13-15)

Subtitles 13—18 (Part 3)

26.13.01.03,.05 • 42:2 Md. R. 247 (1-23-15)
 26.13.02.03,.04,.04-6,.16,.17,.19-6,.19-7,.19-8,
 .25 • 42:2 Md. R. 247 (1-23-15)
 26.13.10.11 • 42:2 Md. R. 247 (1-23-15)
 26.16.01.01—,05,.07—,20 • 42:2 Md. R. 254 (1-23-15)

Subtitles 19—27 (Part 4)

26.19.01.01—,58 • 42:1 Md. R. 94 (1-9-15) (ibr)

29 DEPARTMENT OF STATE POLICE

29.04.06.01—,08 • 42:22 Md. R. 1401 (10-30-15)

31 MARYLAND INSURANCE ADMINISTRATION

31.01.02.02—,04,.07 • 42:23 Md. R. 1468 (11-13-15)
 42:24 Md. R. 1527 (11-30-15) (err)
 31.02.01.02 • 42:23 Md. R. 1471 (11-13-15)
 31.02.05.01—,04,.06,.08,.09 • 42:22 Md. R. 1403 (10-30-15)
 31.03.05 • 42:18 Md. R. 1213 (9-4-15) (err)
 31.03.05.01—,14 • 42:16 Md. R. 1085 (8-7-15)
 42:23 Md. R. 1471 (11-13-15)
 31.10.01 • 42:26 Md. R. 1644 (12-28-15)
 31.10.04.01,.02 • 42:26 Md. R. 1644 (12-28-15)
 31.10.16.03 • 42:26 Md. R. 1644 (12-28-15)
 31.10.19 • 42:26 Md. R. 1644 (12-28-15)
 31.10.20.02—,07 • 42:26 Md. R. 1644 (12-28-15)
 31.10.24 • 42:26 Md. R. 1644 (12-28-15)
 31.10.25.02,.04 • 42:26 Md. R. 1644 (12-28-15)
 31.10.27.01—,03 • 42:24 Md. R. 1527 (11-30-15)
 31.10.28 • 42:26 Md. R. 1644 (12-28-15)
 31.10.37 • 42:26 Md. R. 1644 (12-28-15)
 31.13.01.15 • 42:26 Md. R. 1646 (12-28-15)
 31.15.06.01 • 42:23 Md. R. 1472 (11-13-15)
 31.15.07.02 • 42:23 Md. R. 1472 (11-13-15)
 31.15.08 • 42:23 Md. R. 1472 (11-13-15)
 31.15.10.04 • 42:23 Md. R. 1472 (11-13-15)
 31.15.11.07 • 42:23 Md. R. 1472 (11-13-15)
 31.16.01 • 42:24 Md. R. 1528 (11-30-15)
 31.16.04 • 42:24 Md. R. 1528 (11-30-15)
 31.16.05.01 • 42:24 Md. R. 1528 (11-30-15)
 31.16.06 • 42:24 Md. R. 1528 (11-30-15)
 31.16.07.01—,09 • 42:24 Md. R. 1528 (11-30-15)

32 MARYLAND DEPARTMENT OF AGING

32.02.01.17 • 42:21 Md. R. 1334 (10-16-15)

33 STATE BOARD OF ELECTIONS

33.01.01 • 42:22 Md. R. 1412 (10-30-15) (err)
 33.01.01.01 • 42:21 Md. R. 1335 (10-16-15)
 33.02.03.04 • 42:23 Md. R. 1473 (11-13-15)
 33.03.01.04,.05,.08 • 42:23 Md. R. 1474 (11-13-15)
 33.04.01.02,.07,.09 • 42:23 Md. R. 1474 (11-13-15)
 33.05.04.01—,07 • 42:21 Md. R. 1335 (10-16-15)
 33.07.01.01,.02 • 42:23 Md. R. 1475 (11-13-15)
 33.07.04.02 • 42:23 Md. R. 1475 (11-13-15)
 33.07.05.02 • 42:23 Md. R. 1475 (11-13-15)
 33.07.09.03,.06 • 42:23 Md. R. 1475 (11-13-15)
 33.07.10.01,.02 • 42:23 Md. R. 1475 (11-13-15)
 33.08.01.02,.05,.08 • 42:23 Md. R. 1476 (11-13-15)
 33.08.02.02 • 42:23 Md. R. 1476 (11-13-15)
 33.08.04.03,.04,.07,.08 • 42:23 Md. R. 1476 (11-13-15)
 33.08.05.04—,07 • 42:23 Md. R. 1476 (11-13-15)
 33.09.01.01,.03 • 42:23 Md. R. 1478 (11-13-15)
 33.11.03.07 • 42:23 Md. R. 1478 (11-13-15)
 33.11.05.01,.03 • 42:23 Md. R. 1478 (11-13-15)
 33.12.01.02 • 42:23 Md. R. 1479 (11-13-15)
 33.12.03.04 • 42:23 Md. R. 1479 (11-13-15)
 33.12.04.06 • 42:23 Md. R. 1479 (11-13-15)
 33.12.05.02,.03 • 42:23 Md. R. 1479 (11-13-15)
 33.12.07.02,.04 • 42:23 Md. R. 1479 (11-13-15)
 33.13.01.01 • 42:21 Md. R. 1336 (10-16-15)
 33.13.02.02 • 42:21 Md. R. 1337 (10-16-15)
 33.13.06.06 • 42:21 Md. R. 1338 (10-16-15)
 33.13.08.02,.03 • 42:21 Md. R. 1338 (10-16-15)
 33.13.09.02,.03 • 42:21 Md. R. 1339 (10-16-15)
 33.13.10.01—,03 • 42:21 Md. R. 1340 (10-16-15)
 33.13.12.03,.04 • 42:21 Md. R. 1341 (10-16-15)
 33.13.15.06 • 42:21 Md. R. 1341 (10-16-15)
 33.13.18.01—,04 • 42:21 Md. R. 1342 (10-16-15)
 33.14.01.02 • 42:21 Md. R. 1343 (10-16-15)
 33.14.02.03,.06,.09,.10,.12 • 42:21 Md. R. 1343 (10-16-15)
 33.14.03.04—,08 • 42:21 Md. R. 1344 (10-16-15)
 33.15.03.01,.03—,08 • 42:23 Md. R. 1480 (11-13-15)
 33.16.02.01,.03—,06 • 42:21 Md. R. 1345 (10-16-15)
 33.16.03.01 • 42:21 Md. R. 1346 (10-16-15)
 33.16.04.02 • 42:21 Md. R. 1346 (10-16-15)
 33.16.05.03 • 42:21 Md. R. 1347 (10-16-15)
 33.17.07.04 • 42:23 Md. R. 1481 (11-13-15)
 33.18.01.03,.04 • 42:21 Md. R. 1348 (10-16-15)
 33.18.02.01—,03 • 42:21 Md. R. 1348 (10-16-15)
 33.19.01.01,.02 • 42:21 Md. R. 1349 (10-16-15)
 33.19.02.01 • 42:21 Md. R. 1349 (10-16-15)
 33.19.03.01—,04 • 42:21 Md. R. 1350 (10-16-15)
 33.19.04.01—,03 • 42:21 Md. R. 1351 (10-16-15)
 33.20.01.01 • 42:21 Md. R. 1351 (10-16-15)
 33.20.02.02,.03 • 42:21 Md. R. 1352 (10-16-15)
 33.20.04.01—,03 • 42:21 Md. R. 1353 (10-16-15)
 33.20.05.01—,03 • 42:21 Md. R. 1353 (10-16-15)
 33.20.06.01,.02 • 42:23 Md. R. 1481 (11-13-15)
 33.20.07.01—,03 • 42:21 Md. R. 1354 (10-16-15)
 33.20.08.01 • 42:21 Md. R. 1355 (10-16-15)

PENDING PROPOSALS

1592

34 DEPARTMENT OF PLANNING

34.04.09.01—.11 • 42:25 Md. R. 1568 (12-11-15)

**36 MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY**

36.01.03.03 • 42:23 Md. R. 1482 (11-13-15)

36.06.01—.03 • 42:14 Md. R. 930 (7-10-15)

36.06.02.01,.02 • 42:14 Md. R. 930 (7-10-15)

36.06.03.01—.08 • 42:14 Md. R. 930 (7-10-15)

36.06.04.01—.04 • 42:14 Md. R. 930 (7-10-15)

36.06.05.01—.06 • 42:14 Md. R. 930 (7-10-15)

36.06.06.01 • 42:14 Md. R. 930 (7-10-15)

36.08.01.01,.02 • 42:14 Md. R. 936 (7-10-15)

36.08.02.01 • 42:14 Md. R. 936 (7-10-15)

36.08.03.01 • 42:14 Md. R. 936 (7-10-15)

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 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — REAL ESTATE APPRAISERS

09.19.05 Code of Ethics

Authority: Business Occupations and Professions Article, §§16-208, 16-216, 16-220, 16-302(d) and (g), and 16-503(b) and (f), Annotated Code of Maryland

Notice of Emergency Action

[15-403-E-I]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .01 under **COMAR 09.19.05 Code of Ethics**.

Emergency status began: January 1, 2016.

Emergency status expires: June 1, 2016.

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 1608—1609 of this issue, referenced as [15-403-P-I].

STEVEN O'FARRELL
Chairman

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

08.02.04 Oysters

Authority: Natural Resources Article, §§4-215 and 4-1009.1, Annotated Code of Maryland

Notice of Final Action

[15-207-F]

On December 4, 2015, the Secretary of Natural Resources adopted amendments to Regulation **.13** under **COMAR 08.02.04 Oysters**. This action, which was proposed for adoption in 42:16 Md. R. 1059—1060 (August 7, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.03 Forest Management Programs

Authority: Tax-Property Article, §8-211(p), Annotated Code of Maryland

Notice of Final Action

[15-318-F]

On December 1, 2015, the Department of Natural Resources adopted amendments to Regulations **.01—03** under **COMAR 08.07.03 Forest Management Programs**. This action, which was proposed for adoption in 42:21 Md. R. 1305—1306 (October 16, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 07 FORESTS AND PARKS

08.07.08 Licensed Forest Products Operator

Authority: Natural Resources Article, §5-608, Annotated Code of Maryland

Notice of Final Action

[15-317-F]

On December 1, 2015, the Department of Natural Resources adopted amendments to Regulation **.05** under **COMAR 08.07.08 Licensed Forest Products Operator**. This action, which was proposed for adoption in 42:21 Md. R. 1306—1307 (October 16, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

MARK J. BELTON
Secretary of Natural Resources

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 11 REAL ESTATE COMMISSION

09.11.09 Fees

Authority: Business Occupations and Professions Article, §17-213; Business Regulation Article, §2-106.4; Annotated Code of Maryland

Notice of Final Action

[15-308-F]

On December 1, 2015, the Real Estate Commission adopted amendments to Regulation **.02** under **COMAR 09.11.09 Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1310—1311 (October 16, 2015), has been adopted as proposed.

Effective Date: January 11, 2016.

KATHIE CONNELLY
Executive Director

Subtitle 39 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS — APPRAISAL MANAGEMENT COMPANIES

09.39.01 Fees

Authority: Business Occupations and Professions Article, §§16-217, 16-5B-04, and 16-5B-18, Annotated Code of Maryland

Notice of Final Action

[15-321-F]

On December 8, 2015, the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors adopted amendments to Regulation **.01** under **COMAR 09.39.01 Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1311—1312 (October 16, 2015), has been adopted as proposed.

Effective Date: February 1, 2016.

STEVEN O'FARRELL
Chairman

Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Subtitle 44 BOARD OF DENTAL
EXAMINERS

10.44.01 Dental Assistants

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

Notice of Final Action

[15-127-F]

On December 14, 2015, the Secretary of Health and Mental Hygiene adopted amendments to Regulation .02 under **COMAR 10.44.01 Dental Assistants**. This action, which was proposed for adoption in 42:9 Md. R. 652 (May 1, 2015), has been adopted with the nonsubstantive changes shown below.

Effective Date: January 7, 2016.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .02E: In the proposal, the hour requirement was changed from 6 hours to 2 hours. The nonsubstantive changes below clarify which groups are exempt.

.02 Exceptions.

A.—D. (text unchanged)

[[E. In addition to the requirements in §§B and C of this regulation, a dental assistant, who provides dental assistant duties under this regulation and who is not certified by the Dental Assisting National Board as qualified in general duties or qualified in orthodontics, shall successfully complete a Board-approved course of at least 2 hours in infection control with OSHA protocol.]]

E. A dental assistant who provides dental assistant duties under this regulation shall successfully complete a Board-approved course of at least 2 hours in infection control with OSHA protocol if the dental assistant is not:

(1) Certified by the Dental Assisting National Board as qualified in general duties and recognized by the Dental Board as qualified in general duties;

(2) Certified by the Dental Assisting National Board as qualified in orthodontics and recognized by the Dental Board as qualified in orthodontics; or

(3) Certified by the Dental Assisting National Board as a certified dental assistant or certified orthodontic assistant.

F.—J. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11
DEPARTMENT OF
TRANSPORTATION

Subtitle 11 MOTOR VEHICLE
ADMINISTRATION—
ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter.

Notice of Final Action

[15-316-F]

On December 1, 2015, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation .02, .03, .05, and .06 under **COMAR 11.11.05 Motor Vehicle Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1323—1326 (October 16, 2015), has been adopted as proposed.

Effective Date: February 1, 2016.

CHRISTINE NIZER
Administrator

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.02 Secondary School Career and Technology Education

Authority: Education Article, §§2-205(h) and 21-201—21-203, Annotated Code of Maryland

Notice of Final Action

[15-255-F]

On December 8, 2015, the Maryland State Board of Education adopted amendments to Regulation .01, the repeal of existing Regulation .02, amendments to and the recodification of Regulation .03 to be Regulation .06, and new Regulations .02—.05 under **COMAR 13A.04.02 Secondary School Career and Technology Education**. This action, which was proposed for adoption in 42:19 Md. R. 1238—1240 (September 18, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, §§2-205 and 2-303(k), Annotated Code of Maryland

Notice of Final Action

[15-256-F]

On December 8, 2015, the Maryland State Board of Education adopted amendments to Regulation .03 under **COMAR 13A.06.03 Interscholastic Athletics in the State**. This action, which was proposed for adoption in 42:19 Md. R. 1240—1241 (September 18, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Subtitle 08 STUDENTS

13A.08.07 Transfer of Educational Records for Children in State-Supervised Care

Authority: Education Article, §§2-205, 2-206, 4-122, 7-101, and 8-501—8-506, Annotated Code of Maryland

Notice of Final Action

[15-114-F]

On December 8, 2015, the Maryland State Board of Education adopted new Regulation .06 under **COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care**. This action, which was proposed for adoption in 42:8 Md. R. 614615 (April 17, 2015) and repropoed in 42:20 Md. R. 1270—1272 (October 2, 2015), has been adopted as repropoed.

Effective Date: January 7, 2016.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.12 Responsibilities of Insurers

Authority: Insurance Article, §19-406; Labor and Employment Article, §§9-309, 9-404, 9-405, 9-409, 9-410, and 9-744; Annotated Code of Maryland

Notice of Final Action

[15-307-F]

On December 10, 2015, the Workers' Compensation Commission adopted amendments to Regulation .02 under **COMAR 14.09.12 Responsibilities of Insurers**. This action, which was proposed for adoption in 42:21 Md. R. 1327 (October 16, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

R. KARL AUMANN
Chairman

Title 15

DEPARTMENT OF AGRICULTURE

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

15.14.12 Fees

Authority: Agriculture Article, §2-303, Annotated Code of Maryland

Notice of Final Action

[15-328-F]

On December 2, 2015, the State Board of Veterinary Medical Examiners adopted amendments to Regulation .02 under **COMAR 15.14.12 Fees**. This action, which was proposed for adoption in 42:21 Md. R. 1327—1328 (October 16, 2015), has been adopted as proposed.

Effective Date: July 1, 2016.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 20

PUBLIC SERVICE COMMISSION

Subtitle 50 SERVICE SUPPLIED BY ELECTRIC COMPANIES

20.50.12 Service Quality and Reliability Standards

Authority: Public Utilities Article, §§7-213, 13-201, and 13-202, Annotated Code of Maryland

Notice of Final Action

[15-306-F]

On December 2, 2015, the Public Service Commission adopted amendments to Regulation .02 under **COMAR 20.50.12 Service Quality and Reliability Standards**. This action, which was proposed for adoption in 42:21 Md. R. 1328—1330 (October 16, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

DAVID J. COLLINS
Executive Secretary

Title 36
MARYLAND STATE
LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 02 LOTTERY PROVISIONS

Notice of Final Action

[15-337-F]

On December 15, 2015, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulation **.01** under **COMAR 36.02.01 General**;
- (2) Regulation **.02** under **COMAR 36.02.03 Retailer Requirements**;
- (3) Regulations **.03** and **.06** under **COMAR 36.02.04 Common Provisions for All Lottery Games**;
- (4) Regulation **.01** under **COMAR 36.02.05 Specific Game Provisions**; and
- (5) Regulation **.11** under **COMAR 36.02.06 Claims Procedures**.

This action, which was proposed for adoption in 42:22 Md. R. 1405—1406 (October 30, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

GORDON MEDENICA
Director

Subtitle 03 GAMING PROVISIONS

Notice of Final Action

[15-338-F]

On December 15, 2015, the Maryland Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulation **.03** under **COMAR 36.03.06 Enforcement of Voluntary Exclusion Program**;
- (2) Regulation **.04** under **COMAR 36.03.08 Collection of Taxes, Fees, and Penalties**; and
- (3) Regulations **.08**, **.10**, **.16**, **.21**, **.28**, **.38**, **.42**, and **.43** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards**.

This action, which was proposed for adoption in 42:22 Md. R. 1406—1408 (October 30, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

GORDON MEDENICA
Director

Notice of Final Action

[15-336-F]

On December 15, 2015, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulation **.04** under **COMAR 36.03.11 Facility Standards**; and
- (2) Regulations **.11** and **.30** under **COMAR 36.04.01 Video Lottery Technical Standards**.

This action, which was proposed for adoption in 42:22 Md. R. 1408—1409 (October 30, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

GORDON MEDENICA
Director

Subtitle 05 TABLE GAMES

Notice of Final Action

[15-335-F]

On December 15, 2015, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

- (1) Regulations **.01**, **.06**, **.15**, and **.16** under **COMAR 36.05.02 Table Games Equipment**;
- (2) Regulations **.11** and **.12** under **COMAR 36.05.03 Table Games Procedures**; and
- (3) Regulation **.05** under **COMAR 36.05.06 Poker Rules**.

This action, which was proposed for adoption in 42:22 Md. R. 1409—1411 (October 30, 2015), has been adopted as proposed.

Effective Date: January 7, 2016.

GORDON MEDENICA
Director

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

08.02.15 Striped Bass

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

Notice of Proposed Action

[15-422-P]

The Secretary of Natural Resources proposes to amend Regulation .07 under **COMAR 08.02.15 Striped Bass**.

Statement of Purpose

The purpose of this action is to allow a commercial licensee to harvest striped bass from another licensee’s gill net or pound net. Natural Resources Article, §4-505, Annotated Code of Maryland prohibits a person from catching and carrying away fish from another person’s net. The law clearly says you have to fish your own gear, and that fishing another person’s gear is prohibited. By regulation, gill nets used for striped bass have to have “Each marker, cork, or float marked with the licensee’s commercial tidal fish number; or a float line with a marker permanently affixed every 50 feet bearing the licensee’s commercial tidal fish number” (COMAR 08.02.15.07C(1)(d)). During the 2014/2015 gill net season, there was a request to allow a person with striped bass quota to get on another licensee’s boat and use the other licensee’s marked gill net to catch his quota. During discussions with industry workgroups and advisory commissions the Department received additional requests to consider allowing a licensee to be on a different boat, but harvesting from the same gill net and to include the same provision for harvest from pound nets.

The proposed action allows harvest of striped bass from another licensee’s gill net or pound net if the owner of the gear, whose commercial ID is on the gear, is present when someone else is using

their gear. Loaning gear to another licensee is not authorized by this action.

By adopting this change, licensees on the same or different boats may harvest fish from the same gear, the number of dead discards could be reduced because a licensee that has more striped bass in the net than available quota can call another licensee to harvest the fish, and more of the striped bass quota may be caught. This change is consistent with the Striped Bass Fishery Management Plan and was discussed and supported by the Striped Bass Industry Workgroup, Tidal Fisheries Advisory Commission and Sport Fisheries Advisory Commission.

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 a positive economic impact for the striped bass 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 (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
(1) Commercial harvesters	(+)	Indeterminable
(2) Commercial industry	(+)	Indeterminable

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). Approximately 98,000 lbs. of striped bass (5 percent of the quota) remained unharvested in 2014. 114 permit holders didn't harvest any of their quota. The average ex-vessel price (the price received by the fisherman at point of landing) per pound of striped bass in 2014 was \$3.57. If those pounds had been landed, it would have meant an additional income of \$349,900 to the harvesters. There is no way to predict if the entire quota will be caught by adding this flexibility; therefore, the actual impact is indeterminable.

D(2). The value to the commercial industry increases from the ex-vessel price, calculated for the harvesters, when you factor in the added value to the fish dealers, packers, store fronts, and restaurants that buy and sell striped bass, but that total value is indeterminable.

Economic Impact on Small Businesses

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

This action may benefit commercial fishermen, fish dealers, packers, store fronts, and restaurants. Please see assumptions for details.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Striped Bass Gear, Regulatory Staff, Department of Natural Resources Fisheries Service, B-2, 580 Taylor Avenue, 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 27, 2016. A public hearing has not been scheduled.

.07 Commercial Fishery.

A.—B. (text unchanged)

C. Drift Gill Net Fishery Limitations.

(1) (text unchanged)

(2) In the tidal waters of the Chesapeake Bay and its tributaries:

(a) Only attended drift gill nets, as defined in COMAR [08.02.25.01B(15)] 08.02.25.01B, with a stretched mesh size of not less than 5 inches or greater than 7 inches are permitted for the taking of striped bass;

(b)—(d) (text unchanged)

(3)—(8) (text unchanged)

D.—E. (text unchanged)

F. General.

(1)—(6) (text unchanged)

(7) *Notwithstanding Natural Resources Article, §4-505, Annotated Code of Maryland, a tidal fish licensee may harvest striped bass from a gill net or pound net belonging to another licensee if:*

(a) *The licensee has permission of the gear owner;*

(b) *The gear owner is present at the net while the harvest occurs; and*

(c) *Both licensees are in possession of their tidal fish license.*

MARK J. BELTON
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.25 Gear

Authority: Natural Resources Article, §4-221, Annotated Code of Maryland

Notice of Proposed Action

[15-424-P]

The Secretary of Natural Resources proposes to amend Regulations .02 and .03 under **COMAR 08.02.25 Gear**.

Statement of Purpose

The purpose of this action is to expand the use of traps. Currently, minnow traps are only allowed to be used if tied off on your private property, or the private property of someone who has given you permission. Someone who does not own riparian property, or know someone that does own property, cannot catch their own minnows. The Department has heard from a number of people who have been frustrated by their inability to catch their own bait because of the land-ownership requirement. The proposed action allows the use of a trap on public property as long as the owner of the trap is present in the area and is attending the trap. The requirement for attending the trap is necessary because it is public property. Unattended gear on public property is not authorized. The proposed action also clarifies that the gear used for harvesting clams, crabs and oysters recreationally is specified elsewhere in statute and regulation. This chapter does not apply to those species.

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 has a positive 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:
Recreational licensees (+) Indeterminable

E. On other industries or trade groups:
Tackle shops/manufacturers (+) Indeterminable

F. Direct and indirect effects on public: NONE

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

D. Recreational users will now be able to use a small trap for bait purposes on public property.

E. By allowing the use of traps on public property, tackle shops and gear manufacturers may see a slight increase in their revenues as they are now able to sell more traps for use in the recreational fishery in Maryland. The amount of the impact is indeterminable and will depend on user demand.

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 Minnow Traps, Regulatory Staff, Department of Natural Resources Fisheries Service, 580 Taylor Avenue, 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 27, 2015. A public hearing has not been scheduled.

.02 Recreational Gear—Nontidal Waters.

A. (text unchanged)

B. Traps.

(1)—(3) (text unchanged)

(4) A trap shall be set:

(a) [In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within] *Within* 100 feet of the shore, and:

(i) Attached by a line to the property, [or a privately owned] pier or dock; or

(ii) (text unchanged)

(b) (text unchanged)

(5) *If a trap is set on private property, the trap owner shall obtain the landowner's permission prior to setting the trap.*

(6) *If a trap is set on public property, the trap shall be set within 100 feet of the owner.*

C.—G. (text unchanged)

.03 Recreational Gear—Tidal Waters.

A. Recreational Gear.

(1) *Recreational gear for catching clams, crabs and oysters is regulated elsewhere in Natural Resources Article, Title 4, Annotated Code of Maryland and COMAR 08.02 and is excluded from this regulation.*

[(1)] (2) — [(2)] (3) (text unchanged)

B. Traps.

(1)—(2) (text unchanged)

(3) A trap shall be set:

(a) [In front of the individual's property, or property belonging to another if an individual has received the landowner's permission, within] *Within* 100 feet of the shore, and:

(i) Attached by a line to the property, [or a privately owned] pier or dock; or

(ii) (text unchanged)

(b) (text unchanged)

(4) *If a trap is set on private property, the trap owner shall obtain the landowner's permission prior to setting the trap.*

(5) *If a trap is set on public property, the trap shall be set within 100 feet of the owner.*

C.—G. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.02 Use of Wildlife Areas

Authority: Natural Resources Article, §§10-205 and 10-808, Annotated Code of Maryland

Notice of Proposed Action

[15-423-P]

The Secretary of Natural Resources proposes to repeal existing Regulations .01—,29 and .31—,38, and adopt new Regulations .01—,29 under **COMAR 08.03.02 Use of Wildlife Areas**.

Statement of Purpose

The purpose of this action is to revise the regulations governing the Wildlife Management Area system. The Department of Natural Resources owns and manages 61 Wildlife Management Areas throughout the State, totaling over 120,000 acres. The primary purpose of the Wildlife Management Area system is to conserve and enhance diverse wildlife populations and associated habitats while providing for public enjoyment of the State's wildlife resources through hunting and other wildlife-dependent recreation. The proposed action repeals existing regulations governing these Wildlife Management Areas and replaces the existing regulations with new regulations, many of which are similar to the current regulations. The proposed replacement chapter provides an overall update to the use of Wildlife Management Area regulations. Significant updates include revising the list of Wildlife Management Areas, revising the list of public lands open to waterfowl hunting and describing any special regulations, describing permit hunt areas and updating the list of areas open to hunting with a permit, setting time of year parameters when a dog must be leashed on a Wildlife Management Area for the protection of ground nesting birds, setting a limit on the size of engines permitted on lakes located on Wildlife Management Areas, restricting the release of animals or plants on Wildlife Management Areas, and prohibiting grazing by livestock on Wildlife Management Areas.

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 an impact on individuals with disabilities as follows:

This action will allow a disabled person to hunt on certain Wildlife Management Areas from a vehicle if they possess a valid hunting license and the Universal Disability Pass issued by the Department of Natural Resources.

Opportunity for Public Comment

Comments may be sent to Karina Stonesifer, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 12512 Pleasant Valley Road, Flintstone, MD 21530, or call 301-777-2136, or email to karina.stonesifer@maryland.gov, or fax to 301-777-2029. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Definitions.

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

B. Terms Defined.

(1) Bait.

(a) "Bait" means fruit, vegetables, nuts, hay, corn, wheat, other feed, salt, or other mineral-based attractant intentionally placed, exposed, deposited, distributed, or scattered so as to serve as an attraction or enticement to forest game birds or mammals.

(b) "Bait" does not include standing crops or where fruit, vegetables, nuts, hay, corn, wheat, other feed, salt or other minerals have been scattered solely as the result of bona fide agricultural operations or procedures such as planting, harvesting, or livestock care.

(2) "Baited area" means any area where bait is placed, exposed, deposited, distributed, or scattered.

(3) "Camping" means erecting tents or other shelters, sleeping in vehicles or trailers overnight, or otherwise attempting to reside temporarily upon the property overnight.

(4) "Cooperative wildlife management area" means an area under private, corporate, or government ownership for which the landowner or his agent allows controlled public wildlife recreation opportunities in accordance with the provisions of a cooperative agreement or lease with the Service.

(5) Dog Training.

(a) "Dog training" means using a dog to hunt or retrieve, or simulate the hunting or retrieving of, a game bird or mammal outside the hunting season established for that species.

(b) "Dog training" does not include the activity of walking with a dog on a leash or engaging in a permitted field trial in accordance with Natural Resources Article, §10-701, Annotated Code of Maryland.

(6) "Geocaching" means to hide a small container or other item at discrete locations for the purpose of using GPS coordinates to locate the item.

(7) "Natural resources management area (NRMA)" means an area where multiple-use management practices are implemented for the maximum use of the natural resources of the area.

(8) "Permit hunting area" means a wildlife management area (WMA), cooperative wildlife management area, or natural resource management area (NRMA) for which a permit from the Service is required to hunt, birdwatch, fish, hike, horseback ride, and train dogs.

(9) "Public hunting permit" means a free permit issued by the Service that allows a licensed hunter to hunt on certain Department lands.

(10) "Target shooting" means to practice or discharge an airgun, BB gun, bow, crossbow, firearm, or paintball gun at a bottle, can, stump, paper target, or any other object into the air or into a body of water.

(11) "Use permit" means written permission provided by the service provided on Department letter head and signed by the director or designee. A use permit may be applied for in writing by contacting the manager of the Wildlife Management Area on which the use will occur.

(12) Vehicle.

(a) "Vehicle" means any motorized vehicle or vessel that is capable of traveling on land, water, snow or ice.

(b) "Vehicle" includes, but is not limited to, all-terrain vehicles, automobiles, boats, mini-bikes, mopeds, motorcycles, personal watercraft, scooters, snowmobiles, and trucks.

(13) "Wildlife management area (WMA)" means an area acquired by the State to protect, propagate, or manage wildlife, or for hunting purposes. The Department may open these areas to nature-based outdoor recreational activities, including hunting, fishing, hiking, camping, and wildlife watching.

(14) "Wildlife refuge" or "wildlife sanctuary" means a designated area on any Service-controlled land or water in which wildlife may not be hunted, disturbed, or molested at any time.

.02 Wildlife Management Area System.

A. The wildlife management area system consists of the units in §B of this regulation as delineated on maps filed in the Office of the Secretary of Natural Resources.

B. Wildlife Management Areas.

Name of Area	County
Avondale	Carroll
Belle Grove	Allegany
Billmeyer	Allegany
Bodkin Island	Queen Anne's
Bowen	Prince George's
Cedar Island	Somerset
Cedar Point	Charles
Cheltenham	Prince George's
Chicamuxen	Charles
Chicone Creek	Dorchester
Cunningham Swamp	Garrett
Dan's Mountain	Allegany
Deal Island	Somerset
Devil Island	Worcester
Dierrsen	Montgomery
Earleville	Cecil
E. A. Vaughn	Worcester
Ellis Bay	Wicomico
Fairmount	Somerset
Fishing Bay	Dorchester
Fort Hill	Allegany
Globe Comm	Anne Arundel
Gravel Hill Swamp	Frederick
Grove Farm	Cecil
Gwynnbrook	Baltimore
Hopkin's Branch	Harford
Hugg-Thomas	Howard, Carroll
Idylwild	Caroline
Indian Springs	Washington
Islands of the Potomac	Frederick, Montgomery
Isle of Wight	Worcester
Kent Island Research Center	Queen Anne's
Johnson	Wicomico
LeCompte	Dorchester
Linkwood	Dorchester
Little Patuxent Oxbow	Anne Arundel
Maryland Marine Properties	Somerset
McIntosh Run	St. Mary's
McKee-Beshers	Montgomery
Millington	Kent
Mt. Nebo	Garrett
Myrtle Grove	Charles
Nanjemoy	Charles
Nanjemoy Creek	Charles
Nanticoke River	Wicomico
Old Bohemia	Cecil
Parker's Creek	Calvert
Pocomoke River	Worcester
Pocomoke Sound	Somerset
Prather's Neck	Washington
Ridenour Swamp	Frederick

PROPOSED ACTION ON REGULATIONS

1602

Riverside	Charles
Sideling Hill	Allegany, Washington
Sinepuxent Bay	Worcester
South Marsh Island	Somerset
Strider	Montgomery
Tar Bay	Dorchester
Taylor's Island	Dorchester
Warrior Mountain	Allegany
Wellington	Somerset
Wetipquin	Wicomico

C. Hunting is allowed on Wildlife Management Areas in accordance with the provisions of this chapter except on the following WMAs:

- (1) Bodkin Island;
- (2) Chicone Creek;
- (3) Devil Island;
- (4) Fort Hill;
- (5) Globe Comm;
- (6) Hopkin's Branch;
- (7) Kent Island Research Center; and
- (8) Little Patuxent Oxbow.

.03 Wildlife Sanctuary or Wildlife Refuge.

A. Except by a use permit from the Service, on Service controlled lands and waters posted as "Wildlife sanctuary" or "Wildlife refuge" a person may not engage in or attempt to:

- (1) Catch;
- (2) Harass;
- (3) Hunt;
- (4) Intentionally disturb;
- (5) Kill; or
- (6) Pursue any wildlife.

B. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.04 Vehicles on Service Controlled Lands or Waters.

A. A person may not operate or possess a vehicle on Service controlled lands and waters without a use permit from the Service except:

- (1) Licensed automobiles, boats, motorcycles, and trucks that operate on those roads, trails, or waterways:
 - (a) Open to automobiles or general boat traffic; or
 - (b) As specifically posted by the Service; or
- (2) On certain mobility impaired hunting areas while in possession of a Universal Disability Pass in accordance with COMAR 08.03.10.09 and as posted open for use.

B. Violation of any provision of the permit constitutes a violation of this regulation and may result in revocation or suspension of the permit.

C. A person shall operate a vehicle on Service controlled lands and waters in a safe manner and not cause unnecessary damage to roads, trails, or other areas.

D. A person may not operate any vehicle on any Service controlled lands or waters while under the influence of any intoxicants.

E. Parking.

(1) A person may park or leave a vehicle unattended in designated parking areas on Service controlled lands and waters when engaged in a legitimate recreational activity allowed on those lands and waters:

(2) Parking area rules, if applicable, shall be posted and may include:

- (a) Vehicle quotas;
- (b) Hours of operation; and
- (c) Other WMA specific policies.

.05 Baiting or Feeding.

A. On Service controlled lands and waters, a person may not:

(1) Hunt, shoot, or kill or attempt to hunt, shoot, or kill any game birds or game mammals with the aid of bait or on or over any baited area; or

(2) Bait or feed wildlife without a use permit from the Service.

B. Violation of any provision of the permit constitutes a violation of this regulation and may result in revocation or suspension of the permit.

.06 Permanent Blinds and Tree Stands.

A. A person may use temporary blinds and tree stands that are brought in and taken out daily on Service controlled lands.

B. Hunters may use natural stands of vegetation that are present and left uncut at the hunting site.

C. A person may not use blinds constructed of reed grass, *Phragmites australis*.

D. A person may not use, construct, or cause to be constructed, permanent blinds, or tree stands on Service controlled lands except by a use permit from the Service, unless those structures were provided by the Service for the convenience and use by the public.

E. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.07 Fires.

A. On Service controlled lands a person may not:

- (1) Ignite;
- (2) Cause to be ignited; or
- (3) Maintain a fire except in designated camping sites or by a use permit from the Service.

B. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.08 Camping.

A. A person may not camp on Service controlled lands:

- (1) Outside of designated camping areas without a use permit from the Service; or
- (2) For more than 14 consecutive dates in a designated camping area.

B. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.09 Trapping.

A. A use permit is required from the Service before a person may trap or attempt to trap on Service controlled lands and waters.

B. When designated properties are leased for furbearer trapping, furbearers and nutria may be hunted or trapped only by:

- (1) The lessee; or
- (2) Persons with a use permit from the Service.

C. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.10 Plants, Rocks, Minerals, and Nongame Animals.

A. Except with a use permit from the Service, on Service controlled lands and waters a person may not remove, disturb, damage or destroy any portion of a:

- (1) Mineral;
- (2) Plant;
- (3) Rock;
- (4) Tree; or
- (5) Nongame animal.

B. Violation of any provision or restriction of the permit shall constitute a violation of this regulation.

.11 Use of Dogs

A. A person may use dogs on Service controlled lands or waters, with the following restrictions:

- (1) Fox and raccoon hunting and chasing in accordance with §B of this regulation;
- (2) Designated field trials must be conducted in accordance with the conditions of a valid Field Trial Permit in accordance with Natural Resources Article, §10-701, Annotated Code of Maryland, issued by the Service;
- (3) Dog training is allowed only in designated dog training areas in accordance with posted rules;
- (4) Persons may not use dogs in areas marked as closed to entry by dogs; and
- (5) Dogs shall be leashed from April 15 through August 15 unless in a designated dog training area or as otherwise posted.

B. A permit from the Service is required to use dogs for hunting or chasing fox and raccoons on Service controlled lands and waters in all counties except:

- (1) Allegany;
- (2) Anne Arundel;
- (3) Calvert;
- (4) Charles;
- (5) Frederick;
- (6) Garrett;
- (7) Montgomery;
- (8) Prince George's;
- (9) St. Mary's; and
- (10) Washington.

C. Unless otherwise posted, persons may only release and use live birds for dog training on Service controlled lands and waters with a Retriever Training Permit as described in COMAR 08.03.09.09 and a use permit from the Service.

.12 Designated Dove Hunting Areas.

A. During the months of September and October in areas posted as a "Designated Dove Hunting Area", dove hunting is allowed only from 12 noon to 5 p.m. each day only on those days posted open to dove hunting.

B. Non-toxic shot must be used to hunt dove on the following WMAs:

- (1) Grove Farm; and
- (2) Old Bohemia.

.13 Release of Animals or Plants.

A person may not release any animals or plants on Service controlled lands without a use permit from the Service.

.14 Commercial Enterprise.

A person may not conduct commercial activities on Service controlled lands and waters without a use permit from the Service.

.15 Closed Against Entry.

A. The Service may close, restrict, or limit public access and entry to certain areas of WMAs or other Service controlled lands.

B. The Service shall restrict public access on Service controlled lands and waters by posting the restrictions at appropriate areas.

C. A person may not enter or remain in restricted areas.

D. The Service may remove and place in storage, at the owner's expense, a vehicle that remains in a restricted area.

.16 Fireworks.

On Service controlled lands and waters, a person may not operate, possess or use:

- (1) Combustibles;
- (2) Explosives; or
- (3) Fireworks.

.17 Geocaching.

On Service controlled lands and waters a person may not place a cache for the purpose of geocaching without a use permit from the Service.

.18 Relics, Treasures, and Metal Detectors.

On Service controlled lands and waters a person must obtain a permit from the Office of Archeology, Maryland Historical Trust, Department of Housing and Community Development, and a use permit from the Service, prior to:

- (1) Digging for relics and treasures;
- (2) Removing prehistoric or historic artifacts; or
- (3) Using metal detectors.

.19 Littering and Dumping.

A. A person may not deposit litter or refuse on Service controlled lands and waters including, but not limited to:

- (1) Animal carcasses;
- (2) Appliances;
- (3) Brush;
- (4) Debris;
- (5) Furniture;
- (6) Garbage;
- (7) Hazardous materials;
- (8) Tires;
- (9) Waste paper;
- (10) Yard waste; or
- (11) Other litter.

B. A person in violation of this regulation, in addition to any other penalty, shall be responsible for the removal and disposal of deposited refuse and any incurred land restoration costs.

.20 Damage to Public Property.

A. A person may not vandalize real property on Service controlled lands including any:

- (1) Blind;
- (2) Building;
- (3) Crop;
- (4) Equipment;
- (5) Gate;
- (6) Habitat;
- (7) Plant;
- (8) Road;
- (9) Sign;
- (10) Trail;
- (11) Vehicle;
- (12) Vessel; or
- (13) Other public property on those lands.

B. A person may not interfere with or hinder any Service employee performing Service related management activities.

C. In addition to any other penalty, a person convicted of violation of this regulation shall be required to reimburse the Service for damages incurred to property listed in §A of this regulation.

.21 Grazing.

On Service controlled lands, except with a use permit from the Service, a person may not graze:

- (1) Cattle;
- (2) Goats
- (3) Horses;
- (4) Sheep; or
- (5) Other domestic animals.

.22 Decoys.

On Service controlled lands and waters, decoys shall not be:

- (1) Placed prior to 1 hour before legal shooting hours;
- (2) Left set overnight; and

(3) Removed any later than 1 hour after legal shooting hours.

.23 Waterfowl Hunting.

A. Subject to the conditions of §B of this regulation, an individual may hunt wild waterfowl from a boat at anchor or while standing on the natural bottom in waters adjacent to the following lands:

- (1) Wildlife Management Areas (WMA);
 - (a) Cedar Point WMA excluding the waters of King’s Creek and Goose Creek;
 - (b) The portion of Deal Island WMA located north of Maryland Route 363;
 - (c) E.A. Vaughn WMA;
 - (d) Fairmount WMA;
 - (e) Fishing Bay WMA
 - (f) Isle of Wight WMA;
 - (g) Maryland Marine Properties;
 - (h) Nanticoke River WMA;
 - (i) Nanjemoy WMA;
 - (j) Pocomoke Sound WMA;
 - (k) Prather’s Neck WMA;
 - (l) South Marsh Island WMA; and
 - (m) Taylor’s Island WMA;
- (2) Chesapeake Forest Lands;
 - (a) Lewis Complex; and
 - (b) Tom Tyler Complex;
- (3) State Parks:
 - (a) Calvert Cliffs State Park;
 - (b) Chapman State Park;
 - (c) Janes Island State Park (excluding safety zone along Daugherty Creek);
 - (d) Newtowne Neck State Park excluding the waters of Breton Bay north of channel marker “5”;
 - (e) Saint Clements Island State Park;
- (4) Monocacy Natural Resource Management Area (NRMA);
- (5) State Forests: Saint Ingoes State Forest, excluding the waters of Chicken Cock Creek and Smith Creek.

B. Individuals hunting from a boat at anchor or while standing on the natural bottom in waters adjacent to the properties specified in §A of this regulation shall remain:

- (1) At least 250 yards from:
 - (a) The property line of any landowners adjoining the specified property, or where the line would be if it were extended out over the water perpendicular to the shore at the point where the property line reaches the water’s edge; and
 - (b) Any licensed stationary blind or blind site or another person or party hunting wild waterfowl;
- (2) At least 125 yards from any licensed shoreline on the opposite shore; and
- (3) Not more than 1/3 the distance from the specified property to the opposite shore or a maximum of 300 yards from the specified property, whichever is less.

C. A person may not guide hunting parties for economic gain on the waters described in §A of this regulation.

D. Waterfowl Hunting in Waters Adjacent to Bloodsworth Island Range.

- (1) An individual may hunt wild waterfowl from a boat at anchor or while standing on the natural bottom at designated sites at Bloodsworth Island Range:
 - (a) As delineated on maps filed in the Office of the Secretary of Natural Resources; and
 - (b) While possessing a Bloodsworth Island Range Waterfowl Hunting Permit, available from the DNR website. The permit must be signed by the permit holder.
- (2) Violation of the terms and conditions of the permit is a violation of this regulation.

.24 Hunting from Designated Waterfowl Blind Sites.

On Service controlled lands and waters, unless otherwise authorized, a person assigned to hunt at a designated blind or blind site may not:

- (1) Catch;
- (2) Hunt;
- (3) Kill; or
- (4) Pursue any waterfowl when the person is more than 50 feet away from their designated blind or blind site marked with a stake, except to retrieve crippled waterfowl.

.25 Erection of Duck Blinds off Public Lands.

A. A person may not license a blind or blind site within 300 yards from the natural shore:

- (1) In waters adjacent to Service controlled lands;
- (2) Within the boundary of Assateague Island National Seashore; or
- (3) Within the boundary of Chesapeake Marshlands National Wildlife Refuge Complex.

B. The Assateague Island National Seashore restriction shall not apply on lands owned by the National Park Service currently under private hunting retention by former owners as provided under §(d) of Public Law 89-195 enacted September 21, 1965.

C. Unless otherwise prohibited by Area rules or regulations, a person may hunt waterfowl on Service controlled lands and waters from:

- (1) Land; or
- (2) Floating craft, except a sinkbox, including those craft propelled by:
 - (a) Motor when the motor of the craft has been completely shut off and its progress from the motor has ceased; or
 - (b) Wind with the sails furled and its progress from wind and sail has ceased.

D. The craft in §C(2) of this regulation may be:

- (1) Beached;
- (2) Drifting;
- (3) Moored;
- (4) Propelled by:
 - (a) Oars,
 - (b) Paddle; or
 - (c) Pole; or
- (5) Resting at anchor.

.26 Use of Watercraft.

A. A person shall not operate a vessel using an electric motor exceeding 60 pounds of thrust or a gasoline engine on:

- (1) Blair’s Valley Lake at Indian Springs WMA; and
- (2) All ponds at Myrtle Grove WMA.

B. A person shall not operate a motorized vessel other than those powered by electric motors between October 1 and March 31, except with the written permission of the Service on:

- (1) Deal Island WMA impoundment; and
- (2) Fairmount WMA impoundments.

.27 Permit Hunting Areas.

A. A public hunting permit or registration is required to hunt on the permit hunting areas listed in §§B—D of this regulation.

B. Wildlife Management Areas.

(1) During the migratory Canada goose and spring turkey seasons, a person may not hunt without a valid public hunting permit from the service on the Millington WMA.

(2) From September 1 to February 28 and during spring turkey season, a person may not enter or hunt on the following WMAs without a valid public hunting permit from the Service:

- (a) Avondale;
- (b) Bowen;

- (c) Earleville;
- (d) Gwynnbrook;
- (e) Hugg-Thomas;
- (f) McIntosh Run; and
- (g) Strider.

(3) From September 1 to February 28 and during spring turkey season, a person may not hunt without a valid public hunting permit from the Service on the following WMAs:

- (a) Grove Farm; and
- (b) Old Bohemia.

(4) A person may not hunt from a designated blind or blind site without a valid public hunting permit on the following WMAs:

- (a) Bowen;
- (b) Cedar Point;
- (c) Chicamuxen;
- (d) Nanjemoy;
- (e) Nanjemoy Creek; and
- (f) Riverside.

C. Cooperative Wildlife Management Areas.

(1) A person may only hunt on a CWMA controlled by the Service when consistent with any restrictions posted on the property or described in the public hunting permit.

(2) A person may not enter or hunt on C&D Canal lands controlled by the Service without a valid public hunting permit from the Service, including areas known as:

- (a) Bethel;
- (b) Courthouse Point;
- (c) Elk Forest;
- (d) Grove Neck Sanctuary;
- (e) Stemmers Run; and
- (f) Welch Point.

D. A person may not hunt on a Natural Resource Management Areas (NRMA) controlled by the Service unless done consistent with any restrictions or as otherwise posted on the property or described in the public hunting permit.

E. The Service may suspend or revoke a permit if the permittee fails to comply with the terms and conditions of the permit or otherwise violates any wildlife law, or regulation in accordance with Natural Resources Article, §10-808, Annotated Code of Maryland.

F. Violations of any provision of the public hunting permit shall constitute a violation of this regulation.

.28 Hunting Restrictions on Certain Wildlife Management Areas.

A. Deer may be hunted only with archery equipment on the following WMAs:

- (1) Cheltenham;
- (2) Gravel Hill Swamp;
- (3) Johnson WMA; and
- (4) Ridenour Swamp.

B. The following WMAs are open to deer archery hunting only. No other game species may be hunted:

- (1) Gwynnbrook; and
- (2) Strider.

C. Deer may be hunted only with archery equipment on that portion of Prathers Neck WMA consisting of approximately 11 acres of land lying south of Ankeney Lane and approximately 0.2 mile west of the intersection of Hart Road and Ankeney Lane in Washington County, Maryland.

D. Breech loading rifles and handguns no larger than .25 caliber may be used on McKee-Beshers WMA.

E. Breech loading rifles may not be used on any WMA in counties listed in §08.03.04.05C and on the following areas:

- (1) Avondale WMA;
- (2) C&D Canal Lands
- (3) Earleville WMA;

- (4) Grove Farm WMA; and
- (5) Old Bohemia WMA.

F. Deal Island and Fairmount WMA impoundments.

(1) Hunting within the Deal Island WMA impoundment is allowed on the following days annually:

- (a) Junior Waterfowl Hunt Days (for persons aged 15 or younger);
- (b) Opening day and any Saturday during the October portion of the duck hunting season;
- (c) Opening day, any Saturday, and Thanksgiving during the November portion of the duck hunting season; and
- (d) Opening day, any Friday, any Saturday, and Christmas Day, New Year's Day, and Martin Luther King Day during the December-January portion of the duck hunting season.

(2) Hunting within the Fairmount WMA impoundments is allowed on the following days annually:

- (a) Any day during the September teal hunting season;
- (b) Junior Waterfowl Hunt Days (for persons aged 15 or younger);
- (c) Opening day and any Saturday during the October portion of the duck hunting season;
- (d) Opening day, any Saturday, and Thanksgiving during the November portion of the duck hunting season; and
- (e) Opening day, any Friday, any Saturday, Christmas Day, New Year's Day, and Martin Luther King Day during the December-January portion of the duck hunting season.

(3) On the opening day of each segment of the regular duck hunting season, a person may not hunt within the managed impoundments of Deal Island WMA and Fairmount WMA unless the person first obtains a permit from the Service.

(4) All hunters shall be off the waters and dikes of the impoundments by one hour after sunset.

G. Squirrels may not be hunted on LeCompte WMA.

H. Quail may not be hunted on Millington WMA.

I. Only waterfowl and rails may be hunted on Bowen WMA.

J. Only deer and dove may be hunted on Cheltenham WMA.

.29 Closing Against Entry-Frederick City Watershed.

A. A person or vehicle may not enter, go upon, or remain upon the lands of the Frederick City Watershed CWMA after the posted hours without a use permit from the Service.

B. A permit is not required during the normal posted hours.

MARK J. BELTON
Secretary of Natural Resources

Subtitle 03 WILDLIFE

08.03.10 General Wildlife Hunting Regulations

Authority: Natural Resources Article, §10-307, Annotated Code of Maryland

Notice of Proposed Action

[15-421-P]

The Secretary of Natural Resources proposes to amend Regulation .09 under **COMAR 08.03.10 General Wildlife Hunting Regulations.**

Statement of Purpose

The purpose of this action is to update the name of the permit which allows a disabled person who has a hunting license to hunt from a stopped vehicle not on a public highway. This action will also update the process for applying for the permit.

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 an impact on individuals with disabilities as follows:

This action will allow a disabled person to obtain a permit allowing them to hunt wildlife from a stopped vehicle if they possess a valid hunting license and the Universal Disability Pass.

Opportunity for Public Comment

Comments may be sent to Glenn Therres, Associate Director, Wildlife and Heritage Service, Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401, or call 410-260-8572, or email to Glenn.therres@maryland.gov, or fax to 410-260-8596. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.09 Special Permit—Disabled Persons.

A. A person who possesses a valid hunting license and who has a disability which impairs his mobility may receive a permit from the [Service] Department to hunt from a vehicle. However, the person may not shoot or have a loaded weapon in the vehicle while the vehicle is on a public roadway or the shoulder of a public roadway.

B. To be issued a [Disabled Person to Hunt From Vehicle Permit] *Universal Disability Pass* a person shall:

(1) Submit a completed [Service] Department application to the [appropriate regional wildlife manager] *DNR Licensing and Registration Service's office in Annapolis*; and

(2) (text unchanged)

C.—D. (text unchanged)

E. In addition to any other sanction provided by law, the [Service] Department may suspend or revoke the permit if the permittee violates any provision of this regulation.

MARK J. BELTON
Secretary of Natural Resources

Title 09

**DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION**

**Subtitle 01 OFFICE OF THE
SECRETARY**

09.01.12 Apprenticeship Maryland

Authority: Business Regulation Article, §2-105, and Labor and Employment Article, §11-603(k), Annotated Code of Maryland

Notice of Proposed Action

[15-419-P]

The Secretary of the Department of Labor, Licensing, and Regulation proposes to adopt new Regulations .01—.08 under a new chapter, **COMAR 09.01.12 Apprenticeship Maryland**.

Statement of Purpose

The purpose of this action is to implement Ch. 646, Acts of 2014, effective October 1, 2014, which authorizes the Apprenticeship Maryland program that provides for a youth apprenticeship pilot program for certain high school students in the areas of STEM (Science, Technology, Engineering, and Math) and manufacturing. These regulations establish requirements for eligible employers, the youth apprenticeship agreement, dismissal of youth apprentices, and complaints related to eligible employers.

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 Diane Peters, Director of Strategic Outreach, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Baltimore, Maryland 21202, or call 410-230-6004, or email to diane.peters@maryland.gov, or fax to 410-333-0853. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Scope.

A. This chapter establishes requirements for the youth apprenticeship pilot program known as *Apprenticeship Maryland*.

B. Except as provided in §C of this regulation, the requirements of COMAR 09.12.42 and COMAR 09.12.43 do not apply to youth apprenticeship under *Apprenticeship Maryland*.

C. If an employer interested in participating in *Apprenticeship Maryland* already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council, the employer may choose to proceed with obtaining approval for a youth apprenticeship program under these regulations or under the provisions of COMAR 09.12.42 and COMAR 09.12.43.

.02 Definitions.

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

B. Terms Defined.

(1) “Apprenticeship Maryland” means the pilot apprenticeship program to provide students with some of the necessary on-site employment training and related classroom instruction needed to obtain a license or certification for a skilled occupation.

(2) “Council” means the Maryland Apprenticeship and Training Council.

(3) “DLLR” means the Department of Labor, Licensing, and Regulation.

(4) “Eligible career track” means an occupation in the manufacturing industry, or the science, technology, engineering, and math industries.

(5) “Eligible employer” means an employer that:

(a) Has an apprentice position available for a high school student in an eligible career track; and

(b) Is approved by the Maryland Apprenticeship and Training Council under Labor and Employment Article, §11-405(b), Annotated Code of Maryland.

(6) “MSDE” means the Maryland State Department of Education.

(7) "Secretary" means the Secretary of the Department of Labor, Licensing, and Regulation.

(8) "Youth apprentice" means an eligible student who is:

(a) Interested in obtaining a license or certification in a skilled occupation;

(b) A junior or senior in high school in the State; and

(c) Selected to participate in Apprenticeship Maryland by the county superintendent from a participating school system.

.03 Eligible Employer Application.

A. An employer shall apply in writing on the application form provided by DLLR to the Maryland Apprenticeship and Training Council and the Secretary in order to be approved as an eligible employer in Apprenticeship Maryland.

B. The employer shall provide other information and materials as requested by DLLR and MSDE for consideration as an eligible employer.

.04 Consideration and Approval of an Eligible Employer.

A. Upon receipt of an employer's application for approval as an eligible employer, the Council, in consultation with the Commissioner of the Division of Labor and Industry, shall consider the application and any supporting materials provided by the employer.

B. The Council shall consider the application based on criteria developed by DLLR and MSDE for Apprenticeship Maryland.

C. In the event of a disagreement between the Council and the Division of Labor and Industry regarding approval of an application by an employer, the Secretary shall resolve the dispute in accordance with Labor and Employment Article, §11-405(d), Annotated Code of Maryland.

.05 Eligible Employer Requirements.

A. An employer who is approved as an eligible employer shall file a copy of the completed youth apprenticeship agreement with the Council prior to the youth apprentice commencing the apprenticeship.

B. An eligible employer shall report data as required by DLLR and MSDE.

C. An eligible employer shall follow all policies, procedures, and requirements established by DLLR and MSDE.

.06 Youth Apprenticeship Agreement.

An eligible employer shall use the youth apprenticeship agreement provided by DLLR.

.07 Dismissal of a Youth Apprentice.

A. Subject to §B of this regulation, an eligible employer may request to dismiss a youth apprentice who does not comply with the employer's work rules or the requirements of Apprenticeship Maryland.

B. An eligible employer shall follow the requirements for dismissal established by DLLR and MSDE.

.08 Complaints Regarding Eligible Employers.

A. A youth apprentice may file a complaint regarding an eligible employer with the Secretary.

B. The Secretary shall conduct an investigation and take the appropriate action.

KELLY M. SCHULZ
Secretary of Labor, Licensing, and Regulation

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.42 Equal Employment Opportunity

Authority: Labor and Employment Article, §11-405, Annotated Code of Maryland

Notice of Proposed Action

[15-417-P]

The Commissioner of Labor and Industry proposes to amend Regulation .01 under COMAR 09.12.42 Equal Employment Opportunity. This action was considered and approved by the Maryland Apprenticeship and Training Council at a public meeting held on November 10, 2015, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide that the regulations set forth in COMAR 09.12.42 Equal Employment Opportunity do not apply to youth apprenticeship under COMAR 09.01.12 Apprenticeship Maryland unless an employer already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council and chooses to proceed under these regulations.

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 Kathy Sibbald, Program Manager, Division of Labor and Industry, 1100 N. Eutaw Street, Baltimore, Maryland 21201, or call 410-767-2394, or email to kathy.sibbald@maryland.gov, or fax to 410-767-2986. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Scope and Purpose.

A. Scope.

(1) Except as provided in COMAR 09.01.12.01C, these regulations do not apply to youth apprenticeship under Apprenticeship Maryland.

(2) These regulations set forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the Maryland Apprenticeship and Training Council.

(3) These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship.

(4) The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs.

B. Purpose. The purpose of these regulations is to promote equality of opportunity in apprenticeship and encourage the fullest development of the interests and aptitudes of apprentices by prohibiting discrimination based on political or religious opinion or affiliation, marital status, race, color, creed, national origin, sex, or age, unless sex or age constitutes a bona fide occupational qualification, or the physical or mental disability of a qualified

individual with a disability in apprenticeship programs, by requiring affirmative action to provide equal opportunity in apprenticeship programs, and by coordinating these regulations with other equal opportunity programs.

THOMAS MEIGHEN
Commissioner of Labor and Industry

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.43 Maryland Apprenticeship and Training

Authority: Labor and Employment Article, §11-405, Annotated Code of Maryland

Notice of Proposed Action

[15-418-P]

The Commissioner of Labor and Industry proposes to amend Regulation .01 under **COMAR 09.12.43 Maryland Apprenticeship and Training**. This action was considered and approved by the Maryland Apprenticeship and Training Council pursuant to a public meeting held on November 10, 2015, notice of which was given in accordance with General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to provide that the regulations set forth in COMAR 09.12.43 Maryland Apprenticeship and Training do not apply to youth apprenticeship under COMAR 09.01.12 Apprenticeship Maryland unless an employer already operates an apprenticeship program approved by the Maryland Apprenticeship and Training Council and chooses to proceed under these regulations.

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 Kathy Sibbald, Program Manager, Division of Labor and Industry, 1100 N. Eutaw Street, Baltimore, Maryland 21201, or call 410-767-2394, or email to kathy.sibbald@maryland.gov, or fax to 410-767-2986. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Scope and Purpose.

A. *Except as provided in COMAR 09.01.12.01C, these regulations do not apply to youth apprenticeship under Apprenticeship Maryland.*

B. The purpose of this chapter is to:

[A.] (1) — [D.] (4) (text unchanged)

THOMAS MEIGHEN
Commissioner of Labor and Industry

Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS, APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS—REAL ESTATE APPRAISERS

09.19.05 Code of Ethics

Authority: Business Occupations and Professions Article, §§ 16-208, 16-216, 16-220, 16-302(d) and (g), and 16-503(b) and (f), Annotated Code of Maryland

Notice of Proposed Action

[15-403-P-I]

The Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors proposes to amend Regulation .01 under **COMAR 09.19.05 Code of Ethics**. This action was considered at a public meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors held on October 13, 2015, notice of which was given in 42:20 Md. R 1285 (October 2, 2015), pursuant to General Provisions Article, §3-302, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to incorporate by reference the 2016—2017 edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”), which were enacted by the Appraisal Standards Board of the Appraisal Foundation, effective January 1, 2016, and with which licensed and certified real estate appraisers are required, by federal mandate, to comply.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Patricia Schott, Executive Director, Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors, 500 N. Calvert Street #302, Baltimore, MD 21202, or call 410-230-6165, or email to patricia.schott@maryland.gov, or fax to 410-333-6314. Comments will be accepted through February 5, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors during a public meeting to be held on February 9, 2016, at 500 N. Calvert Street, Baltimore, MD 21202.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Uniform Standards of Professional Appraisal Practice, 2016—2017 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 42:1 Md. R. 9 (January 9, 2015), 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.

A. (text unchanged)

B. Document Incorporated. Uniform Standards of Professional Appraisal Practice [2014—2015] 2016—2017 Edition (The Appraisal Foundation), including Preamble, Ethics Rule, Competency Rule, Scope of Work Rule, Jurisdictional Exception, Supplemental Standards, Definitions and Standards 1, 2, and 3 with all related Standard Rules and Statements on Appraisal Standards, is incorporated by reference.

STEVEN O’FARRELL
Chairman

**Title 10
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

Notice of Proposed Action

[15-411-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation **.01 under COMAR 10.02.03 Appeal Hearings to the Division of Reimbursements;**
- (2) The chapter name and Regulations **.01—.03 under COMAR 10.03.02 Release of Confidential Information in the Center for Maternal and Child Health and the Office of Genetics and Children with Special Health Care Needs;**
- (3) Regulation **.03 under COMAR 10.08.02 Construction Funds for Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities;**
- (4) Regulation **.05 under COMAR 10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood;**
- (5) Regulations **.02, .03, and .08 under COMAR 10.18.02 HIV and CD4+ Investigations and Case Reporting;**
- (6) Regulations **.03 and .04 under COMAR 10.18.03 AIDS Investigations and Case Reporting;**
- (7) Regulation **.12 under COMAR 10.52.06 Use of Tanning Devices by Minors;** and
- (8) Regulations **.03, .07, and .08 under COMAR 10.52.12 Newborn Screening.**

Statement of Purpose

The purpose of this action is to correct outdated administration and program references to reflect current names.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

**Subtitle 02 DIVISION OF
REIMBURSEMENTS**

10.02.03 Appeal Hearings to the Division of Reimbursements

Authority: Health-General Article, §2-207, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(4) (text unchanged)

(5) Recipient of Services.

(a) (text unchanged)

(b) “Recipient of services” includes, but is not limited to an individual:

(i)—(iii) (text unchanged)

(iv) In a facility operated [by the Community and Public Health Administration] *under Public Health Services.*

(6) (text unchanged)

Subtitle 03 HEALTH STATISTICS

10.03.02 Release of Confidential Information in the [Center for] Maternal and Child Health [and the Office of Genetics and Children with Special Health Care Needs] Bureau

Authority: Health-General Article, §§2-104(b), 4-102, 4-301—4-309, and 15-125, Annotated Code of Maryland

.01 Confidential Information.

All information relating to personal facts and circumstances, such as names and addresses, medical examinations, and financial resources, obtained by the State or local staff administering the programs of the [Center for] Maternal and Child Health [and the Office for Genetics and Children with Special Health Care Needs] Bureau shall be treated as confidential and may not be disclosed without the individual’s consent, except as may be necessary to provide services to individual mothers and children or as otherwise required by law. Information may be disclosed, however, in summary, statistical, or other form which does not identify individuals.

.02 Disclosure of Confidential Information.

All records and information shall be held confidential and may not be disclosed without the individual’s consent, except as may be necessary to provide services to the individual mother or child or as otherwise required by law. This means that:

A. (text unchanged)

B. Confidential information may be released to other public agencies to the extent that they are authorized to provide services for the health and welfare of the mother or child for whom the patient, or the patient's parent in the case of a minor, has requested services. In these circumstances, the information may be disclosed only if written assurances are given to the [Center for] Maternal and Child Health [or the Office for Genetics and Children with Special Health Care Needs] *Bureau* that:

- (1)—(4) (text unchanged)

.03 Responsibility for Confidential Records and Information.

The [Directors] *Director* of the [Center for] Maternal and Child Health [and the Office for Genetics and Children with Special Health Care Needs] *Bureau*, working under the Secretary of Health and Mental Hygiene:

- A.—C. (text unchanged)

Subtitle 08 HEALTH FACILITIES GRANTS

10.08.02 Construction Funds for Public and Nonprofit Community Mental Health, Addiction, and Developmental Disabilities Facilities

Authority: Health-General Article, §§ 2-102, 24-601, et seq. [; Article 88A, §§44A—54] Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1)—(5) (text unchanged)

(6) "Appropriate administration" means the [Mental Hygiene] *Behavioral Health*, Developmental Disabilities, [or Alcohol and Drug Abuse,] or [Local and Family Health] *Prevention and Health Promotion* Administration.

- (7)—(20) (text unchanged)

Subtitle 11 MATERNAL AND CHILD HEALTH

10.11.06 Morbidity, Mortality, and Quality Review Committee — Pregnancy and Childhood

Authority: Health-General Article, §18-107, Annotated Code of Maryland

.05 Membership.

A. (text unchanged)

B. Ex Officio Members. The Committee shall include the following ex officio members or their designees:

- (1)—(3) (text unchanged)

(4) The Director of the [Family Health] *Prevention and Health Promotion* Administration of the Department;

(5) The Director of the Maternal and Child Health [Program] *Bureau* of the Department;

- (6)—(18) (text unchanged)

C.—I. (text unchanged)

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

10.18.02 HIV and CD4+ Investigations and Case Reporting

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-202.1, 18-205, 18-207, and 18-215; Annotated Code of Maryland

.02 Exemptions.

A. (text unchanged)

B. Application for Exemption. The principal investigator of a research project shall submit all of the following documents to the [AIDS Administration] *Department* in order to apply for an exemption:

- (1)—(2) (text unchanged)

C. Approval.

(1) The Director of the [AIDS Administration] *Infectious Disease Prevention and Health Services Bureau* or the Director's designee shall review the application submitted under §B of this regulation to determine whether the:

- (a)—(b) (text unchanged)

- (2) (text unchanged)

(3) The Director shall mail written notification to the applicant of an exemption under this regulation within 30 days of receipt of the application, stating whether the exemption:

- (a)—(b) (text unchanged)

(c) Cannot be processed until further information is provided to the [AIDS Administration] *Department*.

D.—E. (text unchanged)

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1) (text unchanged)

(2) "AIDS Administration" means the Administration in the Department dedicated to working with public and private partners to reduce the transmission of HIV and helping individuals infected with HIV and AIDS live longer and healthier lives.]

- [(3)] (2)—[(19)] (18) (text unchanged)

.08 Responsibility of Health Officer.

A.—B. (text unchanged)

C. Upon receipt of a report from a physician pursuant to Regulation .04 of this chapter, a clinical or infection control practitioner pursuant to Regulation .05 of this chapter, or a laboratory director pursuant to Regulation .06 of this chapter, the health officer shall:

- (1)—(2) (text unchanged)

(3) Submit the HIV/AIDS case report as set forth in Health-General Article, §18-207, Annotated Code of Maryland, to the [AIDS Administration] *Department* if the case of HIV or the case of AIDS or the newborn HIV exposure has not been reported previously; and

- (4) (text unchanged)

D. (text unchanged)

10.18.03 AIDS Investigations and Case Reporting

Authority: Health-General Article, §§2-104(b), 4-101, 4-102, 18-102, 18-103, 18-201.1, 18-205, and 18-207, Annotated Code of Maryland

.03 Responsibility of Physicians.

A. (text unchanged)

B. A physician who reports a case shall make available to the [AIDS Administration] *Department* the information necessary to compile an AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland.

.04 Responsibility of Health Officer.

A.—B. (text unchanged)

C. Upon receipt of a report from a physician pursuant to Regulation .03 of this chapter, the health officer shall:

(1)—(2) (text unchanged)

(3) Submit the AIDS case report as defined in Health-General Article, §18-207, Annotated Code of Maryland, to the [AIDS Administration] *Department* if the case has not been reported previously; and

(4) (text unchanged)

Subtitle 52 PREVENTIVE MEDICINE

10.52.06 Use of Tanning Devices by Minors

Authority: Health-General Article, §20-106, Annotated Code of Maryland

.12 Request for Hearing.

A. (text unchanged)

B. In order to preserve a right to a hearing on a violation with a penalty under this chapter, if a hearing is desired, a person shall submit a written request to the Department’s Environmental Health [Coordination Program] *Bureau* under the [Community Health] *Prevention and Health Promotion* Administration for a hearing within 10 days of receipt of the notice of violation with a penalty.

C.—D. (text unchanged)

10.52.12 Newborn Screening

Authority: Health-General Article, §§13-109, 13-111, and 13-601—13-605, Annotated Code of Maryland

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(15) (text unchanged)

[(16) “Office for Genetics and Children with Special Health Care Needs” means the Office for Genetics and Children with Special Health Care Needs in the Department’s Family Health Administration.]

[(17)] (16)—[(21)] (20) (text unchanged)

.07 Births in a Birthing Facility.

A.—D. (text unchanged)

E. Hearing Screening. The individual in charge of the birthing facility or the individual’s representative shall:

(1)—(2) (text unchanged)

(3) Record demographic, clinical, and health care provider information required by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the *Maternal and Child Health Bureau* [Office for Genetics and Children with Special Health Care Needs]; and

(4) Transmit the information recorded in §E(1)—(3) of this regulation to the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau* in the format specified by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program.

.08 Births Outside a Birthing Facility.

A. (text unchanged)

B. Hearing Screening Tests. The individual required to prepare and file the certificate of birth pursuant to Health-General Article, §4-208, Annotated Code of Maryland, shall:

(1)—(3) (text unchanged)

(4) Record demographic, clinical, and health care provider information required by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau*; and

(5) Transmit the information recorded in §B(2)—(4) of this regulation to the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program in the [Office for Genetics and Children with Special Health Care Needs] *Maternal and Child Health Bureau* in the format specified by the [Universal Hearing Screening] *Early Hearing Detection and Intervention* Program.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

**Subtitle 05 FREESTANDING
AMBULATORY CARE FACILITIES**

Notice of Proposed Action

[15-399-P]

The Secretary of Health and Mental Hygiene proposes to amend:
(1) Regulation .05 under **COMAR 10.05.01 General Requirements**; and
(2) Regulation .01 under **COMAR 10.05.05 Freestanding Ambulatory Surgical Facilities**.

Statement of Purpose

The purpose of this action is to amend the definitions for “freestanding ambulatory surgical facility” and “surgical services” to be consistent with the statutory amendments to these definitions. Also, in accordance with statutory amendment, the proposal requires the Department to survey freestanding ambulatory care facilities in accordance with federal regulations.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will

be accepted through January 27, 2016. A public hearing has not been scheduled.

10.05.01 General Requirements

Authority: Health-General Article, §19-3B-01 et seq., Annotated Code of Maryland

.05 Inspections by Secretary of Health and Mental Hygiene.

A. Open for Inspection. A licensed facility or an entity proposing to operate such a facility shall be open during normal business hours, or any other times that the facility is serving patients, for inspection by the Department and by any other agency designated by the Department to:

(1) *Survey freestanding ambulatory care facilities as directed by the Centers for Medicare and Medicaid Services;*

[(1)] (2) Verify compliance with licensing regulations; [and] or

[(2)] (3) Investigate complaints.

B.—C. (text unchanged)

10.05.05 Freestanding Ambulatory Surgical Facilities

Authority: Health-General Article, §19-3B-01 et seq., Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) Freestanding Ambulatory Surgical Facility.

(a) “Freestanding ambulatory surgical facility” means a facility, service, office facility, or other entity that:

(i) Operates [primarily] *exclusively* for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring [overnight] hospitalization *and in which the expected duration of services would not exceed 24 hours following admission*; and

(ii) (text unchanged)

(b) (text unchanged)

(3)—(4) (text unchanged)

(5) *Surgery.*

(a) “*Surgery*” means a procedure conducted for the purpose of structurally altering the human body by the incision or destruction of tissues and is part of the practice of medicine.

(b) “*Surgery*” includes:

(i) *The diagnostic or therapeutic treatment of conditions or disease processes by any instruments causing localized alteration or transposition of live human tissue which include, lasers, ultrasound, ionizing radiation, scalpels, probes, and needles;*

(ii) *Cut, burned, vaporized, frozen, sutured, probed, or manipulated tissue by closed reductions for major dislocations or fractures, or otherwise altered by mechanical, thermal, light-based, electromagnetic, or chemical means; or*

(iii) *Injection of diagnostic or therapeutic substances into body cavities, internal organs, joints, sensory organs, and the central nervous system.*

[(5)] (6) “Surgical services” means [an invasive procedure whether therapeutic or diagnostic involving the use of:

(a) Any cutting instrument;

(b) Microscopic, endoscopic, arthroscopic, or laparoscopic equipment; or

(c) Laser for the removal or repair of an organ or other tissue.] *surgical procedures performed in a safe manner by qualified physicians who have been granted clinical privileges by the*

governing body of the ambulatory surgical center in accordance with approved policies and procedures of the ambulatory surgical center.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[15-420-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .03, and .06 under COMAR 10.09.05 Dental Services.

Statement of Purpose

The purpose of this action is to change the requirements for pre-authorization of orthodontic dental services and to clarify regulatory language related to mobile dental clinics.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(25) (text unchanged)

(26) “*Primary dental office*” means the dental care provider responsible for coordinating, integrating, and providing dental care for the participant.

[(26)] (27)—[(31)] (32) (text unchanged)

.03 Provider Qualifications and Conditions for Participation.

A.—E. (text unchanged)

F. Mobile Dental Unit.

(1)—(3) (text unchanged)

(4) The mobile dental unit shall have *and utilize the* electronic technology that enables the same day exchange of patient records with the primary dental office.

(5) The mobile dental unit’s service area shall be limited to 30 miles in a rural setting and 10 miles in an urban setting from the primary dental office *that the mobile dental unit is either owned by or with which the dental office holds a legally binding contract.*

(6) A mobile dental unit shall:

(a)—(e) (text unchanged)

(f) Obtain, *keep current, and make readily available* all applicable county and city licenses or permits necessary to operate the mobile dental unit *which would include the active dentist, hygienist and dental assistant licenses and the dental radiographic and imaging equipment permits;*

(g) *Provide an update to the Department regarding any mobile dental unit provider changes within 72 hours;*

[(g)] (h)—[(l)] (m) (text unchanged)

[(m)] (n) Have a [dental] chair *designed and purposed exclusively for the provision of dental services;*

[(n)] (o)—[(t)] (u) (text unchanged)

(7)—(8) (text unchanged)

.06 Preauthorization Requirements.

A.—E. (text unchanged)

F. Preauthorization is required for traditional orthodontic services and for self-ligating braces for the correction of medically necessary conditions, which cause dysfunction due to a handicapping malocclusion. At a minimum the following comprehensive pretreatment documentation shall be submitted:

[(1) Upper and lower study models;]

[(2)] (1)—[(3)] (2) (text unchanged)

[(4)] (3) [Extra-oral] 6—8 *diagnostic quality extra-oral and intra-oral photographs;*

[(5)] (4)—[(7)] (6) (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.48 Targeted Case Management for People with Intellectual and Developmental Disabilities

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[15-412-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.03** and **.08** under **COMAR 10.09.48 Targeted Case Management for People with Developmental Disabilities**.

Statement of Purpose

The purpose of this action is to focus Waiting List and Transition Coordination services on individuals who meet the Developmental Disabilities Administration’s developmental disability eligibility criteria, update reimbursement rates, and establish a different methodology for service unit preauthorization. Waiting List Coordination and Transition Coordination services being provided for individuals who are determined to have a disability that qualifies them for individual support services only, as defined in Health General Article, §7-403(c), Annotated Code of Maryland, will be discontinued. Waiting List Coordination and Transition Coordination services being provided for individuals who are determined by the DDA to have a developmental disability as defined in Health General Article, §7-401, Annotated Code of Maryland, will continue. Reimbursement rates are being updated based on the cost of living allowance approved by the General Assembly. To create flexibility based on individual need and better responsiveness to emergency and crisis situations, providers will receive a pre-authorization of units

based on the number of individuals served by the provider. Providers will be responsible for meeting the minimum service requirements for all individuals and a process for requesting additional units will be put in place to address extenuating circumstances.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Program will implement a rate increase during FY 2016, but will discontinue coverage of Waiting List Coordination and Transition Coordination for certain individuals during the second half of the fiscal year, resulting in a net savings of \$135,637.

	Revenue (R+/R-)	
II. Types of Economic Impact.		Expenditure (E+/E-) Magnitude
A. On issuing agency:	(E-)	\$135,637
B. On other State agencies:	NONE	
C. On local governments:	(R+)	\$3,926
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$139,563
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.)

A. Rates will increase from \$16.88 to \$17.39 (+\$.51) for expected 2,465,298 units of service during FY 2016, increasing expenditures by \$1,257,302 total funds. 55.6 percent of this amount (\$699,060) is General Funds, with 44.4 percent (\$558,242) federal matching funds. The Program will also discontinue coverage of Waiting List Coordination and Transition Coordination for approximately 2,773 individuals, saving 80,100 units of service at \$17.39 per unit during the last 6 months of FY 2016, saving \$1,392,939 total funds. 66.2 percent of this amount (\$922,126) is General Funds, with 33.8 percent (\$470,813) federal matching funds.

C. The rate increase from \$16.88 to \$17.39 per unit for a projected 392,290 units of service will increase payments to twelve local health departments by \$200,068 during FY 2016. Discontinuation of Waiting List Coordination and Transition Coordination for 375 individuals representing 11,279 units of service will save \$196,142. The net increase in payments to local health department providers is therefore \$3,926.

D. The rate increase from \$16.88 to \$17.39 per unit for a projected 2,073,008 units of service will increase payments to private providers by \$1,057,234 during FY 2016. Discontinuation of Waiting List Coordination and Transition Coordination for 2,398 individuals representing 68,821 units of service will save \$1,196,797. The net reduction in payments to private providers is therefore \$139,563.

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 regulations will have an economic impact on providers of Targeted Case Management services because of the increase in reimbursement rate, and the discontinuation of Waiting List Coordination and Transition Coordination services for individuals who are determined to have a disability that qualifies for individual support services only, as defined in Health General Article, §7-403(c), Annotated Code of Maryland.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The proposed action will impact individuals receiving Waiting List Coordination and Transition Coordination services who are determined to be qualified for individual support services only, as defined in Health General Article, §7-403(c), Annotated Code of Maryland, because these services will be discontinued. Waiting List Coordination and Transition Coordination services being provided for individuals who are determined by the DDA to have a developmental disability as defined in Health General Article, §7-401, Annotated Code of Maryland, will continue.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.03 Participant Eligibility.

To be eligible for services covered under this chapter, a participant or applicant shall:

- A. (text unchanged)
- B. Either:

(1) [Apply for services that are provided by the DDA] *Have applied for services from the Developmental Disabilities Administration but not yet had their eligibility determined;* or

(2) Be eligible for funding from the DDA as set forth in COMAR 10.22.12, and meet one of the following conditions:

(a) *Be determined to have a developmental disability as set forth in COMAR 10.22.12.03B(9) and currently on the DDA waiting list;*

(b) (text unchanged)

(c) *Be determined to have a developmental disability as set forth in COMAR 10.22.12.03B(9) and in the process of transitioning to the community.*

.08 Payment Procedures.

A. (text unchanged)

B. Payment Rates.

(1)—(2) (text unchanged)

(3) For all other services, providers shall be reimbursed:

(a)—(b) (text unchanged)

(c) \$16.59 per unit of service from July 3, 2014 through December 31, 2014; [and]

(d) \$16.88 per unit of service [thereafter.] *from January 1, 2015 through June 30, 2015; and*

(e) *\$17.39 per unit of service thereafter.*

C. (text unchanged)

D. Payment Limitations.

(1)—(3) (text unchanged)

[(4) Additional limits for specific service areas are as follows, unless otherwise authorized by the DDA:

(a) Community coordination services — up to 212 units annually;

(b) Transition services — up to 208 units annually;

(c) Waiting list coordination services as follows:

(i) Crisis resolution — up to 168 units annually;

(ii) Crisis prevention — up to 112 units annually; and

(iii) Current request — up to 60 units annually.]

[(5)] (4) (text unchanged)

E. Units of Services and Limitations.

(1) *Provider will receive a pre-authorization of a specified number of units to be used for all of their clients.*

[(1)] (2)—[(6)] (7) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-124, Annotated Code of Maryland

Notice of Proposed Action

[15-413-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations **.01—**.05 and **.07** under **COMAR 10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services.**

Statement of Purpose

The purpose of this action is to clarify and update definitions and licensure requirements for EPSDT School Health-Related Services or Health-Related Early Intervention Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “[Audiology] *Audiological evaluation*” means identification, evaluation, and treatment of auditory impairments necessary to develop and implement an IFSP[,] or an IEP[, or an IPE] pursuant to COMAR [13A.05.01.03B(6), 13A.11.08.02B(30), and 13A.13.01.07B(2)] *13A.13.01.03B and 13A.05.01.03B.*

(2) “Audiologist” means an individual licensed by the Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists to practice audiology in Maryland.

(3) “Audiology service” means treatment of auditory impairments necessary to develop and implement an IFSP or an IEP pursuant to COMAR 13A.13.01.03B and 13A.05.01.03B.

(4) “Dietitian-Nutritionist” means an individual who is licensed as a dietitian-nutritionist by the Maryland State Board of Dietetic Practice to practice dietetics in Maryland.

[(2)] (5)—[(3)] (6) (text unchanged)

[(4)] Counseling Services.

(a) “Counseling services” means mental health services delivered by a licensed mental health professional, as authorized under the Health Occupations Article, Annotated Code of Maryland.

(b) “Counseling services” includes: licensed clinical social workers, psychologists, nurse psychotherapists, and professional counselors with the appropriate expertise to provide the services which are necessary to develop an IFSP, an IEP, or an IPE pursuant to COMAR 13A.05.01.03B(12), 13A.11.08.02B(36), and 13A.13.01.07B(4).

(5) “Counselor” means a licensed professional counselor as authorized under Health Occupations Article, Title 17, Annotated Code of Maryland, with the appropriate expertise to provide the services which are necessary to develop and implement an IFSP, an IEP, or an IPE pursuant to COMAR 13A.05.01.03B(12), 13A.11.08.02B(36), and 13A.13.01.07B(4).]

[(6)](7)—[(7)] (8) (text unchanged)

[(8)] (9) “Early intervention services (EIS)” means services which are consistent with COMAR [13A.13.01.02B(14)] 13A.13.01.03B.

[(9)] (10) “Individualized education program (IEP)” means a written description of special education and related services developed by [a multidisciplinary] *an IEP team* to be implemented to meet the individual needs of a child pursuant to COMAR 13A.05.01.03B and 13A.05.01.09.

(11) “IEP team” means a group convened and conducted by a provider to develop a participant’s IEP, which is composed of a child’s parent or parents, the child’s teacher, and relevant service providers as indicated in COMAR 13A.05.01.03B and 13A.05.01.07.

[(10)] (12) “Individualized Family Service Plan (IFSP)” means a written plan for providing early intervention and other services to an eligible child and the child’s family developed by an IFSP team pursuant to COMAR [13A.13.01.02B(20)] 13A.13.01.03B.

[(11)] “Individualized Plan for Employment (IPE)” means a written plan developed by a rehabilitation counselor with input from a multidisciplinary team that specifies an employment outcome and specific vocational rehabilitation services for an eligible individual, pursuant to COMAR 13A.11.01.06.]

(13) “IFSP team” means a group convened and conducted by a provider to develop a participant’s IFSP, which is composed of a child’s parent or parents, the child’s service coordinator, and relevant service providers as indicated in COMAR 13A.13.01.06.

[(12)] (14) “Infants and toddlers with disabilities” means children from birth [through 2 years old] to the beginning of the school year following the child’s 4th birthday who are eligible for early intervention services, as described in COMAR [13A.13.01.02B(21)] 13A.13.01.03B and documented by appropriate [qualified] licensed personnel as defined in COMAR [13A.13.01.02B(36)] 13A.13.01.03B.

[(13)] (15) (text unchanged)

[(14)] (16) “Local [education agency (LEA)] School System (LSS)” means [a local public school district] any of the 24 public school systems in Maryland responsible for providing public elementary or secondary education.

[(15)] (17)—[(18)] (20) (text unchanged)

[(19)] “Multidisciplinary” means the involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities and the development of the Individualized Family Service Plan, or the Individualized Education Plan.

(20) “Multidisciplinary team” means a group convened and conducted by a provider to develop a participant’s IEP, IFSP, or IPE, which is composed of a child’s parent or parents, the child’s teacher, and relevant service providers as indicated in COMAR 13A.05.01.07.]

[(21)] “Mental health professional” has the meaning stated in COMAR 10.21.17.02B.

(22) “Nurse” means an individual who is licensed to practice as a registered nurse (RN) or licensed practical nurse (LPN) in the jurisdiction in which services are provided.

[(21)] (23) “Nursing care plan” means [an individualized plan written by a registered nurse which determines the course of action, including specific interventions and times, a nurse uses to meet the health needs of a child.] a plan developed by a registered nurse that identifies the patient’s diagnoses and needs, the goals to be achieved, and the interventions required to meet the patient’s medical condition as defined in COMAR 10.09.53.01B.

[(22)] “Nurse psychotherapist services” means clinical mental health services delivered by a licensed nurse psychotherapist which are necessary to develop and implement an IFSP, an IEP, or an IPE pursuant to COMAR 13A.05.01.03B(57), 13A.11.01.07, and 13A.13.01.07B(12).]

[(23)] (24) Nursing Services.

(a) “Nursing services” means skilled nursing services performed by a licensed nurse for a participant, which are necessary for the participant to benefit from educational or early intervention services pursuant to COMAR [13A.05.01.09, 13A.11.08.02B(30),] 13A.05.01.03B and [13A.13.01.07B(7)] 13A.13.01.03B.

(b)—(c) (text unchanged)

[(24)] (25) Nutrition Services.

(a) “Nutrition services” means services delivered by a [qualified] licensed [nutritionist or dietitian] dietitian nutritionist.

(b) “Nutrition services” includes:

(i)—(ii) (text unchanged)

(iii) Making referrals to appropriate community resources to carry out nutrition goals in an IFSP pursuant to COMAR [13A.13.01.07B(8),] 13A.13.01.03B [, in an IEP pursuant to COMAR 13A.05.01.09, or in an IPE pursuant to COMAR 13A.11.01.07].

(26) “Occupational therapist” means an individual licensed by the Maryland State Board of Occupational Therapy Practice to practice occupational therapy in Maryland.

(27) “Occupational therapy assistant” means an individual licensed by the Maryland State Board of Occupational Therapy Practice to practice limited occupational therapy in Maryland.

[(25)] (28) “Occupational therapy services” means occupational therapy evaluations[,] or treatments [or consultations] delivered by a [qualified] licensed occupational therapist, or treatments delivered by a licensed occupational therapy assistant, which are necessary to develop and implement an IEP[,] or an IFSP[, or an IPE] pursuant to COMAR [13A.05.01.03B(40),] 13A.05.01.03B [13A.05.01.09, 13A.11.01.07, and 13A.13.01.07B(9)] and 13A.13.01.03B.

[(26)] (29) (text unchanged)

[(27)] (30) “Participant” means a Medical Assistance recipient who is eligible for and receives health-related services in an IEP[, an IPE,] or health-related early intervention services in an IFSP.

(31) “Physical therapist” means an individual licensed by the Maryland Board of Physical Therapy Examiners to practice physical therapy in Maryland.

(32) “Physical therapist assistant” means an individual licensed by the Maryland Board of Physical Therapy Examiners to practice limited physical therapy in Maryland.

[(28)] (33) “Physical therapy services” means physical therapy evaluations[,] or treatments [or consultations], delivered by a [qualified] licensed physical therapist, or treatments delivered by a licensed physical therapy assistant, which are necessary to develop and implement an IEP[,] or an IFSP[, or an IPE] pursuant to COMAR [13A.05.01.03B(49),] 13A.05.01.03B [13A.05.01.07, 13A.11.08.02B(30), and 13A.13.01.07B(10).] and 13A.13.01.03B.

[(29)] (34) (text unchanged)

[(30)] (35) “Provider” means a local [education agency] school system, local lead agency, State-operated education agency, or State-supported education agency which meets the conditions for participation as defined in Regulation .03 of this chapter to provide health-related services in an IEP [, or an IPE,] or health-related early intervention services in an IFSP.

[(31)] “Psychiatric evaluation” means an evaluation recommended by the multidisciplinary team and performed by a qualified psychiatrist, which is necessary to develop and implement an IEP, an IFSP, or an IPE pursuant to COMAR 13A.05.01.05, 13A.11.01.07, and 13A.13.01.]

[(32)] (36) “Psychological services” means the delivery of services by a [psychologist] licensed mental health professional, including administering psychological and developmental tests and other assessment procedures, interpreting assessment results, obtaining, integrating, and interpreting information about child behavior and child and family conditions related to learning, mental health, and development, and planning and managing a program of psychological services including psychological counseling for children and families which are necessary to develop and implement an IEP or an IFSP[, or an IPE] pursuant to COMAR [13A.05.01.09,] 13A.05.01.03B [13A.11.01.07,] and [13A.13.01.07B(11).] 13A.13.01.03B.

[(33)] (37) “Rehabilitative service” means the medical or remedial service recommended by a licensed physician or authorized practitioner under Health Occupations Article, Annotated Code of Maryland[, or a certified school psychologist] within the scope of the practice under [§B(32)] §B(36) of this regulation, for the reduction of maladaptive behavior and restoration of a recipient to the best possible functional level.

[(34)] “Social work services” means clinical social work services delivered by a licensed clinical social worker which are necessary to develop and implement an IFSP, an IEP, or an IPE pursuant to COMAR 13A.05.01.03B(57), 13A.11.01.07, and 13A.13.01.07B(12)]

[(35)] (38) (text unchanged)

(39) “Speech-language pathologist” means an individual licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists to practice speech language pathology in Maryland.

(40) “Speech-language pathology assistant” means an individual licensed by the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists to assist in the practice of speech language pathology in Maryland.

[(36)] (41) “Speech-language pathology” means [services] speech language evaluations, diagnoses or treatments delivered by a [qualified] licensed speech-language pathologist, [including identification, evaluation, diagnosis, and the treatment of communications disorders] or treatments delivered by a licensed speech-language pathology assistant, which are necessary to develop and implement an IEP[,] or an IFSP[, or an IPE] pursuant to COMAR [13A.05.01.03B(66),]13A.05.01.03B [13A.11.01.07.] and [13A.13.01.07B(14)] 13A.13.01.03B.

[(37)] (42) “Therapeutic behavior aide” means an individual who has been trained to implement a behavior plan as specified in the IEP or IFSP under the supervision of a licensed physician or authorized practitioner pursuant to Health Occupations Article, Annotated Code of Maryland[, or a certified school psychologist].

[(38)] (43) “Therapeutic behavior service” means a one-to-one individualized rehabilitative service, rendered by a therapeutic behavior aide, using appropriate methods of preventing or decreasing maladaptive behaviors for a Medicaid recipient who is eligible for and receives health-related services in an IEP[,] or health-related early intervention services in an IFSP.

.02 Licensure and Certification.

A. (text unchanged)

B. A professional employed by a provider shall have the following qualifications:

(1)—(4) (text unchanged)

(5) A [nutritionist or dietitian] dietitian-nutritionist shall be licensed to practice in the jurisdiction in which services are provided;

(6) (text unchanged)

(7) An occupational therapy assistant shall be licensed to practice in the jurisdiction in which services are provided under the direction of a licensed occupational therapist;

[(7)] (8) (text unchanged)

(9) A physical therapy assistant shall be licensed to practice in the jurisdiction in which services are provided under the direction of a licensed physical therapist;

[(8)] (10) (text unchanged)

[(9)] (11) A psychologist shall be licensed to practice in the jurisdiction in which services are provided [or shall be certified as a school psychologist by the Maryland State Department of Education];

[(10)] (12) (text unchanged)

[(11)] (13) A speech language pathologist shall be licensed to practice in the jurisdiction in which services are provided [and or shall be under the direction of a speech language pathologist who has:

(a) A certificate of clinical competence from the American Speech-Language-Hearing Association,

(b) Completed the equivalent educational requirements and work experience necessary for the certificate;

(c) Completed the academic program and is acquiring supervised work experience to qualify for the certificate; and]

(14) A speech language pathology assistant shall be licensed to practice in the jurisdiction in which services are provided under the supervision of a licensed speech language pathologist; and

[(12)] (15) (text unchanged)

.03 Conditions for Participation.

[Requirements] A. General requirements for participation in EPSDT school health-related or health-related early intervention services are that a:

[A.] (1) (text unchanged)

[(1)] (a)—[(2)] (b) (text unchanged)

[B.] (2) Therapeutic behavior aide shall be:

[(1)] (a) (text unchanged)

[(2)] (b) Supervised by a licensed physician or an authorized practitioner under Health Occupations Article, Annotated Code of Maryland [, or a certified school psychologist].

B. Specific requirements for participation in the Program require that the provider maintain adequate documentation of all services provided, which at a minimum, includes:

(1) The location, date, start, and end time of the service;

(2) A brief description of the service; and

(3) A legible signature, along with the printed or typed name of the individual providing care, with the appropriate title.

.04 Covered Services.

A. The Program covers the services listed in §B of this regulation when the services are:

(1) Necessary to identify the need for a health-related service or health-related early intervention service that may be furnished as part of an IEP[, or an IFSP[, or an IPE];

(2)—(4) (text unchanged)

(5) Delivered in accordance with an IEP[, or an IFSP, [or IPE] which is developed at the time of referral for health-related services or health-related early intervention services.

B. The following services are covered under this chapter:

(1) Audiology services delivered in accordance with an IEP[, or an IFSP, [or an IPE] which include the identification, evaluation and treatment of auditory impairments;

[(2) Counseling services delivered in accordance with an IEP, an IPE, or an IFSP which include assessment and testing, treatment planning, crisis intervention, and individual, group, or family counseling necessary for the participant to benefit from a health-related educational or early intervention program;]

[(3)] (2) Nursing services delivered in accordance with an IEP[, an IPE,] or an IFSP, which:

(a)—(d) (text unchanged)

[(4)] (3) Nutrition services which include conducting assessments of nutritional history and dietary intake and developing and monitoring appropriate plans to address a participant’s nutritional needs in accordance with an IFSP [, an IEP, or an IPE];

[(5)] (4) Occupational therapy services delivered in accordance with an IEP[, or an IFSP, [or an IPE] which include any screening, evaluations, or treatments[, or consultations] necessary to implement a program of activities, with the goal to develop or maintain the adaptive skills necessary to achieve a participant’s adequate and appropriate physical and mental functioning;

[(6)] (5) Physical therapy services delivered in accordance with an IEP[, or an IFSP, [or an IPE] which include screening and evaluations necessary to determine a participant’s level of functioning, as well as any treatment, [or consultation] which may use therapeutic exercises for the purpose of preventing, restoring, or alleviating a movement dysfunction and related functional problems;

[(7) Psychiatric evaluations as determined to be necessary by the multidisciplinary IEP or IFSP team;]

[(8)] (6) Psychological services delivered in accordance with an IEP[, or an IFSP, [or an IPE] which include the evaluation, diagnosis, and treatment of emotional or behavioral problems in order for a participant to benefit from an educational or early intervention program including the counseling of parents and parent training when the participant is present;

[(9) Social work services delivered in accordance with an IEP, an IPE, or an IFSP which include the assessment and evaluation of the participant’s living conditions and the patterns of parent-child interaction, as well as the counseling necessary for the participant and the family to benefit from an educational or early intervention program;]

[(10)] (7) Speech-language pathology services delivered in accordance with an IEP[, or an IFSP, [or an IPE] which include [the screening], diagnosis, evaluation, [and treatment of communication disorders] or treatment; and

[(11)] (8) Therapeutic behavior services which:

(a) Includes one-to-one [hourly] services [up to 24 hours a day, 7 days per week] by a trained therapeutic behavior aide [as described in] delivered in accordance with the IEP or IFSP [and approved by the multidisciplinary team which develops the recipient’s IEP or IFSP for continued treatment]; and

(b) Is supervised by a licensed physician or authorized practitioner under Health Occupations Article, Annotated Code of Maryland [, or a certified school psychologist].

.05 Limitations.

A. To participate in the Program as a provider of health-related services or health-related early intervention services, the provider shall be a local [education agency] school system, a local lead agency, a State-operated education agency, or State-supported education agency.

B. Health-related services or health-related early intervention services outlined in the IEP[, or the IFSP[, or the IPE] shall be approved by the [multidisciplinary] IEP or IFSP team [which develops the recipient’s IEP, IFSP, or IPE] for continued treatment.

C. Therapeutic behavior services may only be provided if:

[(1) Prescribed by a licensed physician or authorized practitioner under Health Occupations Article, Annotated Code of Maryland, or a certified school psychologist and approved by the child’s multidisciplinary IEP or IFSP team;]

(1) Preauthorized through the IEP or IFSP process and directly related to the IEP or IFSP;

(2) (text unchanged)

(3) Services are considered medically necessary by the [multidisciplinary] IEP or IFSP team, which develops the recipient’s IEP or IFSP;

[(4) Preauthorized through the IEP or IFSP process and directly related to the IEP or IFSP;]

[(5)] (4)—[(6)] (5) (text unchanged)

[(7)] (6) The recipient has:

(a)—(b) (text unchanged)

(c) Behavior that is deviant from developmentally appropriate behavior for the individual’s chronological age as determined by the [multidisciplinary] IEP or IFSP team;

(d)—(e) (text unchanged)

.07 Payment Procedures.

A.—D. (text unchanged)

E. Reimbursement for health-related services and health-related early intervention services is contained in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, Revision [July—December 2011] January 2014, contained in the Medical Assistance Provider Fee Manual, dated October 1986[. All the provisions of this document], the provisions of which, unless specifically excepted, are incorporated by reference in COMAR 10.09.02.07. The State portion of reimbursement is provided by the Maryland State Department of Education.

[F. Reimbursement for behavior services is contained in the Maryland Medical Assistance Program Physicians’ Services Provider Fee Manual, Revision July—December 2011, contained in the Medical Assistance Provider Fee Manual, dated October 1986. All the provisions of this document, unless specifically excepted, are incorporated by reference. The State portion is provided by the Maryland State Department of Education.]

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Health-General Article, §§2-104, 15-102.3, and 15-103; Insurance Article, §§15-112, 15-605, and 15-1008; Annotated Code of Maryland

Notice of Proposed Action
[15-404-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .19 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**.

Statement of Purpose

The purpose of this action is to implement the mid-year adjustment to the calendar year 2015 HealthChoice MCO's rates and to implement the calendar year 2016 HealthChoice MCO's rates.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The HealthChoice CY 2015, MCO Midyear rate adjustment is an overall increase of \$150,781,910, primarily due to an adjustment to the 100 percent federally funded childless adult rates. However, this overall increase includes a \$57,111,579 general fund decrease due to decreasing the non-childless adults' rates to the lower bound, decreasing physician fees to 92 percent of Medicare rates and adjusting for HSCRC hospital rate changes.

The HealthChoice CY 2016 MCO rate adjustment is an increase of \$41,509,343 or 5.9 percent. This increase includes an observed medical trend increase of 1.75 percent. Additionally, the childless adult population within HealthChoice includes a 3.6 percent increase due to the impact of the updated CY 2014 experience.

The combined total related to the MCO CY 2015 Midyear (\$-57,111,579) and CY 2016 (\$41,509,343), rates is \$-15,602,236.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E-)	\$15,602,236
B. On other State agencies:	NONE	
C. On local governments:	NONE	

Benefit (+) Cost (-)	Magnitude
-------------------------	-----------

D. On regulated industries or trade groups:	(-)	\$15,602,236
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.)

A. For CY 2015 there is an overall decrease of \$57,111,579 in general funds.

For CY 2016, there is a 5.9 percent (\$41,509,343) increase to the Department's expenses due to the rate increase.

D. For CY 2015 there is an overall decrease of \$57,111,579 in general funds.

For CY 2016, there is an overall 5.9 percent (\$41,509,343) increase to the MCOs revenue.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.reg@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.19 MCO Reimbursement.

- A. (text unchanged)
- B. Capitation Rate-Setting Methodology.
 - (1)—(3) (text unchanged)
 - (4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1—.19-4 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:

[(a)—(d)] (proposed for repeal)
(a) Rate Table for Families and Children Effective July 1, 2015 — December 31, 2015

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	PMPM Rest of State
	Under age 1 Birth Weight 1500 grams or less	Both	\$7,694.16	\$6,485.95	\$6,779.66

PROPOSED ACTION ON REGULATIONS

	<i>Under age 1 Birth Weight over 1500 grams</i>	<i>Both</i>	<i>\$424.31</i>	<i>\$357.68</i>	<i>\$373.88</i>
	<i>1-5</i>	<i>Male</i>	<i>\$204.32</i>	<i>\$172.23</i>	<i>\$180.03</i>
		<i>Female</i>	<i>\$161.74</i>	<i>\$136.36</i>	<i>\$142.52</i>
	<i>6-14</i>	<i>Male</i>	<i>\$96.84</i>	<i>\$81.63</i>	<i>\$85.33</i>
		<i>Female</i>	<i>\$96.06</i>	<i>\$80.98</i>	<i>\$84.65</i>
	<i>15-20</i>	<i>Male</i>	<i>\$108.05</i>	<i>\$91.08</i>	<i>\$95.21</i>
		<i>Female</i>	<i>\$174.64</i>	<i>\$147.22</i>	<i>\$153.88</i>
	<i>21-44</i>	<i>Male</i>	<i>\$232.79</i>	<i>\$178.60</i>	<i>\$204.44</i>
		<i>Female</i>	<i>\$356.17</i>	<i>\$273.25</i>	<i>\$312.79</i>
	<i>45-64</i>	<i>Male</i>	<i>\$512.71</i>	<i>\$393.35</i>	<i>\$450.27</i>
		<i>Female</i>	<i>\$565.39</i>	<i>\$433.76</i>	<i>\$496.54</i>
<i>ACG—adjusted cells</i>					
<i>ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200 5230, 5310, 5339</i>	<i>RAC 1F</i>	<i>Both</i>	<i>\$210.85</i>	<i>\$161.76</i>	<i>\$185.17</i>
<i>ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340</i>	<i>RAC 2F</i>	<i>Both</i>	<i>\$331.03</i>	<i>\$253.97</i>	<i>\$290.72</i>
<i>ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820</i>	<i>RAC 3F</i>	<i>Both</i>	<i>\$431.03</i>	<i>\$330.68</i>	<i>\$378.53</i>
<i>ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040</i>	<i>RAC 4F</i>	<i>Both</i>	<i>\$606.15</i>	<i>\$465.03</i>	<i>\$532.33</i>
<i>ACG 4430, 4730, 4930, 5030, 5050</i>	<i>RAC 5F</i>	<i>Both</i>	<i>\$803.57</i>	<i>\$616.49</i>	<i>\$705.71</i>
<i>ACG 4940, 5060</i>	<i>RAC 6F</i>	<i>Both</i>	<i>\$1,029.15</i>	<i>\$789.55</i>	<i>\$903.81</i>
<i>ACG 5070</i>	<i>RAC 7F</i>	<i>Both</i>	<i>\$1,648.64</i>	<i>\$1,264.83</i>	<i>\$1,447.87</i>
<i>ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200</i>	<i>RAC 1G</i>	<i>Both</i>	<i>\$80.41</i>	<i>\$67.79</i>	<i>\$70.86</i>
<i>ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310</i>	<i>RAC 2G</i>	<i>Both</i>	<i>\$110.25</i>	<i>\$92.94</i>	<i>\$97.15</i>

PROPOSED ACTION ON REGULATIONS

1620

ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3G	Both	\$140.78	\$118.67	\$124.05
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4G	Both	\$196.78	\$165.88	\$173.39
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 5G	Both	\$258.70	\$218.07	\$227.95
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6G	Both	\$324.01	\$273.13	\$285.50
ACG 4430, 4730, 4930, 4940, 5030, 5050, 5060, 5070	RAC 7G	Both	\$771.45	\$650.31	\$679.76
SOBRA Mothers			\$681.39	\$522.76	\$598.41
Persons with HIV	ALL	Both	\$567.41	\$567.41	\$567.41

(b) Rate Table for Disabled Individuals Effective July 1, 2015—December 31, 2015

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	PMPM Rest of State
	<i>Under Age 1</i>	<i>Both</i>	\$4,608.87	\$4,608.87	\$4,608.87
	<i>1-5</i>	<i>Male</i>	\$1,058.04	\$1,058.04	\$1,058.04
		<i>Female</i>	\$1,076.18	\$1,076.18	\$1,076.18
	<i>6-14</i>	<i>Male</i>	\$274.50	\$274.56	\$274.56
		<i>Female</i>	\$375.68	\$375.68	\$375.68
	<i>15-20</i>	<i>Male</i>	\$176.01	\$176.01	\$176.01
		<i>Female</i>	\$411.05	\$411.05	\$411.05
	<i>21-44</i>	<i>Male</i>	\$982.06	\$782.68	\$788.90
		<i>Female</i>	\$1,151.92	\$918.03	\$925.33
	<i>45-64</i>	<i>Male</i>	\$1,691.54	\$1,348.08	\$1,358.80
		<i>Female</i>	\$1,868.29	\$1,488.95	\$1,500.78
ACG—adjusted cells					
ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310	RAC 10	Both	\$253.72	\$202.20	\$203.81

ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC 11	Both	\$313.83	\$250.11	\$252.10
ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820	RAC 12	Both	\$623.82	\$497.16	\$501.11
ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320	RAC13	Both	\$678.50	\$540.74	\$545.03
ACG 800, 4430, 4510, 4610, 5040, 5340	RAC14	Both	\$870.61	\$693.84	\$699.35
ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050	RAC15	Both	\$1,208.39	\$963.04	\$970.69
ACG 4730, 4930, 5010	RAC16	Both	\$1,276.91	\$1,017.65	\$1,025.73
ACG 4940, 5020, 5060	RAC17	Both	\$1,712.90	\$1,365.11	\$1,375.96
ACG 5030, 5070	RAC 18	Both	\$3,121.65	\$2,487.82	\$2,507.59
Persons with AIDS	All	Both	\$2,281.32	\$1,440.60	\$1,440.60
Persons with HIV	All	Both	\$1,586.71	\$1,586.71	\$1,586.71

(c) Rate Table for Supplemental Payments for Delivery/Newborn and Hepatitis C Therapy Effective July 1, 2015—December 31, 2015

	Age	Gender	Baltimore City	Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	Rest of State
<i>Supplemental Payment Cells</i>					
Delivery/Newborn-all births except live birth weight 1,500 grams or less	All	Both	\$13,752.36	\$10,885.89	\$11,424.51
Delivery/Newborn-live birth weight 1,500 grams or less	All	Both	\$68,538.66	\$70,225.77	\$70,225.77
Delivery/Newborn by same enrollee-subsequent live birth weight 1,500 grams or less	All	Both	\$13,752.36	\$11,149.01	\$11,700.64
Hepatitis C Therapy (per member per month)	All	Both	\$30,960.86	\$30,960.86	\$30,960.86

(d) Rate Table for Childless Adult Population Effective July 1, 2015—December 31, 2015

	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	PMPM Rest of State
Under 45 Male	\$452.20	\$346.92	\$397.13
Under 45 Female	\$554.53	\$425.43	\$487.00
45-64 Male	\$927.38	\$711.48	\$814.44
45-64 Female	\$922.73	\$707.91	\$810.36

PROPOSED ACTION ON REGULATIONS

1622

HIV	\$911.37	\$699.20	\$800.38
-----	----------	----------	----------

(e) Rate Table for Families and Children Effective January 1, 2016 — December 31, 2016

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	PMPM Rest of State
	Under age 1 Birth Weight 1500 grams or less	Both	\$7,743.63	\$7,005.21	\$7,065.24
	Under age 1 Birth Weight over 1500 grams	Both	\$482.83	\$436.79	\$440.53
	1-5	Male	\$200.07	\$180.99	\$182.54
		Female	\$160.30	\$145.01	\$146.26
	6-14	Male	\$103.44	\$93.58	\$94.38
		Female	\$94.07	\$85.10	\$85.83
	15-20	Male	\$108.97	\$98.58	\$99.43
		Female	\$169.12	\$152.99	\$154.30
	21-44	Male	\$243.37	\$184.76	\$208.08
		Female	\$363.85	\$276.22	\$311.08
	45-64	Male	\$516.78	\$392.33	\$441.84
		Female	\$579.54	\$439.97	\$495.50
ACG—adjusted cells					
ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200 5230, 5310, 5339	RAC 1F	Both	\$234.71	\$178.19	\$200.68
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 2F	Both	\$365.76	\$277.68	\$312.72
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 3F	Both	\$509.74	\$386.98	\$435.82
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 4F	Both	\$700.96	\$532.15	\$599.31
ACG 4430, 4730, 4930, 5030, 5050	RAC 5F	Both	\$912.11	\$692.45	\$779.85
ACG 4940, 5060	RAC 6F	Both	\$1,186.61	\$900.84	\$1,014.54
ACG 5070	RAC 7F	Both	\$1,937.57	\$1,470.95	\$1,656.60

PROPOSED ACTION ON REGULATIONS

ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200	RAC 1G	Both	\$83.33	\$75.38	\$76.03
ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC 2G	Both	\$108.76	\$98.39	\$99.23
ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339	RAC 3G	Both	\$144.25	\$130.50	\$131.62
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 4G	Both	\$199.24	\$180.24	\$181.78
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 5G	Both	\$291.56	\$263.75	\$266.02
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 6G	Both	\$335.25	\$303.28	\$305.88
ACG 4430, 4730, 4930, 4940, 5030, 5050, 5060, 5070	RAC 7G	Both	\$836.47	\$756.71	\$763.19
SOBRA Mothers			\$805.89	\$611.81	\$689.03
Persons with HIV	ALL	Both	\$545.73	\$545.73	\$545.73

(f) Rate Table for Disabled Individuals Effective January 1, 2016—December 31, 2016

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties	PMPM Rest of State
	Under Age 1	Both	\$5,026.41	\$5,026.41	\$5,026.41
	1-5	Male	\$1,435.12	\$1,435.12	\$1,435.12
		Female	\$1,214.16	\$1,214.16	\$1,214.16
	6-14	Male	\$282.11	\$282.11	\$282.11
		Female	\$489.96	\$489.96	\$489.96
	15-20	Male	\$176.91	\$176.91	\$176.91
		Female	\$318.52	\$318.52	\$318.52
	21-44	Male	\$984.85	\$842.67	\$837.04
		Female	\$1,226.41	\$1,049.36	\$1,042.34
	45-64	Male	\$1,925.30	\$1,647.35	\$1,636.33
		Female	\$1,896.96	\$1,623.10	\$1,612.25

PROPOSED ACTION ON REGULATIONS

1624

<i>ACG—adjusted cells</i>					
<i>ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310</i>	<i>RAC 10</i>	<i>Both</i>	<i>\$261.77</i>	<i>\$223.98</i>	<i>\$222.48</i>
<i>ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330</i>	<i>RAC 11</i>	<i>Both</i>	<i>\$344.31</i>	<i>\$294.60</i>	<i>\$292.63</i>
<i>ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820</i>	<i>RAC 12</i>	<i>Both</i>	<i>\$655.79</i>	<i>\$561.12</i>	<i>\$557.37</i>
<i>ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320</i>	<i>RAC13</i>	<i>Both</i>	<i>\$742.26</i>	<i>\$635.10</i>	<i>\$630.85</i>
<i>ACG 800, 4430, 4510, 4610, 5040, 5340</i>	<i>RAC14</i>	<i>Both</i>	<i>\$901.50</i>	<i>\$771.35</i>	<i>\$766.20</i>
<i>ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050</i>	<i>RAC15</i>	<i>Both</i>	<i>\$1,257.74</i>	<i>\$1,076.16</i>	<i>\$1,068.97</i>
<i>ACG 4730, 4930, 5010</i>	<i>RAC16</i>	<i>Both</i>	<i>\$1,339.25</i>	<i>\$1,145.91</i>	<i>\$1,138.25</i>
<i>ACG 4940, 5020, 5060</i>	<i>RAC17</i>	<i>Both</i>	<i>\$1,912.89</i>	<i>\$1,636.73</i>	<i>\$1,625.79</i>
<i>ACG 5030, 5070</i>	<i>RAC 18</i>	<i>Both</i>	<i>\$3,374.05</i>	<i>\$2,886.94</i>	<i>\$2,867.64</i>
<i>Persons with AIDS</i>	<i>All</i>	<i>Both</i>	<i>\$2,233.89</i>	<i>\$1,272.50</i>	<i>\$1,272.50</i>
<i>Persons with HIV</i>	<i>All</i>	<i>Both</i>	<i>\$1,487.41</i>	<i>\$1,487.41</i>	<i>\$1,487.41</i>

(g) Rate Table for Supplemental Payments for Delivery/Newborn and Hepatitis C Therapy Effective January 1, 2016—December 31, 2016

	<i>Age</i>	<i>Gender</i>	<i>Baltimore City</i>	<i>Allegany, Frederick, Garrett, Montgomery, Prince George's, and Washington Counties</i>	<i>Rest of State</i>
<i>Supplemental Payment Cells</i>					
<i>Delivery/Newborn-all births except live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$13,656.29</i>	<i>\$10,784.85</i>	<i>\$11,076.82</i>
<i>Delivery/Newborn-live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$71,476.85</i>	<i>\$71,476.85</i>	<i>\$71,476.85</i>
<i>Delivery/Newborn by same enrollee-subsequent live birth weight 1,500 grams or less</i>	<i>All</i>	<i>Both</i>	<i>\$13,656.29</i>	<i>\$10,784.85</i>	<i>\$11,076.82</i>
<i>Hepatitis C Therapy (per member per month)</i>	<i>All</i>	<i>Both</i>	<i>\$31,370.40</i>	<i>\$31,370.40</i>	<i>\$31,370.40</i>

PROPOSED ACTION ON REGULATIONS

(h) Rate Table for Childless Adult Population Effective January 1, 2016—December 31, 2016

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest of State
	19-44	Male	\$507.68	\$357.65	\$444.09
	19-44	Female	\$618.45	\$435.69	\$540.99
	45-64	Male	\$1,085.87	\$764.98	\$949.87
	45-64	Female	\$1,069.12	\$753.18	\$935.23
ACG—adjusted cells					
ACG 100, 200, 300, 400, 500, 600, 700, 900, 1000, 1100, 1200, 1300, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3800, 4210, 5100, 5110, 5200 5230, 5310, 5339	RAC 1H	Both	\$263.18	\$185.41	\$230.22
ACG 800, 1740, 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC 2H	Both	\$484.90	\$341.61	\$424.17
ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820	RAC 3H	Both	\$744.87	\$524.75	\$651.58
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC 4H	Both	\$821.32	\$578.61	\$718.46
ACG 4430, 4730, 4930, 5030, 5050	RAC 5H	Both	\$1,043.29	\$734.99	\$912.63
ACG 4940, 5060	RAC 6H	Both	\$1,321.33	\$930.86	\$1,155.84
ACG 5070	RAC 7H	Both	\$1,932.21	\$1,361.21	\$1,690.21
HIV	19-64	Both	\$897.43	\$897.43	\$897.43

[(e)] (i)—[(h)] (l) (text unchanged)

(5) (text unchanged)

C.—D. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.84 Community First Choice

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[15-406-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.07, .13, .15, .20, and .22—.24 under **COMAR 10.09.84 Community First Choice**.

Statement of Purpose

The purpose of this action is to limit provision of personal assistance services to agencies that meet conditions of participation under this chapter and to adopt technical revisions consistent with the provisions of COMAR 10.09.20 Community Personal Assistance Services.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 an impact on individuals with disabilities as follows:

The proposed action affects providers of services to individuals with disabilities, but should have no significant impact on eligibility, access, or amount of services received by individuals.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Purpose.

[A.] The purpose of Community First Choice is to provide certain home and community-based services and supports, as an alternative to institutional placements, to individuals who[

- (1) Are eligible for Medicaid under:
 - (a) A home and community-based services waiver; or
 - (b) The State Plan; and
- (2) Have] *have* been determined to require an institutional level of care.

[B. Community First Choice is designed as a system of personal assistance that:

- (1) Supports participants' ability to direct their own services;
- (2) Supports participants in the home with personal assistance and other services; and
- (3) Establishes adequate rates for provider reimbursement.]

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1) (text unchanged)
- (2) "Applicant" means an individual who is applying to [participate in the Program and] receive services under this chapter.
- (3) "Assistance" means that another individual:
 - (a)—(b) (text unchanged)
 - (c) [Is present while the participant performs the activity] *Monitors the participant's performance of the activity in order to ensure health and safety;* or
 - (d) (text unchanged)
 - (4)—(5) (text unchanged)
 - (6) "Certified medication technician (CMT)" means an individual, regardless of title, who:
 - (a) Completes a [20-hour] course in medication administration approved by the Maryland Board of Nursing;
 - (b) (text unchanged)
 - (c) Performs medication administration tasks delegated by a nurse [monitor] in accordance with COMAR 10.27.11.
 - (7)—(9) (text unchanged)
 - (10) "[Conflict] *Conflicts* of interest" means [a] real or seeming incompatibility between one's private interests and one's public or fiduciary duties.
 - (11) "Delegated nursing functions" means nursing services provided to a participant by an enrolled personal assistance [provider] *worker* under the supervision of a:
 - (a)—(b) (text unchanged)
 - (12) (text unchanged)
 - (13) "Family member" means:
 - (a) A spouse;
 - (b) A parent of a minor dependent child; or
 - (c) An individual who has full and unrestricted powers of guardianship of person or property.
 - (14) "Fiscal intermediary" means an agency that is under contract with the Department to provide certain services performed on behalf of the Department or the participant, or both, such as:
 - (a) Employer-related payroll functions, including:
 - (i) State and federal tax withholding;
 - (ii) Withholding of union dues; and
 - (iii) Social Security withholding; and
 - (b) Verification of eligible services and providers to be reimbursed by the Program, including preauthorizations.]
 - (15)] (13)—[(16)] (14) (text unchanged)
 - (17)] (15) "Instrumental activities of daily living [(IADLs)]" means tasks or activities that include, but are not limited to:
 - (a)—(i) (text unchanged)
 - (18) "Local health department" means the local agency which, in accordance with COMAR 10.09.30 and this chapter:
 - (a) Assesses applicants;
 - (b) Reassesses participants at least every 12 months, or upon a significant change of health status;
 - (c) Participates on a multidisciplinary team to develop an applicant's plan of care; and
 - (d) Participates on a multidisciplinary team to review, and revise as necessary, a participant's plan of care at least every 12 months.]
 - (19)] (16) (text unchanged)
 - (20)] (17) "Medically necessary" means that the service or benefit is:
 - (a)—(c) (text unchanged)
 - (d) Not primarily for the convenience of the participant, the participant's family, [or] the provider, *or the worker*.
 - (21)] (18)—[(24)] (21) (text unchanged)
 - (25) "Participant-employed" means a person employed by the participant who will render personal assistance services and meets requirements of Regulation .06 of this chapter.

(26) “Person-centered” means that the plan reflects what is important to the individual, what is important for his or her health and welfare, and is developed with input from the individual and the individual’s representative when applicable.]

[(27)] (22) “Personal assistance provider agency” means a public or private agency that:

(a) Employs or contracts with personal assistance [providers] *workers*; and

(b) (text unchanged)

[(28)] (23) (text unchanged)

[(29)] (24) “Plan of service” means the written [person-centered support plan developed by the applicant or participant] *support plan that*:

(a) *Reflects what is important to the individual and what is important for his or her welfare; and*

(b) *Is developed with support from the supports planner [and] with input from the individual and, when applicable, the individual’s representative[, when applicable].*

[(30)] (25) [“Preauthorization”] *“Preauthorized”* means [an approval required from] *approved by* the Department or its designee before services can be rendered.

[(31)] (26)—[(35)] (30) (text unchanged)

[(36)] (31) “Representative” means [the]:

(a) *The person authorized by the individual, on the form provided by the Department, to serve as a representative in connection with the provision of Community First Choice services and supports[.]; or*

(b) *The individual who signs the plan of service on the participant’s behalf.*

[(37)] “Self-direct” means a consumer-controlled method of selecting and providing services and supports that allows the individual maximum control of the home and community-based personal assistance services and supports, with the individual acting as the employer of record with necessary supports to perform that function, or the individual having a significant and meaningful role in the management of a provider of service when services are provided by an agency.]

[(38)] (32) “Supports planner” means an individual who coordinates services, including:

(a) Supporting development of a [person-centered] plan of service;

(b)—(c) (text unchanged)

[(39)] (33) “Telephonic timekeeping system” means a system developed by the Department for [providers] *workers* to time stamp the start and finish of services provided to a participant.

(34) *“Worker” means an individual who is employed by or contracts with a personal assistance provider agency to provide personal assistance services.*

.03 Requirements for Provider Licensing or Certification.

[A.] The following health professionals providing services under this chapter shall be licensed to practice in the jurisdiction in which services are rendered:

[(1)] A.—[(10)] J. (text unchanged)

[B. A personal assistance provider who renders personal assistance services in his or her home shall be licensed under COMAR 10.07.14.]

.04 Participant Eligibility.

A. To [be eligible for participation] *participate in the Program*, a participant shall [be determined by the Department to]:

(1) [Require] *Be determined by the Department to need* the level of care provided in a hospital, nursing facility, or an intermediate care facility for individuals with intellectual disabilities;

(2) Be eligible for Medicaid under an eligibility group defined in COMAR 10.09.24, *except for Regulations .02B(57), .03C, .03-1—.03-3, and .05-3*; and

(3) (text unchanged)

B. To be eligible for participation, a participant shall have an active plan of service. The plan of service shall:

(1) (text unchanged)

(2) Address the applicant’s or participant’s *health and safety* needs;

(3) (text unchanged)

(4) Specify the [name of the personal assistance] provider [or] agency providing personal assistance services; and

(5) Include the signature of the [participant or]:

(a) *Participant or, when applicable, the individual’s representative [if applicable, the supports];*

(b) *Supports planner[, and the personal]; and*

(c) *Personal assistance provider agency* listed within the plan of service.

C.—D. (text unchanged)

.05 Conditions for Provider Participation — General Requirements.

A. To participate as a provider of a service covered under this chapter, a provider:

(1) Shall meet all of the conditions for participation as a [Maryland Medical Assistance Program] *Medicaid* provider as set forth in COMAR 10.09.36, except as otherwise specified in this chapter;

(2) Shall obtain written verification of the qualifications of all individuals who render services on the provider’s behalf[,] and provide a copy of the current license or credentials [upon] *on* request;

(3)—(4) (text unchanged)

(5) Shall agree to provide services, and to subsequently bill the Department in accordance with the reimbursement methodology specified in this chapter, for only those services covered under this chapter which have been:

(a) [Pre-approved] *Preauthorized* in the participant’s plan of service;

(b)—(c) (text unchanged)

(6) Shall agree to maintain and have available written documentation of services, including dates and hours of services provided to participants, for a period of 6 years *from the date of service*, in a manner approved by the Department;

(7) Shall agree not to suspend, terminate, increase, or reduce services for an individual without authorization from the Department and only after consultation and [agreement] *input* from the participant or [a], *when applicable, the* participant’s representative [when applicable];

(8) Shall submit a transition plan to the case manager or supports planner and participant or, *when applicable, the* participant’s representative [when applicable] when suspending or terminating services;

(9)—(10) (text unchanged)

B. To participate as a provider of a service covered under this chapter, a provider or its principals may not, within the past 24 months, have:

(1) Had a license or certificate suspended or revoked as a health care provider, health care facility, or [provider of] direct care services *worker*;

(2)—(6) (text unchanged)

C. (text unchanged)

.06 Specific Conditions for Provider Participation — Personal Assistance [Services].

[A. To participate in the Program as a consumer-employed provider of personal assistance services under this chapter, unless otherwise exempted under §E of this regulation, a personal assistance provider shall:

- (1) Be at least 18 years old;
- (2) Be legally eligible for employment rendering personal assistance services in the State;
- (3) Be able to communicate, read, write, and follow directions in English;
- (4) Be currently certified by an organization accepted by the Department to provide training in the following areas:
 - (a) Cardiopulmonary resuscitation; and
 - (b) Basic first aid;
- (5) Accept instruction on the personal assistance services required in the participant's plan of service from the following:
 - (a) The participant;
 - (b) The nurse monitor;
 - (c) The supports planner;
 - (d) A treating physician or nurse practitioner;
 - (e) Other involved professionals; and
 - (f) An individual from the Department;
- (6) Be selected by the participant;
- (7) Submit to a pre-employment criminal background investigation for which the prospective provider shall:
 - (a) Submit an application for a criminal history record check to the Criminal Justice Information System Office, Department of Public Safety and Correctional Services; and
 - (b) Direct the Department of Public Safety and Correctional Services to send the criminal history report to the Department;
- (8) Agree to use a telephonic timekeeping system to:
 - (a) Document time; and
 - (b) Submit claims for payment;
- (9) Understand and carry out the participant's plan of service;
- (10) If performing delegated nursing functions, be supervised by a nurse monitor in accordance with COMAR 10.27.11; and
- (11) Before rendering services to any participant, be determined by the nurse monitor to be competent to perform any delegated nursing tasks.

B. To participate in the Program as a participant-employed provider of personal assistance services, a personal assistance provider may not:

- (1) Be the participant's family member;
- (2) Be the participant's representative;
- (3) Have been convicted of, received a probation before judgment for, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude or theft, or have any other criminal history that indicates behavior which is potentially harmful to participants; or
- (4) Be cited on the Board of Nursing Alert or any other registries with a determination of abuse, misappropriation of property, financial exploitation, or neglect.

C. An agency that provides personal assistance services shall:]

A. *Personal assistance service providers shall:*

- (1) (text unchanged)
- (2) Employ a registered nurse who shall:
 - (a) (text unchanged)
 - (b) Participate in developing the [provider] *worker* instructions and in assigning appropriate personnel;
 - (c) (text unchanged)
 - (d) Participate in instructing the [individuals] *workers* who will provide the assistance, when indicated;

[(3) Employ individuals to provide personal assistance services who meet the conditions of §§A and B of this regulation;

(4) Either provide services directly through their employees or arrange for the provision of services under the direction of the individual receiving services;]

(3) *Employ workers who will accept instruction on the personal assistance services required in the participant's plan of service from the following:*

- (a) *The participant or, when applicable, the participant's representative;*
- (b) *The nurse monitor;*
- (c) *A treating physician or nurse practitioner; or*
- (d) *An individual from the Department;*

[(5)] (4) Allow participants to have a significant role [in the selection and dismissal of the providers of their choice, for the delivery of their specific care, and for the services and supports identified in their person-centered service plan;] *in the delivery of their specific care including:*

- (a) *Directing the services and supports identified in their plan of service; and*
- (b) *Exercising as much control as desired to select, train, schedule, determine duties, and dismiss the personal assistance worker in their home;*

[(6)] (5)—[(8)] (7) (text unchanged)

[(9)] (8) [Apply] *If applicable, apply* for a new license [if applicable,] whenever ownership is to be transferred from the person or organization named on the license to another person or organization in time to assure continuity of services;

[(10)] (9)—[(11)] (10) (text unchanged)

[D. A participant-employed or agency-employed provider of personal assistance services]

B. A *worker* who performs delegated nursing services in accordance with COMAR 10.27.11 shall:

(1)—(2) (text unchanged)

[E. Exemptions.

(1) Subject to approval by the Department, participant-employed providers of personal assistance services may be exempted from the qualifications of §§A(1),(3),(4), and B(3) of this regulation, if:

(a) The exemption is made at the request of the participant that the provider serves; and

(b) The exemption request is submitted in a format designated by the Department.

(2) Providers that have been exempted from any qualification may only serve the participant or participants who have requested the exemption.

(3) The Department may:

- (a) Grant conditional exemptions; and
- (b) Revoke exemptions for cause.

F. If requested by the agency or applicant to provide personal assistance services the Department may waive the provisions of §B(3) of this regulation if the agency or applicant demonstrates that:

(1) The conviction, probation before judgment, or a plea of nolo contendere to a felony or any crime involving moral turpitude or theft was entered more than 10 years before the date of the provider application; and

(2) The criminal history does not indicate behavior that is potentially harmful to participants.

G. A participant-employed provider may not be enrolled on or after July 1, 2015.]

C. *A personal assistance provider agency may not assign the participant's representative to provide services to that participant.*

.07 Specific Conditions for Provider Participation — Supports Planning.

To participate in the Program as a supports planning provider under Regulation .15 of this chapter, a provider shall:

A. *Be free from conflicts of interest;*

[A. Be identified by the Department through a solicitation process and agree]

B. *Agree to be monitored by the Department; [or] and*

C. *Be:*

(1) *Identified by the Department through a solicitation process;*

or

[B.] (2) [Be the] *The area agency on aging that is enrolled to provide case management services under COMAR 10.09.54.*

.13 Covered Services — General.

The Program shall reimburse for the services specified in Regulations .14—.21 of this chapter, when, pursuant to the requirements of this chapter, these services have been [pre-approved] *preauthorized* by the Department in the participant’s plan of service, billed in accordance with the payment procedures in Regulation .24 of this chapter, and documented as necessary to prevent institutionalization.

.15 Covered Services — Supports Planning.

A. (text unchanged)

B. Supports planning services shall:

(1)—(2) (text unchanged)

(3) Support the participant to self-direct services[; and

(4) Allow participants to] *and exercise as much control as desired to select, train, supervise, schedule, determine duties, and dismiss the personal assistance worker[.]; and*

(4) *Ensure freedom of choice among any willing provider for all services.*

C. Supports planning services include time spent by a qualified provider conducting any of the following activities:

(1) Assisting the participant in developing a [person-centered] plan of service in consultation with the applicant or participant and any individual requested by the participant[.];

(2)—(7) (text unchanged)

.20 Covered Services — Nurse Monitoring.

A. (text unchanged)

B. The program covers the following services when provided by a nurse monitor:

[(1) Developing provider instructions for personal assistance;

(2) Instructing the individual providing personal assistance services concerning the services required under the participant’s provider instructions and the conditions that should be brought to the attention of the supports planner, nurse monitor, or personal physician;

(3) Availability]

(1) *Being available to give instruction and to answer questions;*

[(4)] (2)—[(5)] (3) (text unchanged)

C. The Program covers nurse monitoring services according to the following schedule:

(1) (text unchanged)

(2) Additional nurse monitoring services in accordance with COMAR 10.27.09 and 10.27.11 at a frequency established in conjunction with the participant[, and the] *or, when applicable, the participant’s representative [when applicable], based on the participant’s medical condition or clinical status.*

D. Home and Workplace Visits.

(1) The nurse monitoring provider shall use the home or workplace visit for the following purposes:

(a) To assess the participant’s condition;

[(b) To delegate nursing tasks to a CNA or CMT in accordance with COMAR 10.27.09 and 10.27.11;]

[(c)] (b) To assess the quality of personal assistance services; *and*

[(d) To provide instruction and training to the individual providing personal assistance services; and]

[(e)] (c) To determine the need for discharge from personal assistance services or referral to other services.

(2) The nurse monitor shall assess the quality of personal assistance services by:

(a) Reviewing [the provider instructions;] documentation related to the provision of personal assistance services; and

[(b) Observing the interactions and relationship between the participant and the individual providing personal assistance services;]

[(c)] (b) Observing the performance of the [individual providing personal assistance services; and] *worker, as appropriate.*

[(d) Evaluating the performance of individuals to whom nursing tasks have been delegated.]

.22 Conditions for Reimbursement.

The Program shall reimburse for the services specified in Regulations .14—.21 of this chapter, if provided in accordance with the requirements of this chapter and if the service:

A. (text unchanged)

B. Has been [pre-approved] *preauthorized* by the Department in the participant’s plan of service;

C.—E. (text unchanged)

.23 Limitations.

A.—B. (text unchanged)

C. The Program does not cover the following services:

(1)—(3) (text unchanged)

(4) Expenses related to room and board for either the participant or the [personal assistance provider] *worker;*

(5) Transition services more than 60 days post transition; *or*

(6) Personal assistance services provided outside the State for more than 14 days per calendar year[; or].

[(7) Personal assistance services rendered by a participant-employed provider on or after October 1, 2015.]

[D. The Department may not accept or approve plans of service with participant-employed providers on or after August 1, 2015.]

D. *Payment for supports planning and nurse monitoring services shall be limited to direct services to the participant and may not be made for:*

(1) *Administrative overhead;*

(2) *Travel;*

(3) *Internal quality monitoring activities;*

(4) *Staff supervision, training, or consultation; or*

(5) *Services rendered by an individual supports planner or nurse monitor in excess of 7 hours per day unless preauthorized by the Department in writing.*

.24 Payment Procedures.

A. Request for Payment — Personal Assistance. To receive payment as a [provider of] personal assistance [services] *provider agency* under Regulation .14 of this chapter, a provider *and its workers* shall use the telephonic timekeeping system approved by the Department to:

(1)—(2) (text unchanged)

B.—C. (text unchanged)

D. Payments.

(1) Payments for services rendered to a participant shall be made[:

(a) Directly] *directly* to a qualified provider[; or

(b) Through a fiscal intermediary who shall:

(i) Verify that expenditures are allowable according to a participant's plan of service and budget; and

(ii) Deduct fees and taxes as appropriate;].

(2) [Providers] *A provider* shall be paid the lesser of:

(a) [Their] *The provider's* usual and customary charge to the general public *unless the service is free to individuals not covered by Medicaid*; or

(b) The rate established *under §E of this regulation or* according to the fee schedule published by the Department.

E. Rates.

(1) The rate of payment to [agencies for] personal assistance *provider agencies* shall be \$16.48 per hour; *and*

[(2) The rate of payment to participant-employed personal assistance providers shall be \$12.58 per hour, unless a participant chooses to self-direct their services in which case the participant may set the rate of payment at no less than \$11.75 and not more than \$14.63 per hour;]

(2) *Payment to personal assistance agencies for services provided by a personal assistance worker to each of two participants in the same residence shall be \$10.99 per hour.*

[(3) The Program's rate] *F. The rates in §E of this regulation shall increase on July 1 of each year, subject to the limitations of the State budget, by the lesser of:*

(a)—(b) (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

Subtitle 32 BOARD OF PHYSICIANS

Notice of Proposed Action

[15-407-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation **.02** under **COMAR 10.32.09 Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Devices;**

(2) Regulations **.02** and **.04** under **COMAR 10.32.12 Delegation of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized Under the Health Occupations Article or the Education Article.**

This action was considered at a public meeting held September 30, 2015 notice of which was given by publication on the Board of Physicians website <http://www.mbp.state.md.us/forms/sep16Fullagenda.pdf> from September 16 through September 30, 2015, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Delete "microdermabrasion device" as a cosmetic medical device;

(2) Delete "microdermabrasion" as a cosmetic medical procedure and replace it with "dermabrasion";

(3) Define "dermabrasion";

(4) Revise delegable acts to include "microdermabrasion" to the list of actions that can be delegated by a physician to an unlicensed medical assistant without on-site supervision; and

(5) Define "microdermabrasion."

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

10.32.09 Delegation and Assignment of Performance of Cosmetic Medical Procedures and Use of Cosmetic Medical Devices

Authority: Health Occupations Article, §§14-205, 14-306, 14-404, 14-606, and 15-302, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) Cosmetic Medical Device.

(a) (text unchanged)

(b) "Cosmetic medical device" includes any of the following items, when the item is used for cosmetic purposes:

(i)—(ii) (text unchanged)

(iii) Device emitting radio frequency, electric pulses, or sound waves; *and*

[(iv) Microdermabrasion device; and]

[(v)] (iv) (text unchanged)

(5) Cosmetic Medical Procedure.

(a) (text unchanged)

(b) "Cosmetic medical procedure" includes the following:

(i)—(v) (text unchanged)

(vi) [Microdermabrasion] *Dermabrasion*;

(vii)—(ix) (text unchanged)

(6)—(7) (text unchanged)

(8) "*Dermabrasion*" means an abrasive process to remove epidermis and superficial dermis, resulting in a smoothing of contour irregularities.

[(8)] (9)—[(12)] (13) (text unchanged)

10.32.12 Delegation of Acts by a Licensed Physician to an Assistant Not Otherwise Authorized Under the Health Occupations Article or the Education Article

Authority: Health General Article, §§19-114 and 19-118; Health Occupations Article, §14-306; Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(5) (text unchanged)

(6) "*Microdermabrasion*" means the use of a minimally invasive technique to gently exfoliate the dead, outermost layer of skin and is a method for improving superficial, environmental, aging, and hereditary skin changes by superficial, mechanically powered

abrasion, often combined with application of topical crystals such as vitamin C.

[(6)] (7)—[(9)] (10) (text unchanged)

.04 Scope of Delegation.

A.—C. (text unchanged)

D. At sites not included in Health-General Article, §§19-114 and 19-3B-01(b), Annotated Code of Maryland, when providing the following specified levels of supervision, a physician may delegate to an assistant technical acts which include but are not limited to:

(1) Without on-site supervision:

(a)—(g) (text unchanged)

(h) Providing sample packets of medication, selected by a physician who is physically present at the time of selection, to patients as directed by the delegating physician and in conformance with Health Occupations Article, §12-102(a), (d), and (f), Annotated Code of Maryland; [and]

(i) Preparing and administering oral drugs; and

(j) *Microdermabrasion*;

(2)—(3) (text unchanged)

E. (text unchanged)

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.33 Prescription Drug Repository Program

Authority: Health-General Article, §§15-601—15-609, Annotated Code of Maryland

Notice of Proposed Action

[15-400-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.06, adopt new Regulations .01-1 and .06-1, repeal existing Regulation .07 and adopt new Regulation .07, and repeal existing Regulations .08—.12 under **COMAR 10.34.33 Prescription Drug Repository Program**. This action was considered by the Board of Pharmacy at a public meeting held October 21, 2015 notice of which was given by publication on the Board of Pharmacy website, <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx>, from September 21, 2015 — October 21, 2015, pursuant to the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to allow for the disposal of prescription drugs and medical supplies, including controlled dangerous substance as allowed by the Secure and Responsible Drug Disposal Act of 2010, 21 U.S.C. 822 (as amended).

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. The Prescription Drug Repository Program is a voluntary program. Those pharmacies that volunteer to participate may incur minimal costs depending on whether or not those pharmacies (1) collect prescription drugs and medical supplies for disposal; and/or (2) collect donated prescription drugs and medical supplies for redispensing to the needy. The Board would not incur additional expenses now that participants in the program may collect controlled dangerous substances for disposal. Pharmacies that participate would be inspected annually as a matter of course.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

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

D. Pharmacies that volunteer to participate may incur minimal costs depending on whether or not those pharmacies 1) collect prescription drugs and medical supplies for disposal; and/or 2) collect donated prescription drugs and medical supplies for redispensing to the needy.

F. The public would benefit by having a means to dispose of controlled dangerous substance prescriptions that may be expired or unwanted in their homes. This will reduce accidental overdoses, ingestion by household pets, or theft by family members.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(1-1) “Donation program” means pharmacies that voluntarily participate as a drop-off site or repository, or both, to accept donated drugs or medical supplies for purposes of re-dispensing those donated drugs or medical supplies to needy individuals.

(1-2) “Disposal program” means pharmacies that voluntarily participate as repositories to collect returned drugs and medical supplies for purposes of safe disposal.

(2) “Drop-off site” means a pharmacy or other health care facility designated by the Board for the purpose of receiving donated prescription drugs or medical supplies as part of the donation

program and forwarding the drugs or medical supplies to a repository.

(3)—(7) (text unchanged)

(8) “Repository” means a pharmacy that applies to and is designated by the Board for the purpose of:

(a) Accepting, inspecting, and dispensing donated prescription drugs or medical supplies received from a drop-off site as part of the donation program; and

[(b) Inspecting donated prescription drugs or medical supplies; and

(c) Dispensing donated prescription drugs or medical supplies for use by needy individuals.]

(b) Collecting prescription drugs or medical supplies for disposal as part of the disposal program.

.01-1 Incorporation by Reference.

In this chapter, the Secure and Responsible Drug Disposal Act of 2010, 21 U.S.C. 822 (as amended), has been incorporated by reference.

.02 Donation Program—Eligible Drugs.

A. — B. (text unchanged)

.03 Donation Program—Ineligible Drugs.

A. — B. (text unchanged)

.04 Donation Program—Donor Form.

A. — B. (text unchanged)

.05 Donation Program—Drop-Off Sites Requirements.

A. — C. (text unchanged)

D. Procedures for Handling of Donated Prescription Drugs or Medical Supplies.

(1) (text unchanged)

(2) A drop-off site may not:

(a)—(b) (text unchanged)

(c) Charge a fee for accepting a donation; [or]

(d) Accept donated prescription drugs or medical supplies until the drop-off site applicant has been approved by the Board; or

(e) Accept prescription drugs for disposal.

.06 Repositories—General Requirements.

A. In order to become a repository, a pharmacy:

(1) (text unchanged)

(1-1) Shall indicate on the application to the Board if the applicant intends to:

(a) Participate in the Donation Program;

(b) Participate in the Disposal Program by collecting only non-controlled dangerous substances and medical supplies for safe disposal; or

(c) Participate in the Disposal Program by collecting controlled dangerous substances, non-controlled dangerous substances, and medical supplies for safe disposal;

(2)—(4) (text unchanged)

[B. Designated Pharmacist. A repository shall designate a pharmacist who shall:

(1) Accept donated prescription drugs or medical supplies forwarded by:

(a) A drop-off site; or

(b) A manufacturer regulated by the U.S. Food and Drug Administration;

(2) Inspect donated prescription drugs or medical supplies;

(3) Accept donated prescription drugs or medical supplies that meet the requirements of Regulations .02 and .03 of this chapter; and

(4) Obliterate from the labels of donated prescription drugs or medical supplies patient specific information for which the donated

prescription drugs or medical supplies were originally dispensed when it is placed in inventory.

C. Record Requirements. A repository shall:

(1) Maintain a separate inventory of donated prescription drugs or medical supplies;

(2) Maintain separate prescription files for patients receiving donated prescription drugs or medical supplies; and

(3) Submit an annual report on its activities to the Board that includes at least information on the:

(a) Number of recipients by county;

(b) Approximate market value of the prescription drugs or medical supplies dispensed;

(c) 50 prescription drugs or medical supplies most frequently dispensed; and

(d) Total number of donations to the Program.

D. Procedures for Handling of Donated Prescription Drugs or Medical Supplies.

(1) A repository shall store donated prescription drugs or medical supplies in a secure location separate from other inventory in accordance with State and federal laws and regulations.

(2) A repository may not:

(a) Resell prescription drugs or medical supplies donated to the Program; or

(b) Establish or maintain a waiting list for prescription drugs or medical supplies dispensed by the Program.

(3) A repository may charge a fee of not more than \$10 for each prescription drug or medical supply dispensed under the Program.

E. Limitations. A repository is under no obligation to obtain a prescription drug or medical supply that is not in inventory at the time of the request.]

.06-1 Repositories Participating in the Donation Program.

A. Designated Pharmacist. A repository in the donation program shall designate a pharmacist who shall:

(1) Accept donated prescription drugs or medical supplies forwarded by:

(a) A drop-off site; or

(b) A manufacturer regulated by the U.S. Food and Drug Administration;

(2) Inspect donated prescription drugs or medical supplies;

(3) Accept donated prescription drugs or medical supplies that meet the requirements of Regulations .02 and .03 of this chapter; and

(4) Obliterate from the labels of donated prescription drugs or medical supplies patient specific information for which the donated prescription drugs or medical supplies were originally dispensed when it is placed in inventory.

B. Record Requirements. A repository in the Donation Program shall:

(1) Maintain a separate inventory of donated prescription drugs or medical supplies for a minimum of 5 years;

(2) Maintain separate prescription files for patients receiving donated prescription drugs or medical supplies for a minimum of 5 years; and

(3) Submit an annual report on its activities to the Board that includes at least information on the:

(a) Number of recipients by county;

(b) Approximate market value of the prescription drugs or medical supplies dispensed;

(c) 50 prescription drugs or medical supplies most frequently dispensed; and

(d) Total number of donations to the Program.

C. Procedures for Handling of Donated Prescription Drugs or Medical Supplies.

(1) A repository in the Donation Program shall store donated prescription drugs or medical supplies in a secure location separate from other inventory in accordance with State and federal laws and regulations.

(2) A repository may not:

(a) Resell prescription drugs or medical supplies donated to the Program; or

(b) Establish or maintain a waiting list for prescription drugs or medical supplies dispensed by the Program.

(3) A repository may charge a fee of not more than \$10 for each prescription drug or medical supply dispensed under the Program.

D. Limitations. A repository in the Donation Program is under no obligation to obtain a prescription drug or medical supply that is not in inventory at the time of the request.

E. Procedure for Dispensing Donated Prescription Drugs or Medical Supplies. A repository in the Donation Program shall dispense donated prescription drugs or medical supplies in compliance with applicable federal and State laws and regulations for dispensing prescription drugs or medical supplies.

F. Procedure for Shipping Donated Prescription Drugs or Medical Supplies. A repository in the Donation Program shall comply with COMAR 10.34.25 when shipping donated prescription drugs or medical supplies to recipients of this Program.

G. Procedures for Disposing of Donated Prescription Drugs or Medical Supplies.

(1) A repository in the Donation Program shall dispose of donated prescription drugs or medical supplies that do not meet the eligibility requirements of Regulation .02 of this chapter.

(2) A repository in the Donation Program shall dispose of donated prescription drugs or medical supplies in compliance with applicable State and federal laws and regulations for disposing of prescription drugs or medical supplies.

(3) A repository shall maintain records of disposal of donated prescription drugs or medical supplies.

H. Determination of Patient Eligibility for the Donation Program.

(1) A recipient of the Donation Program shall be a resident of the State.

(2) A health care practitioner with prescribing authority shall:

(a) Determine, at the health care practitioner's discretion, the financial need of a patient to participate in the Donation Program; and

(b) Indicate on the patient's prescription eligibility for the Donation Program.

I. Recipient Form. Recipients of a donated prescription drug or medical supply under the Donation Program shall sign a Board approved form before receiving the prescription drug or medical supply to confirm that the recipient understands that:

(1) The recipient is receiving prescription drugs or medical supplies that have been donated as part of the Donation Program; and

(2) Entities involved in the Donation Program have immunity from liability in accordance with Health-General Article, §15-607, Annotated Code of Maryland.

.07 Disposal Program—Requirements.

A. Pharmacies that collect returned prescription drugs or medical supplies for proper disposal shall be approved by the Board as repositories.

B. Repositories that collect only non-controlled dangerous substances for proper disposal shall:

(1) Dispose of prescription drugs or medical supplies collected for disposal in compliance with applicable State and federal laws and regulations;

(2) Have policies and procedures regarding the safe and secure handling and disposal of prescription drugs and medical supplies, to include specific guidelines for prescription drugs requiring special disposal or care;

(3) Dispose of collected prescription drugs and medical supplies through a third party processor or a reverse distributor, as appropriate; and

(4) Maintain a separate secure container behind the prescription counter that is clearly marked for the Disposal Program.

C. A pharmacist may not delegate to a pharmacy technician the collection of prescription drugs or medical supplies under §B of this regulation.

D. Repositories that collect controlled dangerous substances for disposal:

(1) Shall comply with the requirements of the Secure and Responsible Drug Disposal Act of 2010;

(2) May collect non-controlled dangerous substances and medical supplies in the same manner; and

(3) May commingle the collection of controlled and non-controlled dangerous substances and medical supplies in accordance with the Secure and Responsible Drug Disposal Act of 2010.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Subtitle 34 BOARD OF PHARMACY

10.34.39 Pharmacist Administration of Self-Administered Drugs

Authority: Health Occupations Article, §§12-101, 12-102(b), and 12-509, Annotated Code of Maryland

Notice of Proposed Action

[15-405-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01 — .05 under a new chapter, **COMAR 10.34.39 Pharmacist Administration of Self-Administered Drugs**. This action was considered by the Board of Pharmacy at a public meeting held October 21, 2015 notice of which was given by publication on the Board of Pharmacy website, <http://dhmh.maryland.gov/pharmacy/SitePages/Home.aspx>, from September 21, 2015 — October 21, 2015, pursuant to the General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require a pharmacist, that administers self-administered drugs to a patient that have been prescribed by an authorized prescriber, to have an active certification in basic cardiopulmonary resuscitation obtained through in-person classroom instruction. The proposal also requires that the pharmacist attest that the pharmacist has the appropriate training in administration of self-administered drugs that consists of the administration of ear drops; eye drops; inhalation therapies; intramuscular injections; intranasal therapies; subcutaneous injections; and topical therapies. The pharmacist will be further required to document administration of a self-administered drug in the patient record which shall include the name of the drug; dosage administered; site of administration; date and time of administration; and any instructions provided to the patient.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Scope.

This chapter does not limit or affect the right of an individual to practice a health occupation that the individual is authorized to practice.

.02 Definitions.

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

B. Terms Defined.

(1) "Board" means the State Board of Pharmacy.

(2) "Pharmacist" means an individual who practices pharmacy regardless of the location where the activities of practice are performed.

(3) "Pharmacy" means an establishment holding a permit under Health Occupations Article, §12-401, Annotated Code of Maryland.

(4) "Pharmacy Experiential Program" means a program under the American Council on Pharmacy Education.

(5) Practice Pharmacy.

(a) "Practice pharmacy" means to engage in any of the following activities:

(i) Providing pharmaceutical care;

(ii) Compounding, dispensing, or distributing prescription drugs or devices;

(iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Acting within the parameters of a therapy management contract, as provided under Health Occupations Article, Subtitle 6A, Annotated Code of Maryland; or

(viii) Administering vaccinations in accordance with Health Occupations Article, §12-508, Annotated Code of Maryland or self-administered drugs in accordance with Health Occupations Article, §12-509, Annotated Code of Maryland.

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; or

(xi) Providing drug therapy management in accordance with Health-General Article, §19-713.6, Annotated Code of Maryland.

(b) "Practice pharmacy" does not include the operations of a person who holds a permit issued under Health Occupations Article, §12-602, Annotated Code of Maryland.

(6) "Registered pharmacy intern" means an individual who is registered with the Board to practice pharmacy under the direct supervision of a pharmacist.

(7) Self-Administered Drug.

(a) "Self-administered drug" means a drug that is regularly administered by the patient for whom the drug is prescribed or by an individual who is not otherwise authorized to administer drugs under Health Occupations Article, 12-509, Annotated Code of Maryland.

(b) "Self-administered drug" includes:

(i) Eye drops;

(ii) A drug that is administered by an intramuscular injection or a subcutaneous injection;

(iii) Ear drops;

(iv) Inhalation therapies;

(v) Intranasal therapies; and

(vi) Topical therapies.

.03 Requirements to Administer Self-Administered Drugs.

A. A licensed pharmacist shall attest that the pharmacist has the appropriate training in administration of self-administered drugs that consists of instruction on:

(1) Ear drops;

(2) Eye drops;

(3) Inhalation therapies;

(4) Intramuscular injections;

(5) Intranasal therapies;

(6) Subcutaneous injections; and

(7) Topical therapies.

B. A licensed pharmacist shall possess an active certification in basic cardiopulmonary resuscitation obtained through in-person classroom instruction.

C. A licensed pharmacist, certified under Health Occupations Article, §12-508, Annotated Code of Maryland, is deemed to have satisfied the training requirements in this chapter.

D. A licensed pharmacist may administer a self-administered drug in accordance with a prescription.

E. A pharmacy student in a Pharmacy Experiential Program or a registered pharmacy intern, may administer a self-administered drug under direct supervision of a licensed pharmacist who meets the requirements in §A or B of this regulation.

.05 Record Keeping.

A. The pharmacist shall document in the patient record the administration of a self-administered drug that includes the following information:

(1) Name of the drug;

(2) Dosage administered;

(3) Site of administration;

(4) Date and time of administration; and

(5) Any instructions provided to the patient.

B. The patient record shall be maintained for 5 years, unless otherwise required by law, and be:

(1) Readily retrievable; and

(2) Made available on the request of the Board.

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Notice of Proposed Action [15-402-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

(1) Regulations .08 and .09-1 under **COMAR 11.11.03 Summary Suspensions for Alcohol and Drug-Related Offenses;**

(2) Regulation .03 under **COMAR 11.11.13 Ignition Interlock Program;** and

(3) Regulations .02-1, .04, and .13 under **COMAR 11.13.10 Ignition Interlock Systems.**

Statement of Purpose

The purpose of this action is to allow certain alcohol offenders to opt-in to the Ignition Interlock Program for 1 year in lieu of an administrative per se hearing and to update certain references within the regulations pertaining to the Ignition Interlock Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposed action is for the purpose of determining the accuracy of the test result indicating the alcohol concentration of the licensee. The breath testing instrument shall conform to the requirements set forth in 10.35.02.08.B(2). COMAR, 10.35.02.08.B(2), which states “at the time of approval by the Toxicologist, the instrument shall be on the most recently updated Conforming Products List of Evidential Breath Alcohol Measurement Devices published in the Federal Register by the National Highway Traffic Safety Administration of the Department of Transportation.” This specific proposed action is for the purpose of allowing the Administration to issue and distribute to State approved ignition interlock device providers a plan for the approval of additional Breath Alcohol Ignition Interlock Device (BAIIDs) when new NHTSA Model Specifications are released and to transition ignition interlock program participants to those new devices. In addition, the proposed action is also for the purpose of allowing the licensee’s driver’s license suspension to be held in abeyance pending the outcome of the hearing. This proposed action also introduces an exception requirement for enrollment in the program. The exception is as follows: if the participant is a repeat offender subject to the provisions of Transportation Article, §16-205(e), Annotated Code of Maryland, the participant is no longer eligible for an employer waiver which would allow the participant to drive an employer vehicle in the course of the participant’s employment during normal working hours. After an administrative hearing, an individual is no longer eligible to participate in the Program unless the Office of Administrative Hearings orders the individual to participate in the Program. Based on current legislation, if a hearing is conducted, and the administrative law judge decides a suspension is warranted, the suspension shall take effect immediately upon the administrative law judge’s decision to suspend the license. Additionally, this proposed action would allow the Administration to permit an individual whose Blood Alcohol Concentration (BAC) is recorded between .08 and .14 to participate in the Ignition Interlock Program for 1 year, in lieu of an administrative per se hearing.

During CY2014, there were 10,770 driver licenses suspensions related to alcohol based on the latest available stats. The State of Maryland prohibits individuals from driving under the influence of

alcohol when their (BAC) is .08 or above. The .08 limit is a standard measurement used across the United States for the “impaired” adult driver. A driving under the influence (DUI) charge is the top alcohol infraction in Maryland. An individual can receive a DUI charge if he/she drives with a BAC of 0.08 or higher, regardless of whether his/her driving ability was actually impaired. The proposed regulation change would allow the Administration to permit an individual whose BAC is recorded between .08 and .14 to participate in the Program for 1 year, in lieu of an administrative per se hearing. Currently, offenders with a BAC level higher than .14 are the only group that is allowed to opt into the program. The assumption is that if the BAC range was expanded to include the .08 to .14 population, it would result in other DUI offenders opting into the program. This, in turn, would result in less offenders requesting hearing with the Office of Administrative Hearing (OAH). However, statistical data is not available to project the actual number of additional participants that would enroll in the program. Therefore, an assumption has been made that there will be 500 participants opting into the Ignition Interlock Program annually. Based on the assumptions and information contained in this fiscal impact statement, the estimated economic impacts are on effective date as follows based on March 1, 2016: (1A) MVA/MDOT, an estimated revenue increase in FY16 of \$7,755, and an estimated expenditure increase in FY16 of \$12,545; (1B) to other State agencies, an estimated revenue decrease of \$24,750 in FY16; (1D) on regulated industries or trade groups, an estimated revenue increase of \$49,500 in FY16; (1F) direct and indirect effects on public, and estimated expenditure increase \$57,255 in FY16. (See Section II for assumptions used in the fiscal impact calculations.)

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:		
(1) MVA/MDOT	(R+)	\$7,755 (FY16)
(2) VA/MDOT	(E+)	\$12,545 (FY16)
B. On other State agencies:	(R-)	\$24,750 (FY16)
C. On local governments:	NONE	
<hr/>		
	Benefit (+) Cost (-)	Magnitude
<hr/>		
D. On regulated industries or trade groups:	(+)	\$49,500 (FY16)
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(-)	\$57,255 (FY16)

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

A(1). FY16

The amount of revenue expected for the ignition interlock participation fee (\$47) paid by the offenders to MVA is \$7,755.

Participation fee paid to MVA = 500 cases x .33% for 4mos x \$47 = \$7,755

FY17

Estimated FY17, the amount of revenue expected for the ignition interlock participation fee paid by the offenders to MVA is \$23,500.

Participation fee paid to MVA = 500 cases x \$47 = \$23,500

A(2). FY16

Estimated FY16 expenditures are \$12,545 (salary/fringe benefits) to cover cost for additional personnel to handle the caseload. Salary = 0.5 Customer Agent IV for 4 months of the year = \$6,415 (\$38,880 annual salary for 1.0 CA IV PIN x 33% for 0.5 PIN x 33% for March 1, 2016 effective date.) Fringe Benefits (includes FICA, Health Insurances, Retirement, Unemployment) = \$6,130. Total salaries (\$6,415) and Fringe benefits (\$6,130) = \$12,545.

FY17

Estimated FY17, expenditures are \$37,283 (salary/fringe benefits) to cover cost for additional personnel to handle the caseload. Salary = 0.5 Customer Agent IV = \$19,440 (\$38,880 annual salary for 0.5 PIN).

Fringe Benefits (includes FICA, Health Insurances, Retirement, Unemployment) = \$17,843. Total salaries (\$19,440) and fringe benefits (\$17,843) = \$37,283.

B. Based on the assumptions and information included in this fiscal impact statement, the Administration may permit an individual whose BAC is recorded between .08 and .14 to participate in the Program for 1 year, in lieu of an administrative per se hearing. Based on data received from the Administrative Adjudication Division's Alcohol Report, in CY2014, there were 6108 offenders that had a BAC reading of .08 to .14. OAH typically charges \$150 per hearing. The financial impact could be revenue loss to the General Fund. State Agencies could realize an estimated revenue decrease of \$24,750 in FY16 and \$75,000 in FY17.

FY16

OAH Administrative Hearing Fee \$150 = \$150

No. of cases 500 cases x 33% for 4 months = \$165

Total OAH Revenue Loss \$150 x 165 = \$24,750

In FY16, State Agencies could realize an estimated \$24,750 (165 cases x \$150) in revenue Loss.

FY17

OAH Administrative Hearing Fee \$150 = \$150

No. of cases 500 cases annually = \$500

Total OAH Revenue Loss \$150 x 500 = \$ 75,000

In FY17, State Agencies could realize an estimated \$75,000 (500cases x \$150) in revenue loss.

D. Based on the assumptions and information included in this fiscal impact statement, REVENUE PAID TO PROVIDERS:

The fees collected by the Providers are stated below:

FY16

The Providers could realize estimated revenues of \$49,500.

Monthly Maintenance fee paid to Providers

500cases x 33% for 4mos x \$75 x 4 months = \$49,500

Total \$49,500

In FY16, the Providers could realize estimated revenues of \$49,500 for the monthly maintenance fee (165 x \$75 x 4 months= \$49,500).

FY17

The Providers could realize estimated revenue of \$482,500.

Monthly Maintenance fee paid to Providers 500 cases x \$75 x 12 months = \$450,000

Removal Fee paid to Providers 500 cases x \$65 = \$ 32,500

Total \$482,500

In FY17, the Providers could realize estimated revenue of \$482,500 for the monthly maintenance fee (500 x \$75 x 12 months = \$450,000) and removal fee (500 x \$65= \$32,500).

In addition, the cost to participate in the Program does not reflect any cost associated with obtaining a corrected/restored license. If there are any violations to the program rules or other driving-related events, the program period could be extended. These increases would be associated with the charges determined by the interlock provider. The participation costs are determined by fees/revenues of the

independent interlock providers and not MVA. Therefore, the amounts shown are estimates.

F. Based on the assumptions and information included in this fiscal impact statement, direct and indirect effects on the public could realize an estimated net loss each year due to the one-time participation fee of \$47 paid to MVA. Based on the provisions of this proposal, individuals who opt into the Program would be responsible for paying the ignition interlock program provider a monthly maintenance fee of \$75 for calibrating the device plus a \$65 fee for the ignition interlock removal after the completion of the program.

FEES PAID BY PARTICIPANT:

The fees paid by the Participants are stated below:

FY16

The participant could incur estimated expenses of \$57,255.

Participant Fee paid to MVA 500 cases x33% for 4mos x \$47 fee = \$ 7,755
 Monthly Maintenance fee paid to Providers 500 cases/2 for 1/2yr x \$75 x 4 months = \$ 49,500 Total \$57,255

In FY16, the participant could incur estimated expenditures of \$57,255 for the participant fee (165 x \$47 = \$7,755) and monthly maintenance fee (165 x \$75 x 4 months= \$49,500).
 FY17

The participant could incur estimated expenses of \$506,000.

Participant Fee paid to MVA 500 cases x \$47 fee = \$ 23,500

Monthly Maintenance fee paid to Providers 500 cases x \$75 x 12 months = \$450,000

Removal Fee paid to Providers 500 cases x \$65 = \$ 32,500

Total \$506,000

In FY17, the participant could incur estimated expenditures of \$506,000 for the participant fee (500 x \$47 = \$23,500), monthly maintenance fee (500 x \$75 x 12 months= \$450,000) and the removal fee of (500 x \$65 = \$32,500).

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Maryland Motor Vehicle Administration, 6601 Ritchie Highway NE, Room 200, Glen Burnie MD 21062, or call 410-768-7545, or email to tsheffield@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

Subtitle 11 MOTOR VEHICLE

ADMINISTRATION —

ADMINISTRATIVE PROCEDURES

11.11.03 Summary Suspensions for Alcohol and Drug-Related Offenses

Authority: Transportation Article, §§12-104(b), 12-108, 12-201—12-209, 16-117, and 16-205.1; State Government Article, §§9-1604(b), 10-201—10-222; Annotated Code of Maryland

.08 Hearing.

A. (text unchanged)

B. Evidence.

(1)—(4) (text unchanged)

(5) For the purpose of determining the accuracy of the test result indicating the alcohol concentration of the licensee, the [following] breath testing [instruments] *instrument shall conform to the requirements set forth in 10.35.02.08.B(2)* [be deemed reliable indicators of the alcohol concentration of a person:

- (a) Breathalyzer Model 900;
- (b) Breathalyzer Model 900A.;
- (c) Intoximeter 3000; and
- (d) Intox EC/IR].

(6)—(7) (text unchanged)

C. (text unchanged)

.09-1 Hearing on Violation of the Ignition Interlock Program.

A. (text unchanged)

B. If the licensee becomes a participant, but is removed from the Program for one or more violations as set forth in COMAR 11.11.13.04 and .05, the Administration shall notify the licensee that:

(1)—(2) (text unchanged)

(3) The licensee’s driver’s license suspension will [remain suspended] *be held in abeyance* pending the outcome of the hearing.

11.11.13 Ignition Interlock Program

Authority: Transportation Article, §§12-104(b), 16-205.1, 16-404.1, and 27-107, Annotated Code of Maryland

.03 Requirements for Enrollment in the Program.

A.—B. (text unchanged)

C. [An] *Except when the participant is a repeat offender subject to the provisions of Transportation Article, §16-205(e), Annotated Code of Maryland, an employer waiver, allowing the participant to drive an employer vehicle in the course of the participant’s employment during normal working hours, may be granted by the courts, or by the Administration, with submission of documentation of current employment and the need for the participant to operate the motor vehicle in the course of employment, in a form that is acceptable to the Administration.*

D. An individual who elects to participate in the Program under Transportation Article, §16-205.1(b)(3)(vii), Annotated Code of Maryland *or an individual who is issued an order of suspension pursuant to Transportation Article, §16-205.1(b)(1)(i)(1)(A) or (B), Annotated Code of Maryland, and elects to participate in the Program:*

(1)—(2) (text unchanged)

E. An individual who requests an administrative hearing to show cause why the individual’s driver’s license should not be suspended or revoked is no longer eligible to participate in the Program [under Transportation Article, §16-205.1(b)(3)(vii), Annotated Code of Maryland, if the Administration receives a request for an administrative hearing from the individual] *unless:*

(1) *The individual withdraws the request for an administrative hearing and completes all the requirements set forth in §A of this regulation; or*

(2) *The individual’s license suspension or revocation is modified by a final decision of an administrative law judge of the Office of Administrative Hearings to allow participation in the Program.*

F.—J. (text unchanged)

K. *The Administration may modify a license suspension of an individual, who is issued an order of suspension pursuant to Transportation Article, §16-205.1(b)(1)(i)(1)(A) or (B), Annotated Code of Maryland, and elects to participate in the Program for 1 year instead of requesting a hearing to show cause why the individual’s license should not be suspended.*

**Subtitle 13 MOTOR VEHICLE
ADMINISTRATION — VEHICLE
EQUIPMENT**

11.13.10 Ignition Interlock Systems

Authority: Transportation Article, §§12-104(b), 16-404.1, 27-107, and 27-108, Annotated Code of Maryland

.02-1 Incorporation by Reference.

A. *The National Highway Traffic Safety Administration (NHTSA) Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIID) [(National Highway Traffic Safety Administration) 57 FR 11772—11787 (1992),] 57 FR 11772 (1992), as amended, are incorporated by reference[,] as the specifications ignition interlock devices must meet under this chapter.*

B. *The Administration shall provide notice and a reasonable implementation period to develop a transition and implementation plan for the approval and use of BAIIDs when new NHTSA Model Specifications are released.*

.04 Guidelines.

A. Correlation.

(1) The ignition interlock device shall correlate with an alcohol concentration recommended [in the specifications contained in 57 FR 11772—11787 (1992),] *under the current BAIID Model Specifications incorporated by reference under Regulation .02-1 of this chapter* with the accuracy provided for in these specifications, but may not be higher than 0.025 percent.

(2) (text unchanged)

B. (text unchanged)

C. Accuracy.

(1) Breath test devices shall use breath specimens which are alveolar air samples (“deep lung air”) in accordance with established forensic alcohol standards meeting the specifications contained in [57 FR 11772—11787 (1992)] *the current BAIID Model Specifications incorporated by reference under Regulation .02-1 of this chapter.*

(2)—(3) (text unchanged)

D. Security.

(1) The device, the installation of the device, and the monitoring of the device, including the transmission of data to the Administration, shall provide for the security features set forth in [the specifications in 57 FR 11772—11787 (1992)] *the current BAIID Model Specifications incorporated by reference under Regulation .02-1 of this chapter.*

(2) The manufacturer and the service provider shall take all reasonable steps necessary to prevent tampering or circumvention of the device, as set forth [by the specifications in 57 FR 11772—11787 (1992)] *in the current BAIID Model Specifications incorporated by reference under Regulation .02-1 of this chapter.*

E.—F. (text unchanged)

.13 Testing Procedure for Certification.

A. Testing shall be performed under the specifications set forth in [57 FR 11772—11787 (1992)] *the current BAIID Model Specifications incorporated by reference under Regulation .02-1 of this chapter* by an entity approved by the Administration for the purpose of establishing the accuracy and reliability of candidate breath test ignition interlock devices.

B. Results of Tests. As a prerequisite to certification, the manufacturer shall submit a notarized letter or affidavit, or both, from the Director of an approved testing laboratory certifying that the device by model or class, or both, meets or exceeds all requirements set forth in [57 FR 11772—11787 (1992)] *the current BAIID Model*

Specifications incorporated by reference under Regulation .02-1 of this chapter. This affidavit shall also include:

(1)—(5) (text unchanged)

CHRISTINE NIZER
Administrator

Title 14
INDEPENDENT AGENCIES
Subtitle 06 OFFICE OF THE PUBLIC DEFENDER

14.06.03 Eligibility for Services

Authority: Criminal Procedure Article, §16-210, et seq., Annotated Code of Maryland

Notice of Proposed Action

[15-410-P]

The Office of the Public Defender proposes to amend Regulations .05 and .06 under **COMAR 14.06.03 Eligibility for Services**.

Statement of Purpose

The purpose of this action is to conform the provisions of the regulations to the language of the authorizing statute, to describe the uses the Office of the Public Defender will make of information provided to it by the Department of Labor, Licensing and Regulation, and to make certain other minor changes for internal consistency.

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 Stephen Hut, General Counsel, Office of the Public Defender, 6 Saint Paul Street, Suite 1400, Baltimore, MD 21202, or call 301-563-8941, or email to ahut@opd.state.md.us, or fax to 301-424-4126. Comments will be accepted through January 28, 2015. A public hearing has not been scheduled.

.05 Determination of Eligibility for Services.

A. (text unchanged)

B. Persons seeking the services of the Office of the Public Defender shall fully disclose, under oath or affirmation, all financial assets, income, living expenses, and liabilities by completing an Application for [Public Defender Services Form] *Representation form* which shall be supplied by the Office at a confidential eligibility interview [and provide the office at the time of the interview with documentary evidence of all financial information as given on the application form].

C. *Following such full disclosure by the applicant, the Office shall check financial information so disclosed against information obtained by the Office from the Department of Labor, Licensing, and Regulation (DLLR), and may follow up with DLLR as the Office in its sole discretion may deem appropriate. The information made available by DLLR shall be the most reliable means for corroborating financial information supplied by the applicant, and*

no further corroboration is therefore required. However, in addition, the Office may in its sole discretion, but is not required to, undertake any additional investigation it deems appropriate, in connection with which it may request supporting documentation from an applicant. The applicant's failure to provide some or all of any such documentation shall not necessitate a finding that the applicant is ineligible.

[C.] D. In conformity with the decision of the Court of Special Appeals in *Baldwin v. State*, 51 Md. App. 538, 444 A.2d 1058 (1982), the following guidelines *presumptively* apply in the determination of eligibility:

(1) [Any] *Consistently with Baldwin v. State, supra, and Office of the Public Defender v. State, supra, any doubts as to defendant's indigence shall be resolved by providing assistance of counsel rather than denying it;*

(2) — (5) (text unchanged)

E. *Pursuant to Criminal Procedure Article, §16-210 et seq., Annotated Code of Maryland, if a determination of eligibility cannot be made before the time when the first services are to be rendered, the Office may undertake representation of an indigent person provisionally. If it should subsequently be determined that the defendant is ineligible, the Office will so inform the defendant, and the defendant shall then be obligated to engage the defendant's own counsel.*

F. *If after appointment to represent the client the attorney discovers that the client has secreted assets or falsified information regarding his true financial status, the attorney should promptly advise the district public defender or division chief. The district public defender or division chief shall make further investigation of the financial status of the client, in connection with which the Office may request that the client provide further documentation. After such investigation, the district public defender or division chief shall advise the attorney regarding continued appearance in the case and as to any other appropriate action.*

[D.] G. (text unchanged)

.06 Reimbursement of Expenses.

A. [Pursuant to Article 27A, §7, Annotated Code of Maryland, if a determination of eligibility cannot be made before the time when the first services are to be rendered, the office may undertake representation of an indigent person provisionally, and if it should subsequently determine that the person is ineligible, it should so inform the person, and the person shall then be obligated to engage his own counsel and to reimburse the office for the cost of the services rendered to that time.] *In the event a determination of eligibility cannot be made before the time when the first services are to be rendered and services are provisionally rendered pursuant to COMAR 14.06.03.05E, and it is subsequently determined that the person is ineligible pursuant to such section, the person shall be obligated to reimburse the Office for the cost of the services rendered to that time.*

B. (text unchanged)

[C. If after appointment to represent the client the attorney discovers that the client has secreted assets or falsified information regarding his true financial status, the attorney should promptly advise the district public defender or division chief. The district public defender or division chief will make further investigation of the financial status of the client and, after that, advise the attorney regarding continued appearance in the case and as to any other appropriate action.]

PAUL B. DeWOLFE
Public Defender of Maryland

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 20 SOIL AND WATER CONSERVATION

15.20.12 Agricultural Nutrient and Sediment Credit Certification Program

*Authority: Agricultural Article, §§2-103(b), 8-902, and 8-903, Annotated
Code of Maryland*

Notice of Proposed Action

[15-401-P]

The Secretary of Agriculture proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 15.20.12 Agricultural Nutrient and Sediment Credit Certification Program**.

Statement of Purpose

The purpose of this action is to promulgate regulations to implement the Agricultural Nutrient and Sediment Credit Certification Program, a voluntary, market-based water quality trading program which can provide a funding mechanism for natural resource conservation practices that reduce nutrient and sediment pollution in the Chesapeake Bay and its tributaries. This action explains the requirements, standards, and procedures for the verification, certification, and registration of nutrient and sediment credits; the qualifications and protocols for the professionals approved to conduct eligibility assessments and compliance reviews; and the responsibilities and prerogatives of the Maryland Department of Agriculture in administering the Program.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The development of a robust public/private marketplace for nutrient and sediment credits is expected to generate supplemental income for Maryland’s farm community and create new business and employment opportunities for individuals and companies offering the services needed to support this emerging industry.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	Nominal
B. On other State agencies:	(E-)	Nominal
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Benefit/cost	NONE	

E. On other industries or trade groups:

Benefit/cost NONE

F. Direct and indirect effects on public:

Benefit (+) Moderate

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

A. Expense to issuing agency is nominal as administration and other program expenditures are funded by federal grant monies.

B. The Maryland Department of the Environment issues, amends, or renews the permits of regulated and other entities that would be prospective buyers of certified agricultural credits. Additional costs are projected to be nominal and the workload can be handled by existing agency staff.

C. Nonpoint source trading for compliance is not permissible under current policies, but a proposal allowing voluntary trading between sectors to help the State achieve its 2025 Total Maximum Daily Load commitments has recently been endorsed by the Bay Cabinet. While the guidelines and mechanics for such trades still need to be developed, the proposal would allow the urban/suburban sector, including septic systems and both non-MS4 and Phase II MS4 permitted jurisdictions and facilities to purchase agricultural credits to meet all or a portion of their nitrogen load reduction targets.

D. Since participation in the Program is voluntary, an analysis of credit prices and associated annual verification expenses versus available alternatives will determine whether regulated entities choose to purchase agricultural credits. Credit purchases, however, are likely to be less expensive than the costs associated with upgrading existing facilities or constructing new ones, and these potential savings could provide financial benefits to both the buyer and the seller.

E. The decision-making process for non-regulated entities considering the voluntary purchases of credits would be similar to that outlined above although not-for-profit organizations making retirement purchases might be able to offset the expense of buying credits through donations. Farmer owners and operators who sell credits would be beneficiaries as would other businesses, both large and small. The assessment and verification of credits, annual inspections, the design and installation of structures and systems, and the acquisition, management, and re-sale of credits are expected to become sources of income for consultants, technical advisors, engineers, contractors, aggregators, and brokers.

F. The public would benefit from water and air quality improvements by using credit purchases as an alternative approach for meeting regulatory mandates.

Economic Impact on Small Businesses

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

Although the development of a robust trading marketing for agricultural nutrient and sediment credits could have a significant impact on small businesses over time, there are too many unknowns at the present to make any projections. Both the growth of the marketplace and the magnitude of its impact will depend on a number of inter-related factors, among them: demand, the level of participation, credit price, credit duration, trading geography, and scale.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Susan Payne, Program Coordinator, Maryland Department of Agriculture, 50 Harry Truman Parkway,

Annapolis, Maryland 21401, or call 410-841-5897, or email to susan.payne@maryland.gov, or fax to 410-841-5914. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.01 Scope.

A. This chapter establishes the requirements and standards for the generation and certification of nonpoint source nutrient and sediment credits on agricultural land under the Agricultural Nutrient and Sediment Credit Certification Program.

B. The purpose of the Program is to reduce the amount of nitrogen, phosphorus, and sediment entering the Chesapeake Bay and its tributaries through a form of water quality trading utilizing a market-based strategy.

C. This chapter also establishes the protocols for approving professionals qualified to evaluate and review agricultural operations for eligibility and compliance with the Program.

.02 Definitions.

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

B. Terms Defined.

(1) "Aggregator" or "Broker" means a person who collects and compiles credits from individual agricultural non-point sources to resell them.

(2) "Agronomic Practice" means an annual crop or soil practice that reduces or minimizes nutrient or sediment loss. Examples include but are not limited to cover crops, conservation tillage, reductions in nitrogen fertilizer application, and precision agriculture.

(3) "Agricultural Land" or "Farm" means a parcel of land which has an Agricultural Use Assessment as determined by the Department of Assessments and Taxation.

(4) "Agricultural operation" or "Operation" means a business or activity where a person tills, crops, keeps, pastures, or produces an agricultural product, including but not limited to livestock, poultry, plants, trees, sod, food, feed or fiber by in ground, out-of-ground, or other culture.

(5) "Animal Waste Management System Plan" means a plan developed and approved by a local soil conservation district to identify and address the management of animal waste generated on an agricultural operation, including operation and maintenance guidelines.

(6) "Baseline" means the level of nutrient and sediment reduction, expressed as an annual nitrogen, phosphorus, or sediment per-acre loading rate that an agricultural nonpoint source seller's operation is required to achieve before the seller becomes eligible to enter the trading market and sell credits.

(7) "Best Management Practice" or "BMP" means an agronomic, conservation, or pollution control practice, installation, or structure that manages soil loss, nutrients, animal wastes, or agricultural chemicals so as to minimize their movement into the waters of the State.

(8) "Category 1 Practice" means a BMP as determined by the Department that is currently in widespread use, with fully documented installation and maintenance specifications and well-established and understood nutrient removal efficiencies.

(9) "Category 2 Practice" means a BMP that is currently in use and is acceptable by the Department but nutrient removal efficiencies are not well established, or a practice required by state regulation.

(10) "Category 3 Practice" means a new or innovative technology or practice as determined by the Department that is not in widespread use and for which no recognized nutrient removal efficiency exists.

(11) "Credit" means a pollution reduction credit or the unit of trade that is equal to one pound of nitrogen, phosphorus, or sediment delivered to the main-stem of the Chesapeake Bay per year.

(12) "Department" means the Maryland Department of Agriculture.

(13) "Land Conversion Practices" means a change in management on an agricultural operation that involves a shift to less nutrient-intensive agricultural land use, including but not limited to the installation of forest or grass buffers, the retirement of highly erodible lands, or the switch to alternative or perennial crops.

(14) "Maryland Nutrient Tracking Tool" or "MNTT" means a Department approved online performance-based calculation platform that enables users to analyze agricultural parcels and their management to determine eligibility and credit generation potential for participation in the Program.

(15) "Nonpoint Source" means a source of pollution that is not from a single point of origin or from a specific outlet.

(16) "Nutrient and Sediment Credit Certification Program" or "Program" means the program established under this Chapter giving the Maryland Department of Agriculture the authority to certify, verify, and register agricultural nonpoint source nutrient and sediment credits in support of market-based trading activities to fund agricultural practices that enhance water or air quality or both by further reducing nutrient or sediment runoff, movement, or emissions below baseline.

(17) "Nutrient Management Plan" or "NMP" means a plan that complies with the requirements of COMAR 15.20.07 and 15.20.08 that is prepared by a certified nutrient management consultant to manage the amount, placement, timing, and application of manure, fertilizer, biosolids, or other plant nutrients in order to:

(a) Minimize nutrient loss or runoff; and

(b) Maintain the productivity of soil when growing agricultural products.

(18) "Nutrient or Sediment Reduction" means the difference between the nutrient and sediment loads delivered to the mainstem of the Chesapeake Bay achieved by implementation of best management practices and the current load after meeting eligibility requirements.

(19) "Operator" means a person who is the owner of an agricultural operation or a lessee who has the owner's expressed consent to operate or manage an agricultural operation.

(20) "Person" means the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity, unless otherwise provided.

(21) "Soil Conservation and Water Quality Plan" or "SCWQP" means a farm plan approved by a local soil conservation district to minimize soil erosion and to minimize the movement of sediment, animal waste, nutrients, or agricultural chemicals into waters of the State.

(22) "Structural Practice" means a practice acceptable by the Department that reduces or minimizes nutrient or sediment loss through the installation or construction of physical edifices, barriers, or systems to trap, block, or filter pollutants, including but not limited to manure sheds, fencing, grassed waterways, and constructed wetlands.

(23) "Total Maximum Daily Load" or "TMDL" means a limit set by U.S. Environmental Protection Agency in accordance with Clean Water Act requirements that establishes the amount of a particular pollutant, in this case nitrogen, phosphorus, or sediment inputs, that a water body can assimilate and still meet water quality standards.

(24) "Watershed Implementation Plan" or "WIP" means the plan required and approved by the U.S. Environmental Protection

Agency for achieving the pollution reduction goals and allocations necessary in implementing the Chesapeake Bay TMDL.

.03 Eligibility for Credit Certification.

A. Except as provided by this regulation, the following persons are eligible to have credits certified by the Department in support of nutrient and sediment trading activities:

(1) An owner or lessee, with owner's consent, who operates an agricultural operation and who demonstrates that:

(a) The agricultural management and BMPs implemented on the operation enables that operation to meet baseline requirements pursuant to Regulation .04 of this chapter;

(b) A current Nutrient Management Plan is being implemented in accordance with COMAR 15.20.07 and 15.20.08;

(c) A SCWQP has been developed and approved for the agricultural operation and all implemented BMPs are documented, operated, and maintained in accordance with the SCWQP;

(d) An adequate manure storage and runoff system is maintained as required in an Animal Waste Management System Plan, or in the case of a Confined Animal Feeding Operation, a Comprehensive Nutrient Management Plan or SCWQP and NMP as required by permit;

(e) The lessee has been granted authority for control of the land for the term of the credit certification; and

(f) The operation is in compliance with all applicable local, State, and federal laws, regulations, and programs.

(2) A broker or an aggregator, as defined by this chapter, who provides proof of the following to the Department:

(a) Demonstration of permission by the credit generator to submit for certification and sell nutrient and sediment credits; and

(b) Demonstration that the credit generator meets all requirements as provided by this chapter.

(3) Any person engaged in reducing impacts of agricultural nutrients or sediment to the environment and who provides proof of the following to the Department:

(a) Demonstration of permission by the landowner to conduct nutrient or sediment removal activities; and

(b) Demonstration that the credit generator is conducting nutrient or sediment removal activities in accordance with applicable local, state, and federal laws, regulations, and programs.

.04 Baseline Requirements.

A. A person may not generate nutrient or sediment credits, unless that person's agricultural operation meets a baseline level of nutrient or sediment reduction which is the more stringent of either the applicable Chesapeake Bay or local TMDL as calculated on the entire farm in aggregate using the MNTT analysis.

B. A person may meet the baseline nutrient reduction requirement by using only the following:

(1) Current agronomic practices, including cropping rotation as documented in the operation's current NMP and SCWQP; and

(2) Existing operator adopted or installed structural or other BMPs; or

(3) Existing structural or other BMPs implemented with federal, State, or private cost-share assistance.

.05 Agricultural Nutrient and Sediment Credit Generation.

A. If the provisions of §B are met, agricultural nutrient and sediment credits may be generated from any of the following improvements that the Department determines will provide additional reductions in the discharge of farm nutrients and/or sediment:

(1) Existing or planned agronomic practices;

(2) Land conversion practices; or

(3) Installation of structural practices.

B. Acceptable practices shall be consistent with the following:

(1) The practice does not result in the idling of whole or substantial portions of productive farmland to provide nutrient credits as determined by the Department after considering location, soil type, slope, and potential soil loss or erodibility;

(2) The practice is approved by a local soil conservation district but was not implemented using state or federal cost-share monies, or private cost-share monies identified by the Department, and is currently maintained by the owner/operation at his own expense; or

(3) The practice was implemented through a state or federal cost-share program, or county mitigation banking program, or with private cost-share monies identified by the Department, but has exceeded its specified lifespan as determined under the cost-share contract and is deemed by the Department as now being properly maintained by the owner/operator at his own expense.

C. Credits generated on the agricultural operation will be calculated by the Department as follows.

(1) Category 1 Practices will be calculated using the MNTT.

(2) Category 2 Practices require review by an independent technical panel established by the Department to ascertain the appropriate nutrient and sediment removal efficiencies and determine effectiveness estimates.

(3) Category 3 Practices, together with specifications for installation, operation, maintenance, and monitoring, require scientific analysis and technical review by an independent technical panel established by the Department to evaluate nutrient and sediment removal efficiencies and determine best practice definitions and effectiveness estimates.

.06 Lifespan of Credits.

A. A practice may only generate credits when it is installed or placed into operation and all appropriate operation and maintenance guidelines are being followed. The Department shall consider the total estimated annual credits generated from any practice installed and given final certification within a given year to be generated the following year starting January 1.

B. Credits may be certified for more than 1 year but shall only be applied annually.

C. The Department shall include the number of years a credit is valid as part of the credit registration.

.07 Approval and Registration of Credits.

A. A person who applies to the Department for approval of agricultural nonpoint source nutrient or sediment credits shall:

(1) Complete and sign a Certification and Registration Form provided by the Department and furnish a copy of the Farm Summary Worksheet generated by MNTT;

(2) Provide a copy of the current NMP; and

(3) Provide a copy of the current SCWQP with a map identifying the location and boundaries of the operation and showing field identification numbers, field acreage, and the location of BMPs, together with the specifics of any credit generation proposal.

B. The Department shall review each application to determine the following:

(1) That the baseline requirements are met as provided in this chapter;

(2) That all credit generating improvements qualify for certification;

(3) That both the landowner and the operator have consented in writing to all of the requirements under this chapter, including but not limited to inspection or suspension or revocation of credits by the Department and the waiver of confidentiality for any information the operation submits to the Department, including but not limited to the operator's NMP and SCWQP;

(4) That all legal and regulatory compliance requirements are met; and

(5) That credit calculations and all other information are correct and that the applicant has complied with all the requirements of this chapter.

C. The Department or its designee shall visit any farm operation to verify the baseline requirements and that the applicant's credit generation proposal is effective and appropriate in reducing the discharge of nutrients from the farm. In addition, credits certified pending implementation of a BMP or other improvement are subject to further inspection to verify that the proposed generating practice is in place and functioning correctly.

D. Proposals for improvements for generating credits will be reviewed by the Department and may include requirements for demonstration projects, the collection of sufficient data to evaluate results, and any other information needed to determine the validity of the credits. In some cases, development of the specifications and certification of the credits could be a multi-year process.

E. The Department may issue a pre-certification of credits based on pending implementation of the proposed improvements.

F. The Department shall only certify credits once the practice or practices generating those credits are installed and fully operational.

G. Upon approval of any application for agricultural nutrient and sediment credits, the Department shall assign each credit a unique registration number and provide for their registration on the Department's online trading registry.

H. The Department shall document the basis for denying an application and provide this information in writing to the applicant.

I. As required by law, all records concerning the certification of credits shall be maintained by the Department and shall be made available for public review in accordance with requests made under the Maryland Public Information Act.

.08 Annual Verification and Reporting.

A. All trades involving agricultural credits certified by the Department require, at minimum, annual credit verification and reporting. Inspections will be scheduled as appropriate to practice type.

B. A person who buys certified credits shall employ a Department-approved verifier who does not hold an interest in the agricultural operation generating the credits or was not involved in the original application or qualification of the credits.

C. Following the site visit to the agricultural operation, the verifier shall provide the following to the Department:

- (1) Information as required on a Verification Report form; and
- (2) Information following an inspection and review of the records for the agricultural operation including:

(a) Review of the current NMP and documentation that it continues to be implemented in accordance with COMAR 15.20.07 and 15.20.08;

(b) Review of the current SCWQP and documentation that it continues to be implemented and addresses all nitrogen, phosphorus, and sediment runoff and emission issues as specified;

(c) Documentation that the agricultural management and BMPs implemented continue to meet baseline compliance and that all credit generating practices continue to be operated and maintained in accordance with the terms of the trading contract and the requirements of this chapter; and

(d) Confirmation that no deficiencies exist and no corrective measures are needed or a detailed description of deficiencies and required corrective actions.

D. The Department, Maryland Department of the Environment, the buyer and the seller, and the owner or operator shall receive a copy of the report prepared by the verifier conducting of any inspection and records review within 30 days.

E. The Department may issue a corrective action order which allows a time period for repairs or other remedies to bring any deficiencies into compliance. The Department may require additional inspections and written substantiations that corrective measures have been taken. Any such action or actions by the Department does not preclude the Maryland Department of the Environment from exercising its authority when agricultural credits are incorporated into issued discharge permits.

F. Within 30 days of receiving a copy of the report, an owner or operator may dispute information in the report that owner or operator believes is in error or does not accurately represent the condition or management of the operation and may address these concerns in writing with the Department with a copy the to the verifier.

.09 Departmental Review.

A. The Department shall schedule site reviews and records inspection on at least 10 percent of all traded credits annually.

B. The Department shall assign an approved verifier who:

(1) Meets qualifications provided in Regulation .10 of this chapter; does not hold an interest in the agricultural operation generating certified credits; and

(2) Is not the same individual who conducted either the assessment or verification of the operation at the time of application.

C. Verifiers assigned by the Department to conduct interim inspections and reviews shall:

(1) Contact the operator in advance of the inspection to make an appointment so the operator or his representative can be present and have records available for the review;

(2) Present a photo identification at the time of the inspection as proof of credentials; and

(3) Adhere to all biosecurity and other measures necessary to protect health and safety at the operation.

D. An owner or operator shall receive a copy of the report prepared by the verifier conducting the inspection and review of the records within 30 days of the site visit;

E. An owner or operator may dispute information in the report that the operator believes is in error or does not accurately represent the condition or management of the operation and may address these concerns in writing with the Department and copy the verifier within 30 days of receiving a copy of the report.

F. The Department may conduct an investigation that may include additional inspections to determine the actual condition and management of the operation.

.10 Verifier Approval Protocol.

A. An individual may not be approved to act as a verifier as provided by this chapter unless the individual meets the following requirements to be established by the Department:

(1) Education and experience;

(2) Training; and

(3) Continuing education.

B. The Department may approve a verifier who meets the following eligibility requirements:

(1) Has 3 or more years of experience developing SCWQPs or qualifies as a U.S. Department of Agriculture, Natural Resource Conservation Service Conservation Planner level II;

(2) Is certified in Maryland to prepare NMPs in accordance with applicable Department regulations COMAR 15.20.04; and

(3) Has completed Department training in the use of the MNNT.

C. A verifier may only remain eligible to perform verifications by completing at least 6 hours of Department approved training within the first year, and 12 hours thereafter every 3 years.

D. After the opportunity for a hearing, the Department may deny, suspend, or revoke the approval of any verifier who:

(1) No longer meets eligibility requirements;

- (2) Violates any of the regulatory requirements of this chapter;
- (3) Provides the Department with any misleading, false, or fraudulent report;
- (4) Fails to promptly provide any report or any record required to be kept by this chapter;
- (5) Fails to meet the continuing education requirements for verifiers;
- (6) Is determined to be negligent or incompetent; or
- (7) Fails to act in such a manner that the Department determines provides other good cause to deny, suspend, or revoke approval.

.11 Enforcement.

A. Suspension or Revocation of Credit Certification.

(1) The Department may suspend or revoke certification of an agricultural nonpoint source nutrient credit for any violation of Agriculture Article, Title 8, Subtitle 9, Annotated Code of Maryland, any violation of this chapter, or the following:

- (a) Failure to adopt or install any practice or activity certified pending implementation in conformity with standards and specifications or to differ substantially from the original credit generation proposal;
- (b) Failure to maintain any practice or activity as required by the operation's SCWQP;
- (c) Failure to take timely steps to remedy any deficiencies reported by the verifier, in response to a corrective action order by the Department, or as a result of a Department review;
- (d) Failure to sell credits during their certified lifespan; and
- (e) Performance of any other action or failure to act in such a manner that the Department determines provides other good cause to suspend or revoke the certification.

(2) Notice of the suspension or revocation of credit certification will be issued with an effective date to the credit owner and all other affected parties and will also be published on the trading program website;

(3) An owner or operator may dispute findings of violations or failures by requesting an opportunity to be heard in writing to the Secretary of Agriculture within 30 days of receiving notice; and

(4) Suspension or revocation of credit certification does not preclude any other punitive action that may be taken by another public or private entity.

JOSEPH BARTENFELDER
Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 03 WATER SUPPLY, SEWERAGE, SOLID WASTE, AND POLLUTION CONTROL PLANNING AND FUNDING

26.03.13 Bay Restoration Fund Implementation

Authority: Authority: Environment Article, §9-1605.2, Annotated Code of Maryland, Chs. 124 and 153, Acts of 2015

Notice of Proposed Action

[15-416-P]

The Secretary of the Environment proposes to amend Regulation .03 under COMAR 26.03.13 Bay Restoration Fund Implementation.

Statement of Purpose

The purpose of this action is to amend the existing regulations based on the statutory changes to Environment Article, §9-1605.2, Annotated Code of Maryland, during the 2015 legislative session in Md. Laws Chapter 124 (SB0863) and 2015 Md. Laws Chapter 153 (SB133).

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 will provide funding to local governments.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(R+)	Up to \$60,000,000/year
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	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.)

C. Up to \$60,000,000 per year (after payment of revenue bond debt service) of the Bay Restoration Fund (wastewater) fees deposited to the Department may be used to provide grants to local governments for expanded uses authorized in statute.

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 Jag Khuman, Director, Water Quality Financing Administration, Maryland Department of the Environment, 1800 Washington Blvd, or call 410-537-3891, or email to jag.khuman@maryland.gov, or fax to 410-537-3968. Comments will be accepted through January 28, 2016. A public hearing has not been scheduled.

.03 Wastewater Fund.

A. Bay Restoration Fund fees deposited into the Wastewater Fund shall be used:

- (1)—(3) (text unchanged)
- (4) Starting in FY 2016, to provide for up to 87.5 percent of project costs relating to combined sewer overflow abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations;

(5) To provide for up to 100 percent of project costs for the implementation of a stormwater alternative compliance plan, authorized by a local government pursuant to Environment Article, §4-202.1(K)(3), Annotated Code of Maryland, and undertaken by an organization exempt from taxation under IRS §501(C)(3) or §501(C)(4) or §501(C)(19) or §501(D);

[(4)] (6) Starting in FY 2018, [for an annual fund transfer to the Onsite Sewage Disposal System Fund] for additional funding to be used in accordance with Regulation .04 of this chapter for the upgrade of onsite sewage disposal systems and other eligible uses [under] pursuant to Environment Article, §9-1605.2(h)(2)(i)1, Annotated Code of Maryland;

[(5)] (7) Starting in FY 2018, to provide for up to 50 percent of the eligible cost of cost-effective and efficient stormwater projects undertaken by local governments who have implemented a system of charges [under Environment Article, §4-204, Annotated Code of Maryland]. To be eligible for funding, the local governments shall [have] show evidence of funds set aside and available to cover the balance of project costs;

[(6)](8)— [(8)] (10) (text unchanged)

B. Project Prioritization.

(1) Before FY 2018, priority for funding [ENR upgrades] shall be:

(a)—(c) (text unchanged)

(d) Fourth for future upgrades of wastewater treatment plants to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better[.];

(e) Fifth for combined sewer overflow abatement projects, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations.

(2) Starting in FY 2018, priority for funding shall be:

(a)—(d) (text unchanged)

[(e)] Fifth for nitrogen reduction of onsite sewage disposal systems in accordance with Regulation .04 of this chapter by transferring funds annually from the Wastewater Fund to the Onsite Sewage Disposal System Fund;

(f) Sixth for eligible stormwater projects by local governments who have implemented a system of charges under Environment Article, §4-204, Annotated Code of Maryland.]

(e) Fifth for any of the following types of projects based on their project ranking in accordance with §C of this regulation:

(i) Combined sewer overflow abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations;

(ii) Nitrogen reduction of onsite sewage disposal systems in accordance with Regulation .04 of this chapter;

(iii) Stormwater projects by local governments who have implemented a system of charges; and

(iv) Stormwater alternative compliance plans.

C. Ranking System. The Department shall request [for] and accept applications for financial assistance annually and prepare a project priority list that ranks individual projects according to the methodology developed by the Department based on the following factors:

(1) (text unchanged)

(2) Cost-effectiveness in providing water quality or public health benefits;

(3)—(4) (text unchanged)

(5) Sustainability benefits such as water reuse, asset management, full cost pricing, energy conservation and smart growth;

[(5)] (6) Readiness to proceed to construction.

D. Funding Allocation. Each fiscal year, the total available grant funds, net of revenue needed for payment of debt service on outstanding bonds, operation and maintenance grants, and allowed

operating expenses shall be allocated in priority order to construction ready projects in accordance with §§B and C of this regulation[, and as follows:

(1) Major wastewater treatment plants for ENR upgrade that discharge to the Chesapeake Bay;

(2) Minor wastewater treatment plants for ENR upgrade that discharge to the Chesapeake Bay;

(3) Other wastewater treatment plants for ENR upgrade that discharge to the Atlantic Coastal Bay or other waters of the State;

(4) Other wastewater treatment plants for future upgrades to achieve additional nutrient removal or water quality improvements at ENR treatment levels or better;

(5) Onsite Sewage Disposal System Fund for nitrogen reduction, starting in fiscal year 2018;

(6) Stormwater management, starting in fiscal year 2018].

E. (text unchanged)

BENJAMIN H. GRUMBLES
Secretary of the Environment

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Notice of Proposed Action

[15-409-P]

The Insurance Commissioner proposes to:

(1) Amend the enabling authority for **COMAR 31.10.01 Health Insurance**;

(2) Amend the enabling authority and Regulations .01 and .02 under **COMAR 31.10.04 Health Insurance—Plan of Withdrawal**;

(3) Amend Regulation .03 under **COMAR 31.10.16 Carrier Provider Panels—Application Process**;

(4) Amend the enabling authority for **COMAR 31.10.19 Independent Review Organizations and Medical Experts**;

(5) Amend the enabling authority, repeal existing Regulation .02, and recodify existing Regulations .03—.07 to be Regulations .02—.06 under **COMAR 31.10.20 Certification of HMO Medical Directors**;

(6) Amend the enabling authority for **COMAR 31.10.24 Discount Medical Plan Organizations and Discount Drug Plan Organizations**;

(7) Amend Regulations .02 and .04 under **COMAR 31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts**;

(8) Amend the enabling authority for **COMAR 31.10.28 Individual Health Insurance Contracts—Standard Provisions and Exclusions**; and

(9) Amend the enabling authority for **COMAR 31.10.37 Delivery of Policy or Certificate**.

Statement of Purpose

The purpose of this action is to make changes to 31.10-Health Insurance-General consistent with the changes recommended in the Maryland Insurance Administration's Regulatory Review and Evaluation Act Report for COMAR 31.10. These proposed regulations:

- Amend the enabling authority for 31.10.01 Health Insurance, 31.10.04 Health Insurance—Plan of Withdrawal, 31.10.19

Independent Review Organizations and Medical Experts, 31.10.20 Certification of HMO Medical Directors, 31.10.24 Discount Medical Plan Organizations and Discount Drug Plan Organizations, 31.10.28 Individual Health Insurance Contracts — Standard Provisions and Exclusions, and 31.10.37 Delivery of Policy or Certificate;

- Amend Regulations .02 and .03 under 31.10.01 Health Insurance to add new definitions for “grandfathered health plan coverage” and “nongrandfathered health plan coverage” and to comply with federal regulations requiring at least 60 days’ notice of renewal for individual grandfathered health benefit plans (45 C.F.R. 148.122(i)) and requiring notice of renewal before the first day of the open enrollment period for individual non-grandfathered health benefit plans (45 C.F.R. 147.106(f)(1));

- Amend Regulations .01 and .02 under COMAR 31.10.04 Health Insurance—Plan of Withdrawal to clarify that this chapter does not apply to health benefit plans that are issued under Title 15, Subtitles 12, 13, or 14 of the Insurance Article, and to add a definition of “health benefit plan”;

- Amend Regulation .03 under COMAR 31.10.16 Carrier Provider Panels—Application Process to clarify that certain information in the application process for carrier provider panels is required only “if applicable”;

- Repeal regulation .02 under COMAR 31.10.20 Certification of HMO Medical Directors as this Regulation provided a transition for those physicians who were acting as medical directors for HMOs before the effective date of this chapter. Since Regulation .02 applied only to physicians who were acting as medical directors before December 31, 1998, this regulation is no longer needed and should be repealed; and

- Amend Regulations .02 and .04 under COMAR 31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts. Amendments to Regulation .02 add a new definition of “health benefit plan.” Amendments to Regulation .04C clarify that the current required text shall apply only to individuals who are not receiving advance payment of premium tax credits, and that contracts subject to the Affordable Care Act shall also contain the Grace Period referenced in §15-1315 of the Insurance Article for those individuals who are receiving advance payment of premium tax credits. Amendments to Regulation .04D prohibit an exclusion for an accident that occurs prior to reinstatement or a sickness that begins prior to 10 days after reinstatement, consistent with the Affordable Care Act’s ban on pre-existing condition limitations.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, Maryland 21202, or call 410-468-2201, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

31.10.01 Health Insurance

Authority: Insurance Article, §§2-109, 12-203, 12-205, 13-110(a), 13-111(b), 14-109(3)(iv), 14-126(a)(1), 14-405(b)(9), 14-410(c), 15-903, 15-904, 15-906—15-908, and 15-911[; Health-General Article, §19-713;], Annotated Code of Maryland

.02 [Definition.] Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Grandfathered health plan coverage” has the meaning stated in Insurance Article, §15-1301, Annotated Code of Maryland.

[(2)](3)—[(4)](5) (text unchanged)

(6) “Nongrandfathered health plan coverage” is a health benefit plan that is not grandfathered health plan coverage.

[(5)](7) (text unchanged)

.03 Filing of Health Insurance Forms for Approval.

A.—R. (text unchanged)

S. In any individual health benefit plan in which the carrier has the right to change premium rates, the health benefit plan shall provide that notice of any increase in premium rates shall be given to the policyholder by mail:

(1) For grandfathered health plan coverage, at least [45] 60 days before the change in premium rates is proposed to become effective; and

(2) For nongrandfathered health plan coverage, before the first day of the annual open enrollment period.

T. (text unchanged)

31.10.04 Health Insurance—Plan of Withdrawal

Authority: Insurance Article, §§2-109, [27-601, 27-603, and 27-604] 27-606, Annotated Code of Maryland

.01 Scope.

A. (text unchanged)

B. This chapter does not apply to [health insurance products governed by Insurance Article, §15-1212] health benefit plans issued under Insurance Article, Title 15, Subtitles 12, 13, or 14, Annotated Code of Maryland.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Health benefit plan” has the meaning stated in Insurance Article, §31-101, Annotated Code of Maryland.

[(1)](2)—[(2)](3) (text unchanged)

31.10.16 Carrier Provider Panels—Application Process

Authority: Insurance Article, §§2-109 and 15-112, Annotated Code of Maryland

.03 Requirements for Application Process.

A.—C. (text unchanged)

D. A carrier shall maintain an application log which, at a minimum, provides the following information:

(1) Name of the provider requesting or submitting the application;

(2) Date the provider requested an application, if applicable;

(3) Date the application is sent or delivered to the provider, if applicable;

(4)—(8) (text unchanged)

E.—F. (text unchanged)

31.10.19 Independent Review Organizations and Medical Experts

Authority: Insurance Article, §§2-109, 15-10A-05, and 15-10A-09, Annotated Code of Maryland; Chapter 112, Acts of 1998]

31.10.20 Certification of HMO Medical Directors

Authority: Insurance Article, §§2-109 and 15-10C-02, Annotated Code of Maryland; Chapter 112, Acts of 1998]

31.10.24 Discount Medical Plan Organizations and Discount Drug Plan Organizations

Authority: [Health-General Article, §19-706(jjj);] Insurance Article, §2-109 and Title 14, Subtitle 6; Annotated Code of Maryland

31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts

Authority: Insurance Article, §12-203(g), Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2-1) (text unchanged)

(2-2) *“Health benefit plan” has the meaning stated in Insurance Article, §15-1301, Annotated Code of Maryland.*

(3)—(7) (text unchanged)

.04 Standard Provisions.

A.—B. (text unchanged)

C. Grace Period.

(1)—(2) (text unchanged)

(2-1) *The grace period provisions described in §§C(1) and (2) of this regulation shall not apply to an individual contract that is a health benefit plan under which the subscriber is receiving advance payment of federal premium tax credits.*

(2-2) *If the individual contract is a health benefit plan under which the subscriber is receiving advance payment of federal premium tax credits, the individual contract shall contain the grace period provision required by Insurance Article, §15-1315, Annotated Code of Maryland.*

(3)—(5) (text unchanged)

D. Reinstatement.

(1) Each individual contract shall contain in substance the following provision: “Reinstatement: If any renewal premium is not paid in full within the time granted the subscriber for payment, a later acceptance of premium in full by the carrier or by any agent authorized by the carrier to accept the premium, without requiring a reinstatement application in connection with the acceptance of the premium in full, shall reinstate the contract. However, if the carrier or the agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the contract will be reinstated upon approval of the application by the carrier or, lacking approval, upon the forty-fifth day following the date of the conditional receipt unless the carrier has previously notified the subscriber in writing of its disapproval of the reinstatement application. [The reinstated contract shall cover only loss resulting from accidental injury sustained after the date of reinstatement and loss due to sickness that begins more than ten days after the date of reinstatement. In all other respects the] *The subscriber and carrier shall have the same rights under the reinstated contract as they had under the contract immediately before the due date of the defaulted*

premium, subject to any provisions endorsed on the contract or attached to the contract in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than 60 days prior to the date of reinstatement.”

(2) (text unchanged)

(3) *The reinstatement provision of an individual contract that is not a health benefit plan may also include the following sentence: “The reinstated contract shall cover only loss resulting from accidental injury sustained after the date of reinstatement and loss due to sickness that first manifests itself more than ten days after the date of reinstatement.”*

E.—M. (text unchanged)

31.10.28 Individual Health Insurance Contracts — Standard Provisions and Exclusions

Authority: Insurance Article, §§2-109, 12-203(g), and [12-209(4)] 12-205(b)(4), Annotated Code of Maryland

31.10.37 Delivery of Policy or Certificate

Authority: Health-General Article, §§19-705(a)(2), [19-713,] and 19-729; Insurance Article, §§2-109(a)(1), 4-113, [12-107,] and 12-203, [12-209, 15-201, 15-412, 15-413, and 27-303]; Annotated Code of Maryland

ALFRED W. REDMER, JR.
Insurance Commissioner

Subtitle 13 CREDIT LIFE AND CREDIT HEALTH INSURANCE

31.13.01 Standards for Credit Life and Credit Health Insurance Contracts

Authority: Insurance Article, §§2-109, 13-110, 13-111, and 13-112; Commercial Law Article, [Title 12, Subtitle 3] §12-312; Annotated Code of Maryland

Notice of Proposed Action

[15-408-P]

The Insurance Commissioner proposes to amend the enabling authority and Regulation .15 under **COMAR 31.13.01 Standards for Credit Life and Credit Health Insurance Contracts.**

Statement of Purpose

The purpose of this action is to update the enabling authority to provide a specific statutory reference, correct a typographical error in Regulation .15, and to implement a proposed prima facie rate reduction for monthly premium credit health insurance as a result of a 2014 study performed by the Commissioner of the credit insurance loss ratios. The prima facie rates established within this regulation are developed by the Commissioner to ensure that the premiums charged are reasonable in relation to the benefits under the policies. As required by §13-111(e) of the Insurance Article, Annotated Code of Maryland, every 2 years the prima facie premium rates for credit insurance are revised if necessary based on experience for each class of business reported by the carriers. Prima facie rates for credit health insurance have not been revised since 2001. The 2014 study by the Commissioner recommended a reduction in the prima facie rates for credit health insurance on a monthly outstanding balance basis.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The amendments to this chapter will have an unknown economic impact on insurers writing monthly premium credit health insurance in Maryland.

Revenue (R+/R-)

II. Types of Economic Impact.

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:

Economic impact on insurers (-) Unknown

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public:

Rate reduction (+) Unknown

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

D. The proposed amendments will have an impact of unknown cost on insurers that write monthly premium credit health insurance in Maryland on or after the effective date of the amended regulation. It is not possible to quantify the cost of the impact on affected carriers because the majority of prima facie earned premiums are derived from case-rated accounts. Case rated accounts are assigned a maximum premium based on their loss ratio, that is, the ratio of incurred claims to prima facie earned premium (earned premium at prima facie rates). Carriers with significant non-case business would be primarily affected, due to the 33 percent reduction in prima facie rates, whereas carriers with mostly case business would be less affected due to the experience rating on their accounts.

F. The members of the public affected by this regulation would be certificate-holder debtors who would see their monthly premiums for credit health insurance decrease. The positive benefit to the public is also unquantifiable, largely due to the reasons stated above. Debtors of non-case-rated creditors who are paying prima facie rates for monthly premium credit health insurance would receive the benefit of a 33 percent reduction in their premiums. Debtors of case-rated creditors may not recognize a benefit since their premiums are regulated based on the experience of the account. It is expected that the benefit to the public will outweigh the cost to regulated industry since the premiums charged for this line of insurance will be more reasonable in relation to the benefits provided.

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 Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, Maryland 21202, or call 410-468-2201, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through January 27, 2016. A public hearing has not been scheduled.

.15 Prima Facie Premium Rates for Credit Health Insurance.

A. The premiums charged for credit health insurance policies having all policy provisions not less favorable to the insured debtor than those required by Regulation .17 of this chapter may not exceed, on policies of credit health insurance for which a single premium is charged in advance for the entire duration of the insurance and the indebtedness is repayable in equal installments, the amount shown in the table below for each \$100 of the initial amount of insured indebtedness:

Number of Months in Which the [Indepdtedness] <i>Indebtedness</i> Is Insured	Prima Facie Single Premium Rate Per \$100 of Initial Amount of Insured Indebtedness					
	Benefits Not Retroactive Elimination Period			Retroactive Benefits Waiting Period		
	7 days	14 days	30 days	7 days	14 days	30 days
2—120 (text unchanged)						

Prima facie premium rates for policies of credit health insurance under which the indebtedness is insured for periods other than those shown above but not in excess of 120 months, shall be determined by straight-line interpolation of the above rates with the results rounded to the nearest cent per \$100 of initial amount of insured indebtedness. For purposes of this regulation, the term "initial amount of insured indebtedness" means the originally scheduled total of payments under the loan contract if the loan payments are covered in total, or means the proportionate amount of the originally scheduled total of payments if a pro rata portion of the indebtedness is covered.

B.—D. (text unchanged)

E. On policies of group credit health insurance issued on the outstanding balance, a composite monthly outstanding balance premium rate shall be used instead of the rates referred to in §C of this regulation. The rates under this plan may not exceed those shown in the schedule immediately below, with the rates being based on the amount of insured indebtedness currently being repaid. The composite rate shall be applied to all outstanding balances under the plan each month irrespective of the duration of the loans. Application for a higher rate under this type of plan may be made upon a showing of need for an increased rate on a basis actuarially consistent with Regulation .18D of this regulation.

Schedule of Composite Rates Per \$100 of Insured Indebtedness

- 14 Day Nonretroactive --- [\$0.12] \$0.08
- 30 Day Nonretroactive --- [0.10] 0.07
- 14 Day Retroactive ----- [0.17] 0.11
- 30 Day Retroactive ----- [0.14] 0.09

F.—G. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner

Special Documents

DEPARTMENT OF THE ENVIRONMENT

PROPOSED CALENDAR YEAR 2016 STANDARD PERMIT APPLICATION TURNAROUND TIMES

As required by Section 1-607(A)(2) of the Environment Article, the Maryland Department of the Environment (MDE) is seeking comment on the following proposed standard turnaround times for all types of permit applications. For further information, please contact Mr. Andrew Gosden in MDE's Office of Performance Improvement at 410-537-4158.

MDE is proposing the following changes to the 2015 turnaround times for calendar year 2016.

Radiation Machine Facility Registration: Dental and Veterinary Machines - Reduced to 60 days from 90 days.

Radiation Machine Facility Registration: All Other Machines - Reduced to 4 months from 6 months.

Sewage Sludge Transportation - Reduced to 3 months from 4 months.

UST Technician/Remover/Inspector - Reduced to 30 days from 40 days.

Non-Coal Mining Permit - Reduced to 4 months from 7 months.

Non-Coal Mining License - Reduced to 20 days from 30 days.

General Discharge (GD) Permit for Animal Feeding Operations (AFOs) – Establish two categories as follows:

New Construction - 160 days – This is a reduction from the current time of 180 days. The reduction reflects MDE's commitment to assisting Maryland farmers in obtaining coverage under the GD Permit in an expedited fashion so that the new poultry houses can be placed in production. The Department will give priority to processing the Notices of Intent (NOI) and the required plans for new construction of AFOs.

Coverage Renewals – 36 months – This increase from the current time of six months is proposed for the following reason: Hundreds of requests for coverage renewal under this permit tend to arrive around the same time, and federal law prohibits steps that would allow them to be more evenly spaced. Delays in processing renewals do not generally cause difficulties for farmers because they can continue to operate under the requirements of the previous permit while the renewal is being processed. Very limited staffing means that some of the renewals may require up to three years to be processed.

General Discharge Permit Registrations (excluding Construction Activities and Animal Feeding Operations) – Reduced to 100 days from 120 days

Water Appropriation and Use Permit for less than 10,000 gallons per day – Reduced to 90 days from 120 days

Water Appropriation and Use Permit for more than 10,000 gallons per day – Reduced to 18 months from 24 months

Nontidal Wetlands and Waterway Construction for minor projects – Reduced to eight months from ten months

Nontidal Wetlands and Waterway Construction for stream restoration projects when no public hearing is requested (new category) – Reduced to 90 days from ten months

Erosion and Sediment Control – Responsible personnel Certification – Online – Reduced to one day from two weeks. This is due to the development and implementation of an online version of the training course and exam.

General Permit for Stormwater Associated with Construction Activities – Reduced to 45 days for all projects. Previously there were two categories: projects less than three acres with a time of 60 days, and projects between three and 150 acres with a time of 90 days.

MDE reviews and adjusts these turnaround times annually to give permit applicants current information regarding the processing time.

Please note the following important points about these standard times:

- 1) These standards refer to the time between MDE's receipt of a complete permit application and MDE's issuance or denial of the permit, excluding delays caused by factors beyond MDE's control. Many applications are incomplete when they first arrive at MDE. The appropriate MDE permit writer can provide guidance on how to ensure that an application is complete when submitted.
- 2) In most permitting programs, each application has unique characteristics that influence its processing time. For each program listed, the standard time represents the time in which 90% of applications can be processed. Many applications will require less time; a few will require more time due to unusual circumstances.

Paper copies of the proposed times are available on request. Requests, comments, and questions can be directed to Mr. Andrew Gosden at andrew.gosden@maryland.gov; by phone at 410-537-4158; via postal mail to MDE/OS, 1800 Washington Boulevard, Suite 745, Baltimore, MD 21230-1720; or by fax to 410-537-3888. Comments will be accepted until January 20, 2016.

Program Name	2016 Proposed Standard Application Processing Time
Air and Radiation Management Administration	
General Permit to Construct	30 days
Air Quality Permit to Construct	3 months - without expanded public review
	4 months – synthetic minor permits without expanded public review
	6 months - with expanded public review but limited public interest
	11 months - with expanded public review and extensive public interest
New Source Review Approval	12 months
Prevention of Significant [air quality] Deterioration	12 months
Air Quality State Permit to Operate	3 months
Part 70 (Title V) Permit to Operate	18 months for new permits
	12 months for renewals
Asbestos Contractor License	60 days
Asbestos Training Provider Approval	3 months
Incinerator Operator Certification	30 days
Incinerator Training Course Approval	60 days
Fleet Inspection Station License	30 days
Certified Emissions Repair Facility Certification	30 days
Master Certified Emissions Technician Certificate	30 days
Radiation Machine Facility Registration	60 days for dental and veterinary machines
	4 months for all other machines
Certification of Machines Emitting Radiation	6 months
Radioactive Materials License	7 months
	45 days for amendments and terminations
Private Inspector License For Inspecting X-Ray Machines	60 days
Reciprocal Recognition of Out-of-State Radioactive Material Licenses	21 days
Land Management Administration	
Refuse Disposal Permit	7 months for transfer stations
	9 months for processing facilities
	9 months for processing facilities & transfer stations
	12 months for incinerators
	12 months for land-clearing debris landfills
	24 months for industrial landfills

SPECIAL DOCUMENTS

	36 months for rubble landfills
	36 months for municipal landfills
Groundwater Discharge Permit for Rubble Landfill	18 months
Sewage Sludge Utilization Permit	120 days – research project
	3 months – transportation
	5 months – utilization or disposal at a sanitary landfill, energy generation, or incineration
	6 months – marketing
	10 months – land application
	23 months – treatment, composting, distribution facility, or storage
	36 months – sewage sludge landfill
	24 months – innovative projects
General Discharge Permit for Animal Feeding Operations	160 days for new construction
	36 months for renewal
Natural Wood Waste Recycling Facility Permit	9 months
Natural Wood Waste Recycling Facility General Permit	60 days
Scrap Tire Hauler	60 days
Scrap Tire Collection Facilities (General and Secondary)	60 days
Scrap Tire Solid Waste Acceptance Facility	7 months
Scrap Tire TDF/Substitute Fuel Facility	7 months
Scrap Tire Primary Collection Facility	9 months
Scrap Tire Recyclers	9 months
Oil Operations Permit	180 days
Oil Operations Permit for Oil-Contaminated Soils	180 days
Oil Transfer License	30 days
General Permits for Oil Control Program Wastewater Discharge Permit	30 days
Surface Water Discharge Permit for Oil Terminals	180 days
Ground Water Discharge Permit for Oil Terminals	180 days
Underground Storage Tank (UST) Technician, Remover, and Inspector Certifications	30 days
Controlled Hazardous Substances Facility Permit	26 months
Hazardous Waste; EPA Identification Number	30 days
Controlled Hazardous Substances Hauler and Vehicle Certifications	60 days
Special Medical Waste (SMW) Hauler and Vehicle Certifications	60 days
Coal Mining Permit	12 months
Surface Coal Mining Blaster Certification	immediately on passing exam

Coal Mining Operator License	30 days
Non-Coal Mining Permit	4 months
Non-Coal Mining License	20 days
Oil and Gas Exploration and Production	5 months
Lead Paint Accreditations	60 days
Lead Paint Training Course Approvals	60 days
Lead Paint Instructor Approvals	60 days
Voluntary Cleanup Program	45 days to determine if application is accepted
	75 days to review action plan

Water Management Administration	
General Discharge Permit Registrations (excluding Construction Activities and Animal Feeding Operations)	100 days for all general permits
Individual Permit for Wastewater Discharges	12 months for new minor surface facilities
	18 months for new surface major facilities
	24 months for renewal surface discharge facilities
	18 months for new groundwater discharge facilities
	34 months for renewal groundwater discharge facilities
Toxic Materials Permit	45 days
Water and Sewerage Construction Permit	3 months
Water Appropriation and Use Permit	90 days for under 10,000 gallons per day
	18 months for over 10,000 gallons per day
Well Construction Permit	30 days
Drinking Water Laboratory Certification	4 months
Nontidal Wetlands and Waterway Construction (Nontidal Wetlands and Waterways Permits)	8 months for minor projects
	12 months for major projects
	90 days for stream restoration projects when no public hearing is requested
Tidal Wetland Licenses and Permits	90 days for minor projects
	8 months for major projects when no public hearing is requested
	11 months for major projects when a public hearing is requested
Erosion/Sediment Control and Stormwater Management Plan Approvals	6 months
Erosion and Sediment Control - Responsible Personnel Certification - Online	1 day
Erosion and Sediment Control - Responsible Personnel Training Program Approval	4 weeks
General Permit for Stormwater Associated with Construction Activity	45 days
Individual Permit for Stormwater Associated with Construction Activity	6 months
Municipal Separate Storm Sewer Permit	18 months

Dam Safety Permit	6 months
Waterworks and Waste Systems Operator Certification	30 days for all licenses
Well Driller License	6 months for new licenses
	30 days for renewals

[15-26-31]

**DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
COMMUNITY PATHWAYS WAIVER
AMENDMENT #1 — PROPOSAL**

Request for Public Comment

The Department of Health and Mental Hygiene (DHMH) will be making changes to the Community Pathways Waiver to create a more flexible, person-centered, family oriented system of supports. The changes contained herein are based on feedback from individuals receiving services and their families, recommendations from the independent consultants, and are aimed at furthering compliance with new federal rules and requirements from the Center for Medicare and Medicaid Services (CMS) and the Department of Labor (DOL).

Requests to make changes to the wavier program are made by submitting a Waiver Amendment to CMS. DHMH plans to make several changes to the waiver program in the coming months that require sequencing, therefore amendments will occur in stages and will address new federal rules; will reflect the development of new services, improved business rules, processes, and service rates; and will provide ample opportunity for meaningful public engagement on the prospective changes.

Waiver Amendment #1 purpose is to: (1) enhance self-directed service model by removing 82 hour service preauthorization requirement and update personal support services by removing support staff hour requirements and restrictions including preauthorization requirement for more than 40 hour work week, 8 consecutive hours, time off between shifts, and time spent sleeping; (2) update program capacity by adjusting previous projection for the number of unduplicated participants based on current trends and insufficient funds to support the maximum number of unduplicated

individuals. The change to capacity will not impact current participants. Individuals that leave the waiver program may reapply during the waiver year that they left; (3) update and establish new reserve waiver capacity for waiver participants. The State currently reserves waiver capacity for the following priority groups: Money Follows the Person, Court Involved, Emergency, Waiting List Equity Funds, and Transitioning Youth. These categories will be adjusted based on trends and stakeholder input including increasing the capacity for Money Follows the person and Transitioning Youth. The State will also establish the following new reserved capacity categories: Psy Hospital Transitions (individuals transitioning from a mental health facility), State Funded Conversions, and Military dependents; (4) update projected service utilization and cost based on adjustment to the unduplicated participant count and current service utilization; (5) remove requirement for active treatment in order to be eligible for the Waiver; (6) change personal supports unit of service from an hour to 15 minute units; and (7) update terminology and language such as removing previous information about waiver merger and replacing resource coordination with coordination of community services in various sections including: Waiver Descriptions, Program Goals, Public Input, Transition Plan, Independent Advocacy, DDA Quality Advisory Council, and Coordination of Community Services.

Information regarding the amendment will be posted on the Developmental Disabilities Administration (DDA) website at <http://dda.dhmf.maryland.gov>. Copies of the proposed changes are available for public review at the DDA Headquarter and Regional Offices and the local health department in each county and Baltimore City. Public comments can be submitted to wfb.dda@maryland.gov through January 31, 2016.

[15-26-33]

MARYLAND HEALTH CARE COMMISSION

NUMBER OF CHRONIC HOSPITAL BEDS AND PATIENT DAYS AND PERCENT OCCUPANCY, BY FACILITY: MARYLAND, FY 2014

Jurisdiction/Facility	Number of Licensed Beds	Number of Patient Days	Occupancy (%)
Baltimore City			
Johns Hopkins Bayview Medical Center ¹	76	22,925	82.42%
Levindale Hebrew Geriatric Center & Hospital	100	35,008	95.65%
UM Medical Center Midtown Campus ²	80	18,814	64.26%
UM Rehabilitation & Orthopedic Institute ³	52	17,694	92.97%
Prince George's County			
Laurel Regional Hospital ⁴	46	6,749	40.09%
SUBTOTAL: Private Chronic Hospitals	354	101,190	78.1%
Washington County			
Western Maryland Hospital Center ⁵	60	6,096	27.76%
Wicomico County			
Deer's Head Hospital Center ⁶	66	2,787	11.54%
SUBTOTAL: State-operated Chronic Hospitals ⁷	126	8,883	19.26%
STATEWIDE TOTAL ⁸	480	110,073	62.66%

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 Office of Health Care Quality. The number of FY 2014 patient days for the private chronic hospitals is obtained from the Financial Data Base, as reported by private chronic hospitals to the Health Services Cost Review Commission (HSCRC), as of September 29, 2015. The number of FY 2014 patient days for the two state-operated chronic hospitals is obtained from the Hospital Management Information System (HMIS), as maintained by the Maryland Department of Health and Mental Hygiene.

Notes: The number of beds reflects the number of licensed chronic hospital beds at each facility as of June 30, 2014 (the end of the 2014 fiscal year reporting period). Occupancy is calculated based on licensed beds.

[15-25-16]

¹ Johns Hopkins Bayview Medical Center's 22,925 patient days is the combined number of patient days for the separately licensed 76 special hospital-chronic beds and nine special hospital-rehabilitation beds.

² University of Maryland Medical Center Midtown Campus (formerly Maryland General Hospital) established an 80-bed chronic hospital unit. These 80 chronic hospital beds were relocated from University Specialty Hospital ("USH") on July 11, 2012.

³ University of Maryland Rehabilitation and Orthopedic Institute's (formerly Kernan Hospital) 52 chronic hospital beds include 16 dually licensed chronic/rehabilitation beds. UM Rehabilitation & Orthopedic Institute added 12 chronic hospital beds; these beds were relocated from University Specialty Hospital, July 11, 2012.

⁴ Gladys Spellman Specialty Hospital and Nursing Center relocated its 46 licensed chronic hospital beds to Laurel Regional Hospital, effective June 30, 2011.

⁵ Western Maryland Hospital Center's occupancy, based on its 30 *budgeted* chronic hospital beds, would be 55.52 percent.

⁶ Deer's Head Hospital Center's chronic hospital occupancy, based on its 14 *budgeted* chronic hospital beds, would be 54.4 percent.

⁷ The occupancy for the two State-operated chronic hospitals, based on the total 44 *budgeted* chronic hospital beds, would be 55.2 percent.

⁸ The statewide chronic hospital occupancy based on the 354 *licensed* beds at the five *private* facilities plus the 44 *budgeted* beds at the two *state-operated* facilities would be 75.56 percent.

**DEPARTMENT OF
TRANSPORTATION
OFFICE OF MINORITY BUSINESS
ENTERPRISE (OMBE)**

Subject: Announcement of Calendar Year 2016 Limitation on the Personal Net Worth of a Socially and Economically Disadvantaged Individual as It Relates to Certification of a Minority Business Enterprise (MBE)

Add'l. Info.: The Maryland Department of Transportation Office of Minority Business Enterprise (OMBE) gives notice that the limitation on the personal net worth of a disadvantaged owner whose ownership interest in a firm is relied upon for certification in the State's Minority Business Enterprise (MBE) program, will be \$1,674,928 (one million six hundred seventy-four thousand nine hundred twenty eight dollars) effective January 1, 2016. The limitation described above will apply to all MBE certification decisions rendered between January 1, 2016 and December 31, 2016. This action is taken in accordance with the Annotated Code of Maryland State Finance and Procurement Article § 14-301(i)(3).

Contact: Sabrina Bass (410) 865-1240

[15-26-34]

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 COUNCIL ON CHILD ABUSE AND NEGLECT

Subject: Public Meeting
Date and Time: January 7, 2016, 1 — 3 p.m.
Place: Judicial Education and Conference Center, Annapolis, MD
Contact: Claudia Remington (410) 336-3820

[15-26-03]

COMPTROLLER OF THE TREASURY/ADMINISTRATION AND FINANCE

Subject: Reduction of Bond Authorization Announcement

Add'l. Info: Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that, if within 2 years after the date of an authorization of State debt no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

- (1) The enabling act provides otherwise; or
- (2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item #7, dated December 2, 2015, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced articles:

Lake Arbor Foundation: Ch. 46, Acts of 2006; \$1,151.40; authorized the funds for the repair, renovation, reconstruction, and capital equipping of The Arbor Room and related facilities, located in Mitchellville.

Charles E. Smith Life Communities — Emergency Generators: Ch. 336, Acts of 2008; \$2,710; authorized the funds for the purchase and installation of emergency generators at the Charles E. Smith Life Communities in Rockville.

Linthicum Veterans Memorial: Ch. 485, Acts of 2009; \$5,680.19; authorized the funds for the planning, design, construction, and capital equipping of the Linthicum Veterans Memorial, located in Linthicum.

Re Rentuma
Fiscal Specialist
Administration and Finance

Contact: Re Rentuma (410) 260-7909
[15-26-20]

CORRECTIONAL TRAINING COMMISSION

Subject: Public Meeting
Date and Time: January 13, 2016, 10 a.m. — 12 p.m.
Place: Public Safety Educational and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: A portion of the meeting may be held in closed session.
Contact: J. Michael Zeigler (410) 875-3600

[15-26-22]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting
Date and Time: January 11, 2016, 1 — 3 p.m.
Place: GOCCP, 300 E. Joppa Rd., Ste. 1105, Baltimore, MD
Add'l. Info: Youth State Advisory Group Meeting
Contact: Jessica Wheeler (410) 821-2844
[15-26-06]

BOARD OF DIETETIC PRACTICE

Subject: Public Meeting
Date and Time: January 21, 2016, 12:30 — 3:30 p.m.
Place: 4201 Patterson Ave., Rm. 106, Baltimore, MD
Contact: Lenelle Cooper (410) 764-4733
[15-26-18]

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

Subject: Public Meeting
Date and Time: January 12, 2016, 10 a.m. — 12 p.m.
Place: 653 W. Pratt St., Ste. 212, Baltimore, MD
Add'l. Info: The joint meeting of the Emergency Medical Services Board and the State Emergency Medical Services Advisory Council is held annually in January.
Contact: Leandrea Gilliam (410) 706-4449
[15-26-28]

BOARD FOR PROFESSIONAL ENGINEERS

Subject: Public Meeting
Date and Time: January 14, 2016, 9 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: James A. Baseman (410) 230-6263

[15-26-30]

DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

Subject: Notice of Public Hearing on Air Quality Plan
Date and Time: February 1, 2016, 11 a.m. — 11:30 a.m.

Place: Dept. of the Environment, 1800 Washington Blvd., 1st Fl. Conf. Rm., Baltimore, MD

Add'l. Info: The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning a State Implementation Plan (SIP). The plan addresses federal requirements for all National Ambient Air Quality Standards (NAAQS) for the disclosure of potential conflicts of interest by State boards and agency heads that approve permits or enforcement orders. The public hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views.

After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at:

http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprograms/air_planning/index.aspx.

Note: The public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Molla Sarros at Molla.Sarros@Maryland.gov. Copies of the document can also be viewed at the Maryland Department of the Environment Main Office, Air and Radiation

GENERAL NOTICES

1656

Management Administration, 1800 Washington Boulevard, Baltimore, Maryland. For a hard copy, contact: Molla Sarros.

Written comments may be presented at the hearing, faxed to 410-537-4223, emailed to Molla.Sarros@Maryland.gov, or mailed to Molla Sarros, MDE ARMA, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230. Comments must be received before 5 p.m. on February 1, 2016.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964 at least 5 business days in advance of the hearing. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Molla Sarros, Natural Resources Planner, at (410) 537-4180. Toll free in Maryland call 1-(800) 633-6101, ext. 4180, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230.

Contact: Molla Sarros (410) 537-4180
[15-26-26]

BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS

Subject: Public Meeting

Date and Time: January 6, 2016, 10 a.m. — 3 p.m.

Place: 8270 Old Montgomery Rd., Columbia, MD

Add'l. Info: The Board may discuss/vote on proposed regulations. A portion of the meeting may be held in closed session.

Contact: James T. Mellow (410) 764-5911
[15-26-13]

BOARD OF FORESTERS

Subject: Public Hearing

Date and Time: January 25, 2016, 10 a.m. — 12 p.m.; Additional Dates: April 18, July 25, and October 17, 2016, 10 a.m.

Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

Contact: Michelle Martin (410) 230-6271
[15-26-11]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/MEDICAID PHARMACY AND THERAPEUTICS COMMITTEE

Subject: Call for Physician, Pharmacist, and Consumer Nominations for the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee

Add'l. Info: The Maryland Department of Health and Mental Hygiene (DHMH) is currently recruiting physicians, pharmacists, and consumers to serve on the Maryland Medicaid Program's Pharmacy and Therapeutics (P&T) Committee.

The Committee shall be composed of no fewer than 12 members, appointed by the Secretary for a 3-year term. At least five members shall be physicians licensed in Maryland (with one being a psychiatrist); five members shall be pharmacists licensed in Maryland (with one having expertise with mental health drugs); and two members shall be consumer representatives residing in the State.

Duties and Powers of Committee

RULES: The Committee shall operate under Standard Operating Procedures and comply with rules adopted by DHMH, including notice of any meeting of the Committee pursuant to the requirements of the Administrative Procedures Act.

REGULAR MEETINGS: The Committee shall meet at least twice a year, and may meet at other times at the discretion of DHMH. To the extent feasible, the Committee shall review all drug classes included in the Preferred Drug List at least every 12 months. Executive sessions shall be closed to the public.

ATTENDANCE: Members of the Committee may be removed if they miss two consecutive Committee meetings.

PREFERRED DRUG LIST DEVELOPMENT: The Committee reviews classes of medications and recommends to DHMH which medications should be included in the Preferred Drug List for prescribing to Medicaid recipients. The Preferred Drug List is composed of cost-effective, medically appropriate drug therapies for Medicaid recipients. The Committee shall develop its Preferred Drug List recommendations by considering the clinical efficacy, safety, and cost effectiveness of drug products. Analyses shall be based upon reviews of relevant clinical information, including but not limited to FDA-approved labeling, supporting studies, published head to head comparisons, and peer-reviewed medical journal articles.

PRIOR AUTHORIZATION: The Committee may also make recommendations to DHMH regarding the prior authorization of any prescribed drug covered by Medicaid.

Magellan Medicaid Administration is currently providing administrative and technical support to the Department of Health and Mental Hygiene with regard to the P&T Committee.

Deadline to submit an application to serve on the Maryland Medicaid Program's

Pharmacy and Therapeutics (P&T) Committee is Friday, February 19, 2016. For an application packet or further information, please contact Gina Homer, Medical Care Program Specialist, Maryland Medicaid Pharmacy Program, Dept. of Health and Mental Hygiene, Suite 407-A, 201 W. Preston Street, Baltimore, MD 21201-2399, phone/voice mail (410)767-1749, or email gina.homer@maryland.gov

Contact: Gina Homer (410) 767-1749

[15-26-15]

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/OFFICE OF HEALTH SERVICES

Subject: Public Notice for Developmental Disabilities Administration Targeted Case Management

Add'l. Info: For dates of service beginning January 1, 2016, Maryland Medical Assistance (MA) recipients who are determined to meet the criteria to be eligible for DDA State supports services only but do NOT meet all the criteria for "developmental disability," as defined in Health-General Article, §§7-101(f) and 7-403(c), Annotated Code of Maryland, will no longer be eligible for Waiting List Coordination and Transition Coordination services. Waiting List Coordination and Transition Coordination services being provided for MA recipients who are determined by the DDA to meet all the criteria for "developmental disability" as defined in Health-General Article, §7-101(f), Annotated Code of Maryland, will continue. This represents an estimated savings of \$470,813 in federal funds between January 1, 2016 and June 30, 2016.

Copies of proposed changes are available for public review at the local health department in each county and Baltimore City. Written comments may be sent to Nina McHugh, Office of Health Services, DHMH, 201 W. Preston St., Room 127B, Baltimore, MD 21201, or call 410-767-5003 or email nina.mchugh@maryland.gov.

Contact: Nina McHugh (410) 767-5003

[15-26-32]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting

Date and Time: January 8, 2016, 10:30 a.m. — 12 p.m.

Place: Maryland NRCS, Dorchester Field Service Center, 204 Cedar St., Ste. 201, Cambridge, MD

Add'l. Info: The Hogan Administration has declared that Maryland is open for business. Insurance is a key component to any business operation, and farm businesses are no different.

Secretary Bartenfelder and Commissioner Redmer want to make sure those in the farming industry have access to the insurance products that they need and that there is a competitive marketplace in which to shop.

We want to hear your issues and learn from your experience. Additionally, we will discuss:

- A list of insurance carriers that currently provide farm coverage in Maryland.
- Are there geographical issues in obtaining coverage?
- Are there any coverages that are not available?

For those in attendance, the Maryland Insurance Administration will distribute their "Consumer Guide to Farm Insurance". The guide provides information on the need for farm insurance, Frequently Asked Questions, Shopping Tips, and how to file consumer complaints.

Secretary Bartenfelder and Commissioner Redmer hope that you can join them. Please RSVP to Zachary Peters at zachary.peters@maryland.gov.
Contact: Zachary Peters (410) 468-2329, zachary.peters@maryland.gov
[15-26-37]

MARYLAND INSURANCE ADMINISTRATION

Subject: Public Meeting
Date and Time: January 26, 2016, 10 a.m. — 12 p.m.
Place: Maryland Insurance Administration, 200 St. Paul Pl., 22nd Fl., Francis Scott Key Conference Rm., Baltimore, MD
Add'l. Info: Pursuant to Insurance Article, 10-110, Annotated Code of Maryland, the Insurance Commissioner will hold a meeting of the Continuing Education Producer Advisory Boards for Property and Casualty and Life and Health to review continuing education courses, examinations, and other matters relating to the education and qualification of insurance producers.
Contact: Katrina Lawhorn (410) 468-2178
[15-26-27]

COMMISSION ON KIDNEY DISEASE

Subject: Public Meeting
Date and Time: January 28, 2016, 2 — 3:30 p.m.
Place: 4201 Patterson Ave., Baltimore, MD

Add'l. Info: A portion of this meeting may be closed for executive session.
Contact: Eva Schwartz (410) 764-4799
[15-26-10]

DIVISION OF LABOR AND INDUSTRY/MARYLAND APPRENTICESHIP AND TRAINING COUNCIL

Subject: Public Meeting
Date and Time: January 12, 2016, 9 a.m. — 12 p.m.
Place: Maryland Dept. of Labor, Licensing, and Regulation, 1100 N. Eutaw St., Lower Level Training Rm., Baltimore, MD
Add'l. Info: The Apprenticeship and Training Council will consider the approval and registration of new apprenticeship programs, revisions to presently approved apprenticeship programs, and other business which may come before the Council.
Contact: Kathleen S. Sibbald (410) 767-2246
[15-26-25]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: January 21, 2016, 1 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[15-26-04]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting
Date and Time: February 18, 2016, 1 p.m.
Place: 4160 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Valerie Wooding (410) 764-3460
[15-26-05]

MARYLAND PUBLIC TELEVISION

Subject: Public Meeting
Date and Time: January 26, 2016, 8:30 — 10:30 a.m.
Place: Maryland Public Television, Owings Mills, MD
Contact: Laura Taylor (410) 581-4141
[15-26-21]

TASK FORCE TO STUDY MATERNAL MENTAL HEALTH

Subject: Public Meeting
Date and Time: January 12, 2016, 1 — 3 p.m.

Place: Spring Grove Hospital Center, Dix Bldg., 55 Wade Ave., Basement, Catonsville, MD
Contact: Dan Martin (410) 978-8865
[15-26-29]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: January 6, 2016, 8:30 a.m. — 5 p.m.
Place: MDOT Headquarters, 7201 Corporate Center Dr., Trainor Conf. Rm., 1st Fl., Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[15-26-35]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting
Date and Time: January 20, 2016, 8:30 a.m. — 5 p.m.
Place: MDOT Headquarters, 7201 Corporate Center Dr., Trainor Conf. Rm., 1st Floor, Hanover, MD
Contact: Sabrina Bass (410) 865-1240
[15-26-36]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting
Date and Time: February 10, 2016, 9:30 a.m. — 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Andrea Hill (410) 764-4750
[15-26-07]

BOARD OF OCCUPATIONAL THERAPY PRACTICE

Subject: Public Meeting
Date and Time: January 15, 2016, 8:30 a.m. — 2 p.m.
Place: Spring Grove Hospital Center, 55 Wade Ave., Catonsville, MD
Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.
Contact: Marilyn Pinkney (410) 402-8556
[15-26-19]

GENERAL NOTICES

1658

BOARD OF PILOTS

Subject: Public Meeting
Date and Time: January 8, 2016, 10:30 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6262

[15-26-24]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: January 14, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[15-26-01]

BOARD OF PODIATRIC MEDICAL EXAMINERS

Subject: Public Meeting
Date and Time: February 11, 2016, 1 p.m.
Place: 4201 Patterson Ave., Baltimore, MD
Contact: Sheri Henderson (410) 764-4785

[15-26-02]

POLICE TRAINING COMMISSION

Subject: Public Meeting
Date and Time: January 6, 2016, 10 a.m. — 12 p.m.
Place: Public Safety Education and Training Center, 6852 4th St., Sykesville, MD
Add'l. Info: A portion of the meeting may be held in closed session.
Contact: J. Michael Zeigler (410) 875-3600

[15-26-23]

RACING COMMISSION

Subject: Public Meeting
Date and Time: January 19, 2016, 12:30 — 1 p.m.
Place: Laurel Park, Laurel, MD
Contact: J. Michael Hopkins (410) 296-9682

[15-26-17]

DEPARTMENT OF VETERANS AFFAIRS/MARYLAND VETERANS COMMISSION

Subject: Public Meeting
Date and Time: January 19, 2016, 10:30 a.m. — 1 p.m.; January 26, 2015 if inclement weather cancels 19th date
Place: 6900 Greenbelt Rd., Greenbelt, MD
Contact: Denise Noe (410) 260-3840

[15-26-14]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting
Date and Time: February 18, 2016, 10 a.m. — 4 p.m.
Place: WSSC, Hocevar Bldg., 14501 Sweitzer Rd., Laurel, MD
Add'l. Info: A portion of this meeting may be held in closed session.
Contact: Patricia Kratochvil (410) 537-3167

[15-26-09]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting
Date and Time: January 14, 2016, 9:30 a.m. — 11:30 a.m.
Place: 10 E. Baltimore St., Baltimore, MD
Add'l. Info: Portions of this meeting may be held in closed session.
Contact: Amy Lackington (410) 864-5300

[15-26-16]

COMAR ORDER INFORMATION SHEET

Date _____ Subscriber I.D. _____

Name _____

Company _____

Address _____

City _____ State _____ Zip _____

Tel. _____ Fax _____

Email: _____

_____ Check enclosed, made payable to "Division of State Documents"

_____ Visa/Master Card/American Express/Discover card payment:

Acct.# _____ **Exp.** _____

Signature _____ Tel: _____

Return form & payment to: Office of the Secretary of State, Division of State Documents ~
 State House ~ Annapolis, MD 21401 ~ Tel: 410-260-3876 ~ 800-633-9657 ext. 3876 ~ Fax: 410-280-5647

~~~~~

## SPECIAL COMAR PUBLICATIONS

| Publication / Handbook                                                                                | Print Price | S & H | Quantity | Total |
|-------------------------------------------------------------------------------------------------------|-------------|-------|----------|-------|
| Control of Ionizing Radiation (through supplement 27)                                                 | \$163       | \$12  | _____    | _____ |
| Control of Ionizing Radiation Supplement 26 ONLY                                                      | \$15        | \$0   | _____    | _____ |
| Control of Ionizing Radiation Supplement 27 ONLY                                                      | \$12        | \$0   | _____    | _____ |
| Forest Conservation Law                                                                               | \$15        | \$5   | _____    | _____ |
| Forest Conservation Technical Manual 3 <sup>rd</sup> Edition, 1997                                    | \$20        | \$8   | _____    | _____ |
| Preventive Maintenance Handbook (PM Handbook) (salmon cover)                                          | \$15        | \$5   | _____    | _____ |
| Vehicle Inspection Handbook (Feb 2012)                                                                | \$48        | \$9   | _____    | _____ |
|                                                                                                       |             |       | Total    | _____ |
| <b>If quantity is more than one, shipping charges may vary, please call 410-260-3876 for pricing.</b> |             |       |          |       |

## COMAR SUBSCRIPTION SCHEDULES

| PDF QUARTERLY UPDATES            | PRINT SEMI-ANNUAL UPDATES       |
|----------------------------------|---------------------------------|
| After March 30 <sup>th</sup>     | After June 30 <sup>th</sup>     |
| After June 30 <sup>th</sup>      | After December 31 <sup>st</sup> |
| After September 30 <sup>th</sup> |                                 |
| After December 31 <sup>st</sup>  |                                 |

**PDF – A replacement title(s) in its entirety will be sent in electronic format.**

**PRINT – Entire chapters affected will be sent for replacement and insertion into COMAR title book(s).**

**COMAR IN PDF — ORDER FORM**

| Titles                                     | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity      | Total |
|--------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------|-------|
| <b>Complete set of COMAR in PDF format</b> |                                                                  | \$1,000            | \$500                     | _____         | _____ |
| <b>Title 01</b>                            | Executive Department                                             | \$35               | \$24                      | _____         | _____ |
| <b>Title 02</b>                            | Office of the Attorney General                                   | \$22               | \$13                      | _____         | _____ |
| <b>Title 03</b>                            | Comptroller of the Treasury                                      | \$30               | \$20                      | _____         | _____ |
| <b>Title 04</b>                            | General Services                                                 | \$16               | \$10                      | _____         | _____ |
| <b>Title 05</b>                            | Housing and Community Development                                | \$78               | \$50                      | _____         | _____ |
| <b>Title 07</b>                            | Human Resources                                                  | \$80               | \$53                      | _____         | _____ |
| <b>Title 08</b>                            | Natural Resources                                                | \$78               | \$51                      | _____         | _____ |
| <b>Title 09</b>                            | Labor, Licensing and Regulation                                  | \$89               | \$60                      | _____         | _____ |
| <b>Title 10</b>                            | Health & Mental Hygiene (All parts) **                           | \$272              | \$180                     | _____         | _____ |
| <b>Title 10</b>                            | Part 1 **                                                        | \$48               | \$32                      | _____         | _____ |
| <b>Title 10</b>                            | Part 2 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 3 **                                                        | \$75               | \$50                      | _____         | _____ |
| <b>Title 10</b>                            | Part 4 **                                                        | \$50               | \$35                      | _____         | _____ |
| <b>Title 10</b>                            | Part 5 **                                                        | \$69               | \$50                      | _____         | _____ |
| <b>Title 11</b>                            | Transportation (All parts) **                                    | \$106              | \$75                      | _____         | _____ |
| <b>Title 11</b>                            | Part 1 (Transportation) **                                       | \$42               | \$25                      | _____         | _____ |
| <b>Title 11</b>                            | Part 2 (MVA)**                                                   | \$74               | \$50                      | _____         | _____ |
| <b>Title 12</b>                            | Public Safety and Correctional Services                          | \$67               | \$43                      | _____         | _____ |
| <b>Title 13A</b>                           | Board of Education                                               | \$63               | \$42                      | _____         | _____ |
| <b>Title 13B</b>                           | Higher Education Commission                                      | \$25               | \$15                      | _____         | _____ |
| <b>Title 14</b>                            | Independent Agencies                                             | \$80               | \$53                      | _____         | _____ |
| <b>Title 15</b>                            | Agriculture                                                      | \$48               | \$30                      | _____         | _____ |
| <b>Title 16</b>                            | Juvenile Service                                                 | \$23               | \$15                      | _____         | _____ |
| <b>Title 17</b>                            | Budget and Management                                            | \$28               | \$16                      | _____         | _____ |
| <b>Title 18</b>                            | Assessments and Taxation                                         | \$20               | \$12                      | _____         | _____ |
| <b>Title 19A</b>                           | State Ethics Commission                                          | \$24               | \$14                      | _____         | _____ |
| <b>Title 20</b>                            | Public Service Commission                                        | \$49               | \$32                      | _____         | _____ |
| <b>Title 21</b>                            | State Procurement Regulations                                    | \$48               | \$30                      | _____         | _____ |
| <b>Title 22</b>                            | State Retirement and Pension System                              | \$22               | \$13                      | _____         | _____ |
| <b>Title 23</b>                            | Board of Public Works                                            | \$18               | \$11                      | _____         | _____ |
| <b>Title 24</b>                            | Commerce                                                         | \$34               | \$20                      | _____         | _____ |
| <b>Title 25</b>                            | State Treasurer                                                  | \$16               | \$9                       | _____         | _____ |
| <b>Title 26</b>                            | Environment (All parts) **                                       | \$189              | \$125                     | _____         | _____ |
| <b>Title 26</b>                            | Part 1 **                                                        | \$54               | \$35                      | _____         | _____ |
| <b>Title 26</b>                            | Part 2 **                                                        | \$83               | \$52                      | _____         | _____ |
| <b>Title 26</b>                            | Part 3 **                                                        | \$57               | \$38                      | _____         | _____ |
| <b>Title 26</b>                            | Part 4 **                                                        | \$37               | \$24                      | _____         | _____ |
| <b>Title 27</b>                            | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$18               | \$10                      | _____         | _____ |
| <b>Title 28</b>                            | Office of Administrative Hearings                                | \$16               | \$9                       | _____         | _____ |
| <b>Title 29</b>                            | State Police                                                     | \$30               | \$18                      | _____         | _____ |
| <b>Title 30</b>                            | MD Institute for Emergency Medical Services Systems              | \$25               | \$17                      | _____         | _____ |
| <b>Title 31</b>                            | Maryland Insurance Administration                                | \$68               | \$45                      | _____         | _____ |
| <b>Title 32</b>                            | Aging                                                            | \$25               | \$15                      | _____         | _____ |
| <b>Title 33</b>                            | State Board of Elections                                         | \$42               | \$25                      | _____         | _____ |
| <b>Title 34</b>                            | Planning                                                         | \$31               | \$18                      | _____         | _____ |
| <b>Title 35</b>                            | Veterans Affairs                                                 | \$16               | \$9                       | _____         | _____ |
| <b>Title 36</b>                            | Maryland State Lottery and Gaming Control Agency                 | \$48               | \$30                      | _____         | _____ |
|                                            | Binders ( <u>not</u> included in PDF price)                      | \$15               | + S & H                   | _____         | _____ |
|                                            |                                                                  |                    |                           | <b>Total:</b> | _____ |

Prices are for single-user license only ~ Multi-user licenses are available. Please call 410-260-3876 for pricing information.

<sup>1</sup> Price is per copy of each Title.

<sup>2</sup> Annual Subscription - Receive updated COMAR Title(s) quarterly. ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents.

## COMAR IN PRINT — ORDER FORM (8 ½ x 11 format)

| Titles                                                   | Agency Name                                                      | Price <sup>1</sup> | Subscription <sup>2</sup> | Quantity                  | Total |
|----------------------------------------------------------|------------------------------------------------------------------|--------------------|---------------------------|---------------------------|-------|
| <b>Complete set of COMAR in Print (includes binders)</b> |                                                                  | \$1,425            | \$700                     | _____                     | _____ |
| <b>Title 01</b>                                          | Executive Department                                             | \$47               | \$30                      | _____                     | _____ |
| <b>Title 02</b>                                          | Office of the Attorney General                                   | \$31               | \$20                      | _____                     | _____ |
| <b>Title 03</b>                                          | Comptroller of the Treasury                                      | \$41               | \$25                      | _____                     | _____ |
| <b>Title 04</b>                                          | General Services                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 05</b>                                          | Housing and Community Development                                | \$103              | \$70                      | _____                     | _____ |
| <b>Title 07</b>                                          | Human Resources                                                  | \$104              | \$70                      | _____                     | _____ |
| <b>Title 08</b>                                          | Natural Resources                                                | \$102              | \$70                      | _____                     | _____ |
| <b>Title 09</b>                                          | Labor, Licensing and Regulation                                  | \$116              | \$75                      | _____                     | _____ |
| <b>Title 10</b>                                          | Health & Mental Hygiene (All Parts)**                            | \$350              | \$230                     | _____                     | _____ |
| <b>Title 10</b>                                          | Part 1 **                                                        | \$65               | \$40                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 2 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 3 **                                                        | \$99               | \$70                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 4 **                                                        | \$69               | \$42                      | _____                     | _____ |
| <b>Title 10</b>                                          | Part 5 **                                                        | \$91               | \$62                      | _____                     | _____ |
| <b>Title 11</b>                                          | Transportation (All parts) **                                    | \$137              | \$85                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 1 (Transportation)**                                        | \$55               | \$35                      | _____                     | _____ |
| <b>Title 11</b>                                          | Part 2 (MVA) **                                                  | \$102              | \$70                      | _____                     | _____ |
| <b>Title 12</b>                                          | Public Safety and Correctional Services                          | \$86               | \$55                      | _____                     | _____ |
| <b>Title 13A</b>                                         | Board of Education                                               | \$83               | \$60                      | _____                     | _____ |
| <b>Title 13B</b>                                         | Higher Education Commission                                      | \$34               | \$20                      | _____                     | _____ |
| <b>Title 14</b>                                          | Independent Agencies                                             | \$103              | \$70                      | _____                     | _____ |
| <b>Title 15</b>                                          | Agriculture                                                      | \$63               | \$40                      | _____                     | _____ |
| <b>Title 16</b>                                          | Juvenile Service                                                 | \$32               | \$20                      | _____                     | _____ |
| <b>Title 17</b>                                          | Budget and Management                                            | \$38               | \$25                      | _____                     | _____ |
| <b>Title 18</b>                                          | Assessments and Taxation                                         | \$28               | \$18                      | _____                     | _____ |
| <b>Title 19A</b>                                         | State Ethics Commission                                          | \$33               | \$20                      | _____                     | _____ |
| <b>Title 20</b>                                          | Public Service Commission                                        | \$64               | \$42                      | _____                     | _____ |
| <b>Title 21</b>                                          | State Procurement Regulations                                    | \$65               | \$42                      | _____                     | _____ |
| <b>Title 22</b>                                          | State Retirement and Pension System                              | \$33               | \$18                      | _____                     | _____ |
| <b>Title 23</b>                                          | Board of Public Works                                            | \$26               | \$15                      | _____                     | _____ |
| <b>Title 24</b>                                          | Commerce                                                         | \$47               | \$25                      | _____                     | _____ |
| <b>Title 25</b>                                          | State Treasurer                                                  | \$23               | \$12                      | _____                     | _____ |
| <b>Title 26</b>                                          | Environment (All parts) **                                       | \$241              | \$160                     | _____                     | _____ |
| <b>Title 26</b>                                          | Part 1 **                                                        | \$72               | \$42                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 2 **                                                        | \$109              | \$72                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 3 **                                                        | \$76               | \$50                      | _____                     | _____ |
| <b>Title 26</b>                                          | Part 4 **                                                        | \$51               | \$30                      | _____                     | _____ |
| <b>Title 27</b>                                          | Critical Area Comm. for the Chesapeake and Atlantic Coastal Bays | \$26               | \$15                      | _____                     | _____ |
| <b>Title 28</b>                                          | Office of Administrative Hearings                                | \$23               | \$12                      | _____                     | _____ |
| <b>Title 29</b>                                          | State Police                                                     | \$40               | \$22                      | _____                     | _____ |
| <b>Title 30</b>                                          | MD Institute for Emergency Medical Services Systems              | \$34               | \$20                      | _____                     | _____ |
| <b>Title 31</b>                                          | Maryland Insurance Administration                                | \$90               | \$62                      | _____                     | _____ |
| <b>Title 32</b>                                          | Aging                                                            | \$34               | \$18                      | _____                     | _____ |
| <b>Title 33</b>                                          | State Board of Elections                                         | \$57               | \$35                      | _____                     | _____ |
| <b>Title 34</b>                                          | Planning                                                         | \$42               | \$25                      | _____                     | _____ |
| <b>Title 35</b>                                          | Veterans Affairs                                                 | \$23               | \$12                      | _____                     | _____ |
| <b>Title 36</b>                                          | Maryland State Lottery and Gaming Control Agency                 | \$65               | \$43                      | _____                     | _____ |
|                                                          | Additional Binder                                                | \$15               | + S & H                   | _____                     | _____ |
| <b>Shipping &amp; Handling Total:</b> _____              |                                                                  |                    |                           | <b>Order Total:</b> _____ |       |

<sup>1</sup> Price is per copy of each Title and includes binders.

<sup>2</sup> Annual Subscription - Receive updated information semi-annually ~ Subscription quantities MUST match Title quantities.

\*\* See the following page for description of contents

*Note: COMAR prices are subject to change. Check the date on the lower right hand corner of this form. If the form is more than three months old, call the COMAR Subscription Manager (410-260-3876) to confirm prices. **Fees are not refundable.***

| <b>Shipping/Handling</b>                              |                 |
|-------------------------------------------------------|-----------------|
| <u>Publication Total</u>                              | <u>Shipping</u> |
| \$ 0-50                                               | \$15            |
| \$ 51-150                                             | \$20            |
| \$ 151-300                                            | \$25            |
| \$ 301-400                                            | \$35            |
| \$400 + please call Subscription Department.          |                 |
| <b>State agencies using courier, may omit S&amp;H</b> |                 |

# CODE OF MARYLAND REGULATIONS

Titles 10, 11, and 26 are available in Parts, listed below with Subtitles, and may be purchased separately.

## Title 10 Department of Health and Mental Hygiene

### Part 1

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

### Part 2

- 09 Medical Care Programs

### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic and Massage Therapy Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services

## Title 11 Department of Transportation

### Part 1

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Mass Transit Administration
- 07 Maryland Transportation Authority
- 08 State ~~Par~~oad Administration
- 09 Vacant
- 10 Vacant

### Part 2

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

## Title 26 Department of the Environment

### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

### Part 2

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
- 27 Hazardous Material Security



Date: \_\_\_\_\_

Subscriber Id.# \_\_\_\_\_

# Maryland Register

## Archive Order Form

The Division of State Documents has created pdf files of all the Maryland Register issues since 1974. The issues from 1974—2003 are scanned images of the actual Register in pdf format and, as such, are not searchable, while the issues beginning with 2004 are *searchable text* in pdf format files.

❖ Single issues of the Maryland Register from 1974—present

\_\_\_\_\_ \$10 Per issue of the Register from 1974—present via emailed pdf file.  
Please specify **Issue(s)**: \_\_\_\_\_

\_\_\_\_\_ \$15 Per issue of the Maryland Register from 1974—present via mailed hard-copy  
Please specify **Issue(s)**: \_\_\_\_\_

❖ An archival library of all Maryland Register issues from 1974—2014:

\_\_\_\_\_ \$375 2 DVDs (1974 — 2014)

\_\_\_\_\_ \$50 One year of the Maryland Register from 1974—2003 (unsearchable):  
Please specify **Year(s)**: \_\_\_\_\_

❖ \_\_\_\_\_ \$100 A single year of issues from 2004 forward will be available in January of the year following their publication. These will be searchable files, on CD.

Please specify year(s) between 2004 through 2014: \_\_\_\_\_

**Note:** All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland).

**By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.**

❖ Please order by *faxing* the completed form to:

Fax: 410-280-5647

Business/Agency: \_\_\_\_\_

Name: \_\_\_\_\_

❖ By *mailing* it to:

Division of State Documents

State House

Annapolis, MD 21401

Billing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

❖ By *emailing* it to:

[subscriptions@sos.state.md.us](mailto:subscriptions@sos.state.md.us)

Recipient's Email: \_\_\_\_\_

❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

Money Order or Check # _____ Amount: \$ _____ or

VISA, MasterCard, American Express, Discover ~ Amount: \$ _____

Card # _____ Card Exp. Date: _____

Signature: _____ Phone: _____



Date: _____

Subscriber Id.# _____

Maryland Register

Print and E-Version Order Form

The Maryland Register is a biweekly publication containing proposed, emergency, and final administrative regulations as well as other State government information. The Register serves as the temporary supplement to the Code of Maryland Regulations (COMAR). 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.

See separate [Order Form](#) for the Maryland Register Archive Issues from 1974 — 2014.

- ❖ _____ \$225 A single year of the Maryland Register in Print ~ 1st Class Mail Delivery.
- ❖ _____ \$ 15 1 Binder for half a year of Maryland Register issues in Print.
- ❖ _____ \$ 25 2 Binders for a full year of Maryland Register issues in Print.
- ❖ _____ \$190 A **single-user** annual e-Subscription, which provides a searchable pdf text file of each issue, emailed directly to one recipient's email address.
- ❖ _____ \$130 *Per additional user, per account subscription.* Call 410-260-3876 for details.

Note: All products purchased are for individual use only. Resale or other compensated transfer of the information in printed or electronic form is a prohibited commercial purpose (see State Government Article, §7-206.2, Annotated Code of Maryland). By purchasing a product, the buyer agrees that the purchase is for individual use only and will not sell or give the product to another individual or entity.

- ❖ Please order by *faxing* the completed form to: Business/Agency: _____
 Fax: 410-280-5647 Name: _____
- ❖ By *mailing* it to: Billing Address: _____
 Division of State Documents _____
 State House City, State, Zip _____
 Annapolis, MD 21401 Tel: _____ Fax: _____
- ❖ By *emailing* it to: Recipient's Email: _____
dsubscriptions_sos@Maryland.gov
- ❖ By *calling*: 410-260-3876

~~~~~  
(Please circle payment choice and complete the order form)

**Money Order or Check # \_\_\_\_\_ Amount: \$ \_\_\_\_\_ or**

**VISA, MasterCard, American Express, Discover ~ Amount: \$ \_\_\_\_\_**

Card # \_\_\_\_\_ Card Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**Fees are not refundable.**

Last updated 4/2015

Date: \_\_\_\_\_

**DHMH Pamphlets ORDER FORM**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_ P. O. Box: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

| <b><u>Codification #</u></b> | <b><u>Pamphlet Title</u></b>                                                                             | <b><u>Price / #</u></b> |
|------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------|
| COMAR 10.05                  | Freestanding Ambulatory Care Facilities — Aug 2013 .....                                                 | * \$10 × _____          |
| COMAR 10.07.01               | Acute General Hospitals and Special Hospitals — Nov 2014 .....                                           | \$10 × _____            |
| COMAR 10.07.02               | Comprehensive Care Facilities and Extended Care Facilities — May 2014.....                               | \$15 × _____            |
| COMAR 10.07.03               | Health Care Staff Agencies — Sep 2014 .....                                                              | \$ 9 × _____            |
| COMAR 10.07.05               | Residential Service Agencies — June 2014 .....                                                           | \$11 × _____            |
| COMAR 10.07.06               | Hospital Patient Safety Program — Apr 2004 .....                                                         | \$ 8 × _____            |
| COMAR 10.07.07               | Nursing Referral Service Agencies — Dec 2006.....                                                        | \$ 8 × _____            |
| COMAR 10.07.09               | Residents’ Bill of Rights: Comprehensive Care Facilities<br>and Extended Care Facilities — Aug 2009..... | \$ 9 × _____            |
| COMAR 10.07.10               | Home Health Agencies — Aug 2002 .....                                                                    | \$ 8 × _____            |
| COMAR 10.07.11               | Health Maintenance Organizations — Aug 2010.....                                                         | \$10 × _____            |
| COMAR 10.07.14               | Assisted Living Programs — Aug 2013 .....                                                                | \$15 × _____            |
| COMAR 10.07.21               | Hospice Care Programs — Sep 1998 .....                                                                   | \$ 9 × _____            |
| COMAR 10.10                  | Laboratory Regulations — Jun 2013.....                                                                   | \$15 × _____            |
| COMAR 10.12.04               | Day Care for the Elderly and Adults with a Medical Disability — Jan 2015 .....                           | \$ 9 × _____            |
| COMAR 10.15.03               | Food Service Facilities — May 2014 .....                                                                 | \$15 × _____            |
| COMAR 10.21                  | Mental Hygiene Regulations — May 2014 .....                                                              | \$27 × _____            |
| COMAR 10.22                  | Developmental Disabilities — May 2014 .....                                                              | \$20 × _____            |
| COMAR 10.47                  | Alcohol And Drug Abuse Administration — May 2014 .....                                                   | \$15 × _____            |
| COMAR 10.51                  | Forensic Laboratories — May 2014.....                                                                    | \$15 × _____            |
| COMAR                        | Nurse Practice Act — Jan 2015.....                                                                       | \$25 × _____            |

TOTAL: \$ \_\_\_\_\_

*\* Price of pamphlets includes shipping.*

Payment Method, \_\_\_\_\_ Check enclosed, made payable to: “**The Division of State Documents**”

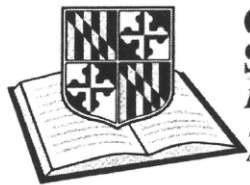
Choose/Check one: \_\_\_\_\_ VISA / Master Card / American Express / Discover card payment:

Acct.# \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Tel: \_\_\_\_\_

**Return form and payment to:** Office of the Secretary of State  
Division of State Documents ~ State House ~ Annapolis, MD 21401  
Tel: 410-260-3876 ~ 800-633-9657 ~ Fax: 410-280-5647

**Note:** COMAR prices may change. Check the date on the lower right hand corner of this form. If the form is more than 3 months old, call the Subscription Manager 410-260-3876 to confirm prices.



**Office of the  
Secretary of State**

*Division of State Documents*

*State House  
Annapolis, MD 21401*

***PUBLISHERS OF:***

The Code of Maryland Regulations (COMAR)

The Maryland Register

*For information, contact:*

Telephone: 410.260.3876 or 800.633.9657

E-Mail address: [dsubscriptions\\_sos@maryland.gov](mailto:dsubscriptions_sos@maryland.gov)

Website: [www.dsd.state.md.us](http://www.dsd.state.md.us)